



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

1/26/2010

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 005-09

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, February 05, 2010

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Lora Glover, City of Grants Pass
Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Angela Lazarean, DLCD Urban Planner

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DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

☐ In person ☐ electronic ☐ mailed

DEPT OF

JAN 19 2010

**LAND CONSERVATION
AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: City of Grants Pass

Local file number: 09-40200002

Date of Adoption: 1/08/2010

Date Mailed: 1/14/2010

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** 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".
Request for a Comprehensive Plan Map and Zone Change from Industrial (I) to Business Park (BP), for property located at 26 Fire Mtn. Way.

Does the Adoption differ from proposal? Please select one No.

Plan Map Changed from: Industrial

to: Business Park

Zone Map Changed from: Industrial

to: Business Park

Location: 26 Fire Mtn Way

Acres Involved: 1.01

Specify Density: Previous: N/A

New: N/A

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☐	☒	☐	☐	☒	☐	☒	☒	☒	☐	☐	☐	☐	☐	☐

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 ☐ No

DLCD file No. 005-09 (17707) [15943]

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

Local Contact:	Lora Glover	Phone:	(541) 474 - 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 **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

City of Grants Pass



January 14, 2010

Attention Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem OR 97301-2540

Re: Fire Mountain Gem CPA/ZC Application
File No.: 09-40200002
Legal: 36-05-17-40, TL 904

Dear Sir/Madam,

Please find enclosed two copies of the "Notice of Adoption" and Ordinance of Adoption 5504 for the above-referenced matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

Lora Glover
Associate Planner
Ext. #6427
lglover@grantspassoregon.gov

Enclosure: Notice of Adoption, w/Ordinance #5004

pc: C/F, tax lot file

ORDINANCE NO. 5504

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS PASS AMENDING THE COMPREHENSIVE PLAN MAP FROM INDUSTRIAL TO BUSINESS PARK AND THE ZONING MAP FROM (I) TO (BP) FOR PROPERTY LOCATED AT 26 FIRE MOUNTAIN WAY.

WHEREAS:

1. The Comprehensive Plan of the City of Grants Pass was adopted December 15, 1982. The Development Code of the City of Grants Pass was adopted August 17, 1983; and
2. The owners of the subject property have requested the comprehensive plan map and zone map amendments.
3. In terms of physical conditions and characteristics, location and availability of services, the properties are appropriate for the proposed BP zoning designation.
4. The applicable criteria listed in the Comprehensive Plan and the Development Code are met.

NOW, THEREFORE, THE CITY OF GRANTS PASS HEREBY ORDAINS:

Section 1: The Comprehensive Plan Map is hereby amended to include the property identified by Assessor's Map and Tax Lot(s) as 36-05-17-40, TL 904. All of tax lot 904 and adjacent right of way, shown in Exhibit "A", to be entirely within the Business Park Comprehensive Plan Map designation; and

Section 2: The Zoning Map is hereby amended to include all of tax lot 904 and adjacent right of way, shown in Exhibit "B", to be entirely within the BP Zoning Map designation.

Section 3: The City hereby adopts Development Agreement #2010-01, attached as Exhibit "1", which stipulates conditions attached to the development of the property as rezoned to Business Park (BP), to include the development of the adjoining tract of land identified in the Development Agreement consisting of TLs 801, 901, 902 & 903, on Assessor's Map 36-05-17-40.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session, this 6th day of January, 2010.

SUBMITTED to and Approved by the Mayor of the City of Grants Pass, Oregon, this 8th day of January, 2010.

Michael Murphy
Michael Murphy, Mayor

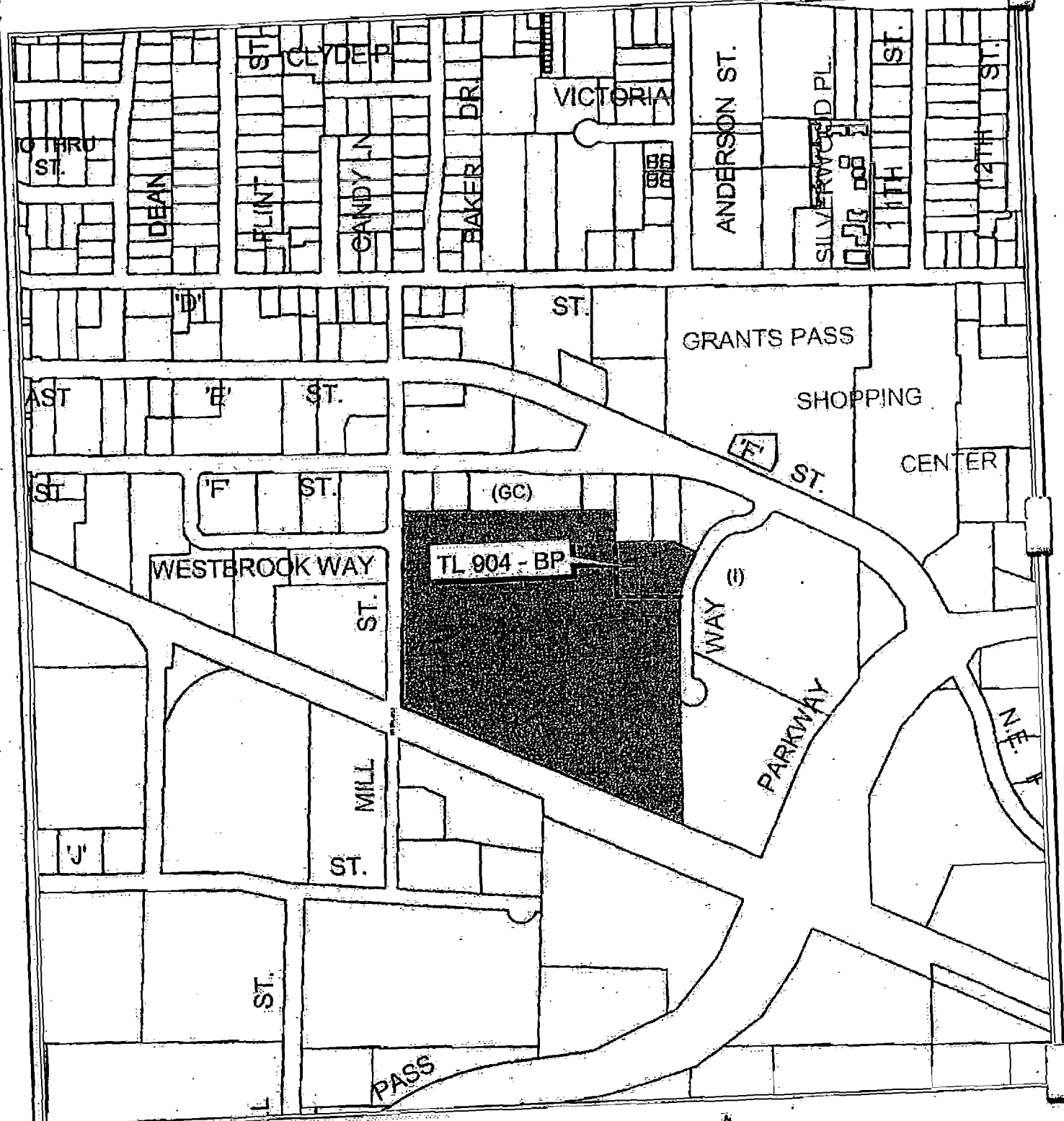
Date Submitted to Mayor: 1-7-2010

ATTEST:

Paul Reimer
Finance Director

Approve as to Form, Mark Bartholomew, Interim City Attorney MB

FREEDMAN FMG PROPERTY LLC COMPREHENSIVE PLAN MAP

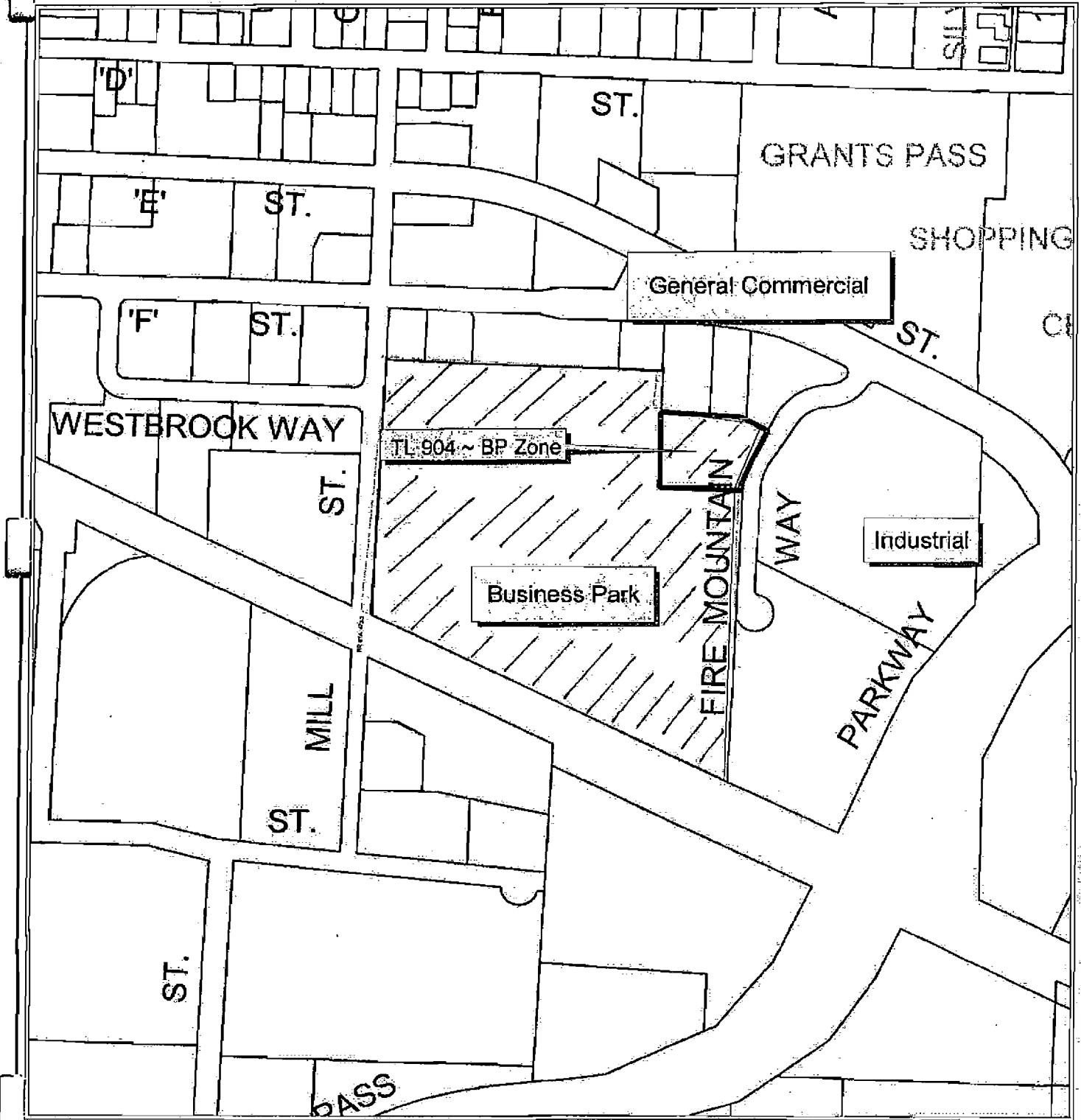


7007040 Feet



EXHIBIT **A**

FREEDMAN FMG PROPERTY LLC ZONING MAP



300 0 300 600 Feet



EXHIBIT B

DEVELOPMENT AGREEMENT #2010-01

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 3.14 acres of real property, known as Lots 1 through 4 of the Fire Mountain subdivision (Tax Lots 901, 902, 903 and 904) and Tax Lot 801 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 General Commercial and Industrial and is zoned General Commercial and 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 Lot 4 (Tax Lot 904) of Property from Industrial to Business Park and the zoning map from Industrial to Business Park (City file number 09-402000002 (the "Application"). 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 ninety (90) peak hour trips (the "Proposed Development"). The basis for the ninety (90) 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 January 6, 2010 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. *Insert Number*.

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 (09-402000002) presented by Owner as reflected in the Findings of Fact, Freedman FMG Property LLC for a Comprehensive Plan Map and Zoning Designation Amendments for Lot 4 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 ninety (90) peak hour trips, Owner shall submit a revised TIA addressing the extent to which the development of the Property exceeds ninety (90) 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 site plan review applications 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 the approval of a site plan review application for 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 ninety (90) peak hour trips.

d. If the ultimate plans for development of the Property produce no greater than the reserve traffic capacity of ninety (90) 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 Lot 904 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 12 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. **Waiver of Certain Claims:** The Applicant knows and understands its rights under *Dolan v. City of Tigard*, 512 U.S. 374, 114 S. Ct. 2309 (1994), and by entering into this Agreement hereby waives any requirement that the City demonstrate that the off-site Public Improvements, as detailed in *Exhibit D*, are roughly proportional to the burden and demands placed upon public transportation facilities by the Proposed Development. The Owner further waives any cause of action it may have pursuant to the Takings Clause of the Fifth Amendment to the U. S. Constitution or Article 1, Section 18 of the Oregon Constitution. This waiver includes but is not limited to any takings claim premised upon *Dolan* and cases interpreting the legal effect of *Dolan* arising out of the actions described herein and any claim asserting a regulatory taking.

10. **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.

11. **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.

12. **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.

13. **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.

14. **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 _____, 2010.

CITY:

City of Grants Pass

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 _____

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 _____

EXHIBIT A
FREEDMAN PROPERTIES

Tax Lot 901

Lot 1 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 902

Lot 2 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 903

Lot 3 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.

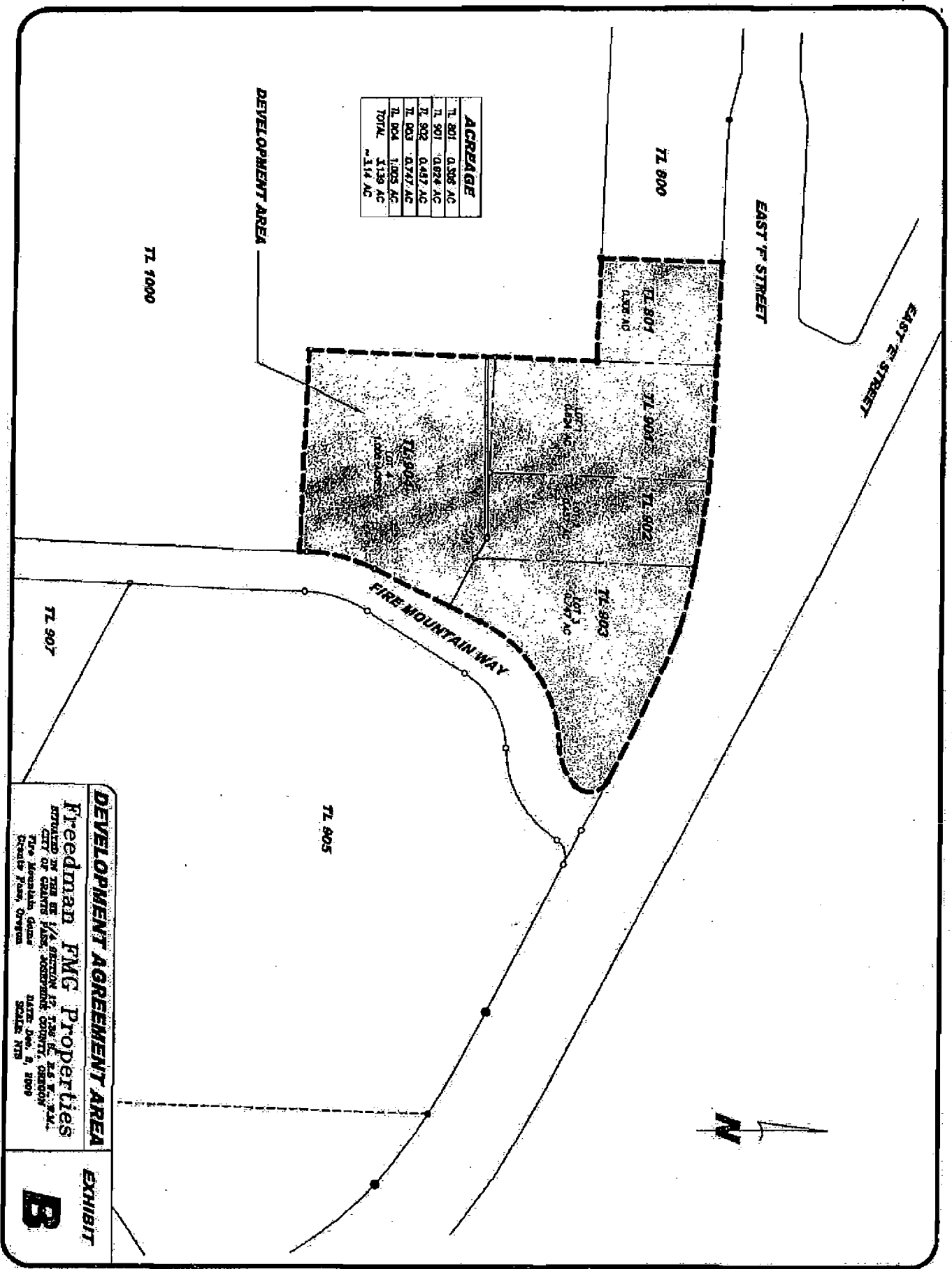
Tax Lot 904

Lot 4 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 801

Commencing at a point on the East line of Mill Street and the North right of way line of the Southern Pacific Railroad in Section 17, Township 36 South, Range 5 West of the Willamette Meridian, in Josephine County, Oregon; thence North 00°18' East along the said East line of Mill Street a distance of 644.30 feet; thence South 89°49' East parallel with the South line of "D" Street a distance of 687.20 feet to the true point of beginning; thence North 00°18' East parallel with said East line of Mill Street a distance of 150.00 feet; thence North 89°49' West parallel with said South line of "D" Street a distance of 110 feet; thence South 00°18' West and parallel to the East line of Mill Street a distance of 150.00 feet; thence South 89°49' East parallel with the south line of "D" Street 110 feet to the true point of beginning.

EXCEPTING THEREFROM; Any portion of the herein described property lying within the boundaries of the roads and highways.



DEVELOPMENT AGREEMENT AREA

Freedman FMG Properties

RETURNED BY THE SE 1/4, SECTION 12, T28N, R24E, W74E, CITY OF CLATSOP, CLATSOP COUNTY, OREGON

The Josephine Area

DATE: Dec. 2, 2009

SCALE: 1" = 100'

EXHIBIT

B

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.

CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT

**FREEDMAN FMG PROPERTY LLC
COMPREHENSIVE PLAN MAP AMENDMENT AND ZONING MAP AMENDMENT,
AND DEVELOPMENT AGREEMENT #2010-01
STAFF REPORT-CITY COUNCIL**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	09-40200002
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, TL 904
Address:	26 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:	July 1, 2009
Application Complete:	July 2, 2009
Date of Staff Report:	September 2, 2009
Date of Planning Commission Hearing:	September 9, 2009
Date of Findings of Fact:	September 23, 2009
Date of City Council Staff Report:	December 21, 2009
Date of City Council Hearing:	January 6, 2010, continued from December 16, 2009; December 2, 2009; November 18, 2009 and October 7, 2009.

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 property containing approximately 1.01 acres in size. The property is currently vacant. The application materials include a narrative, and a Traffic Impact Analysis.

The application also includes a proposed Development Agreement limiting development of the subject parcel and on the adjoining parcels of land owned by the applicant (consisting of TLs 801, 901, 902 & 903, on Assessor's Map 36-05-17-40), to a maximum trip cap of 90 peak hour trips without the requirement of a revised traffic impact analysis or additional mitigation.

The TIA incorporates data and future mitigation measures that have been approved under the Home Depot plan map, zone map, Development Agreement #2008-1 and site plan approval. The intent of Development Agreement #2010-01 is to coordinate the future development of this project with the mitigation measures to be installed by Home Depot; and, establish the peak hour trip cap for the subject parcel and the above noted tract of land.

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 supplemental analysis which was not available prior to the preparation of the UAPC Staff Report (see Exhibits 9, 10 11 & 12 of the report).

The Planning Commission recommended denial of the original development agreement the applicant proposed to enter into with the City of Grants Pass for the subject parcel,

along with four vacant General Commercial lots to the north. Development Agreements are subject to requirements in ORS 94.504 – 94.528 and specify allowances, restrictions and required improvements for the development of property they are tied to. The Planning Commission determined that the initially proposed development agreement was not necessary and that the zone change could be approved without one.

Following the Planning Commission recommendation to deny the development agreement, the applicant requested a number of continuances in order to revise the proposed development agreement for the subject parcel and adjoining tract identified above.

As noted above, the revised development agreement is tied to the proposed improvements listed in Development Agreement #2008-01 for the Home Depot site (formerly the Timber Products mill site) and establishes a trip cap for the property and adjoining tract of land owned by the property owner consisting of TLs 801, 901, 902 & 903 on Assessor's Map 36-05-17-40. During the application process for the Timber Products Comprehensive Plan Map and Zone Map change, the applicant was involved with a number of legal issues with Timber Products and the City of Grants Pass. Following negotiations between the parties, a "Release and Settlement Agreement" was entered into by all three parties (see Exhibit 2 attached hereto). The agreement acknowledged settlement of the various issues between the parties and included a provision that the parties would:

“ . . . enter into good faith negotiations to attempt to reach an agreement with respect to whether additional mitigation [would] be required for the Freedman Property for Fire Mountain Way, the intersection at Fire Mountain Way and “F” Street and the intersection of Grants Pass Parkway and “F” Street . . . ”

Based upon the settlement agreement, the applicant has submitted additional traffic analysis evaluating the available unused capacity (peak hour trips) as a result of the future Home Depot mitigation. The analysis prepared by Michael Weishar, of Access Engineering LLC (dated 10/30/09), indicates that 90 peak hour trips will be available upon completion of the proposed Home Depot mitigation.

The applicant has subsequently revised the development agreement based upon that analysis, reserving the 90 peak hour trips for the subject parcel and adjoining tract of land noted above. A condition of the revised development agreement would require a new traffic analysis and possible mitigation if future development of the subject parcel and adjoining tract of land noted above exceeded the established 90 peak hour trip cap.

V. CONFORMANCE WITH APPLICABLE CRITERIA:

Detailed background and discussion are provided in the Planning Commission's Findings of Fact, Staff Report and Minutes from the September 9, 2009, public hearing.

Note: Due to the revised Development Agreement #2010-01, pertinent criteria related to transportation issues are further discussed below:

Comprehensive Plan Policy 13.5.4:

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

Goal 11: Public Facilities and Services

Staff Response: Satisfied. Based upon the traffic analysis prepared by Access Engineering for the proposed amendment, the Planning Commission found that there was no difference seen between the operational performance of the development scenarios using the existing and proposed zoning.

Following the Planning Commission's hearing, the applicant submitted additional analysis concerning the reserve capacity (90 peak hour trips) which would be supplied by the mitigation measures from Home Depot/Timber Products Development Agreement #2008-1. Staff found that through the use of the trip cap as proposed in Development Agreement #2010-01, the proposal will be in compliance with Goal 11.

Conclusion: The City has public facilities in place to adequately serve the property in regards to sewer and water and is consistent with Goal 11 related to those services. A detail of the transportation impacts is described under Goal 12.

Goal 12: Transportation

Staff Response: Satisfied. As discussed above, the applicant has submitted additional traffic analysis evaluating the available unused capacity (peak hour trips) as a result of the future Home Depot mitigation. The analysis prepared by Michael Weishar, of Access Engineering LLC (dated 10/30/09), indicates that 90 peak hour trips will be available upon completion of the proposed Home Depot mitigation. Future development of the subject site shall be coordinated with the mitigation measures to be installed under Development Agreement #2008-1 for the Home Depot site, or upon the approval of a revised TIA for the subject property.

Therefore, based upon the implementation of Development Agreement #2008-1 and Development Agreement #2010-01 for the subject site, the proposed Comprehensive Plan Map Amendment and Zone Change Map Amendment will not cause a change in functional classification of the existing transportation facilities.

Conclusion: The City has transportation facilities that will be upgraded to adequately serve the property and is consistent with Goal 12 related to those services.

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 Response: Satisfied. Based upon the Planning Commission's Findings, along with the proposed Development Agreement #2010-01, the proposed amendment is in conformance with the Comprehensive Plan.

Section 4.033 of the Development Code:

Criterion 3: A demonstration that existing or proposed levels of basic 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 Response: Satisfied. As noted above, with the proposed Development Agreement #2010-01, the existing services will be adequate to accommodate increased density or uses that would result from the amendment.

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 Response: Satisfied. The applicant has submitted a TIA (to include addendums) prepared by Access Engineering, in conjunction with the plan amendment application. The analysis and addendums were based on the improvements to be installed under Development Agreement #2008-1 for the Home Depot site.

A development agreement is proposed in conjunction with the Comprehensive Plan Map and Zone Change Amendments related to the improvements required under Development Agreement #2008-1; and, that any future development of the subject parcel and adjoining tract of land consisting of TLs 801, 901, 902 & 903 (located on Assessor's Map 36-05-17-40), does not exceed the trip cap of 90 peak hour trips (i.e., reserve capacity) as identified in the applicant's TIA information.

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. Based upon the additional traffic analysis provided by Access Engineering, and the proposed Development Agreement #2010-01, adequate urban services will be available to serve the subject property. Therefore, based upon the proposed development agreement, staff finds that the zone change from (I) to (BP) is appropriate at this location.

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 staff finds the revised development agreement is in compliance with ORS 94.504-94.528 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 July 13, 2009
 - 7. ORS 94.504-94.528
 - 8. ODOT's comments dated 8/28/09
 - 9. Supplemental TIA Information dated 9/2/09
 - 10. Email correspondence from Fire Marshal Brian Pike dated 9/9/09
 - 11. Letter from Lockwood Engineering, LLC dated 9/9/09
 - 12. Letter from Access Engineering dated 9/9/09
 - B. Minutes from September 9, 2009, UAPC hearing
 - C. PowerPoint Presentation
- 2. Release and Settlement Agreement

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:	09-40200002
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 904
Address:	26 Fire Mountain Way
Total Acreage:	1.01 acres
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:	July 1, 2009
Application Complete:	July 2, 2009
Date of Staff Report:	September 2, 2009
Date of UAPC Hearing:	September 9, 2009
Date of Findings of Fact:	September 23, 2009

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 property containing approximately 1.01 acres in size. The property is currently vacant.

The application materials include a narrative, and a Traffic Impact Analysis. The application also includes a proposed Development Agreement for approximately 35,000 sq. ft. of a specialty retail complex which would be built on the subject parcel and an adjoining tract of land owned by the applicant.

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:

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 July 2, 2009. The application was processed in accordance with Section 2.060 of the *Development Code*.
- B. Notice of the proposed amendment and the September 9, 2009, public hearing was mailed to the Oregon Department of Land Conservation and Development on July 21, 2009, in accordance with ORS 197.610 and OAR Chapter 660, Division 18.
- C. Public notice of the September 9, 2009, public hearing was mailed on August 19, 2009, 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 September 9, 2009, 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 September 9, 2009, hearing is attached as Exhibit "C" and incorporated herein.

- D. Email correspondence from Fire Marshal Brian Pike of the Grant Pass Department of Public Safety to Chuck Wolfmueller of Fire Mountain Gem, dated 9/9/09, is attached to the Staff Report as Exhibit 10, and is incorporated herein.
- E. Letter from Lockwood Engineering, LLC to Chuck Wolfmueller of Fire Mountain Gem, dated 9/9/09, is attached to the Staff Report as Exhibit 11, and is incorporated herein.
- F. Letter from Access Engineering, LLC to the Planning Commission, dated 9/9/09, is attached to the Staff Report as Exhibit 12, and is incorporated herein.

VI. FINDINGS OF FACT 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 of the Comprehensive Plan for reasons summarized below.

Element 8. Economy: The proposed amendment to change the subject parcel to Business Park will provide an opportunity for a mixed use development, maintaining the economic viability of the area by providing for a variety of light industrial and commercial uses for the tract which will compliment the existing development in the area.

Element 9. Housing: Not Applicable. The property is currently vacant. The amendment will not be beneficial or detrimental to the residential land inventory as new residential units are not listed as a permitted use in the BP zone.

Element 10. Public Facilities and Services: Based upon Exhibit 9 of the Staff Report, and the additional information submitted at the September 9, 2009 public hearing (Exhibits 10, 11 & 12 of the Staff Report) the Planning Commission found that adequate 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: The proposed amendment of approximately 1.01 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 subject tract is located west of the Grants Pass Parkway and south of the Grants Pass Shopping Center, within close proximity to the large commercial tracts located off the Parkway, to include the Deardoff Corners and the Fred Meyer centers.

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 all six (6) 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

The City has acknowledged master plans for urban services (including water, sewer and transportation) as part of the *Comprehensive Plan* and *Grants Pass Development Code*. Water and sewer services are currently available to the subject property. Based upon the letter from Lockwood Engineering, LLC (Exhibit 11 of the Staff Report) with regards to the adequacy of public water for fire flow to the property, the Planning Commission found that there are adequate services to the property.

In addition to the TIA prepared by Access Engineering, dated July 13, 2009, the applicant also provided two additional addendums (see Exhibits 9 & 12 of the

Staff Report), which provided further analysis of the potential impacts of the proposed request based upon an eating/drinking establishment as a worst case scenario. The Planning Commission found there was no difference seen between the operational performance of the development scenarios using the existing and proposed zoning.

Conclusion: Based upon the supplemental letters from Access Engineering, LLC, dated September 2, 2009 and September 9, 2009, (Exhibits 9 & 12 of the Staff Report), concerning the trip generation comparison for the worst case scenario, the Planning Commission found that the applicant has proven the public facilities in place are adequate to serve the property. Therefore, 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 and existing access 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 submitted a Traffic Impact Analysis (TIA), prepared by Access Engineering as part of the application materials for the amendment. The scope of the study was determined by the Oregon Department of Transportation (ODOT) and the City of Grants Pass. A total of two (2) intersections were studied in the TIA for the proposal:

- Grants Pass Parkway (Highway 199) at "F" Street
- "F" Street at Fire Mountain Way

Note: The subject analysis included the approved mitigations for the pending Home Depot and Main Place developments.

The Development Code's minimum Level of Service (LOS) standard is "D" for signalized intersections, and a volume-to-capacity (v/c) ratio not to be higher than 1.0 for the sum of critical movements. Based upon the TIA's choice of worst case scenario, the analysis reflects that existing conditions at the intersection of the Grants Pass Parkway and "F" Street are near capacity with regards to the City's mobility standard.

	<u>Volume-to-capacity (v/c)</u>	<u>Level of Service</u>
Existing:	0.97	D
Current:	0.98	D
Proposed:	0.98	D

Note: Information extrapolated from applicant's TIA, Table 8, pg 11.

The analysis indicates that the intersection will meet the City's minimum requirements based on the applicant's choice of using an automobile part and

service center and a pharmacy without drive-through for its analysis. In addition, the intersection would be in compliance with the Transportation Planning Rule (TPR) in that the proposed zoning conditions do not exceed the existing zoning conditions, and there is no difference seen between the operational performance of the development scenarios using the existing and proposed zoning. Therefore, no mitigation measures are required for the intersection under the year 2024 conditions based on the TPR.

The Planning Commission found that the applicant will be required to submit a new TIA at the time of proposed development which must show that the new development will not cause a change in functional classification of the existing transportation facilities.

It is important to note that a recent decision made by the Land Use Board of Appeals of the State of Oregon (LUBA) under Luba No. 2007-210, reviewed the City's requirement that applications comply with the minimum performance standards listed in Section 27.121 of the Development Code. LUBA determined in part that the applicant should be required to:

" . . . mitigate the impact of its proposed development on the affected intersection, even if that mitigation does not fully restore it to LOS D. . . where proposed development will worsen an already failing intersection, the general approach of requiring an applicant to eliminate the impacts of development on the intersection, by means of off-site improvements, limitations on the proposed use or similar means, seems more consistent with the applicable plan and land use regulations, than does the city's apparent view that the application must be denied if the intersection cannot be fully restored to LOS D."

Conclusion: Based upon applicant's submittal of additional information noted in Exhibits 9 & 12 of the Staff Report, the Planning Commission found that the applicant has provided adequate analysis to meet the criteria for the Comprehensive Plan Map and Zone Change request. A new study will be required for any future development 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 the applicable six (6) goals analyzed above have been met by the proposal. 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 July 21, 2009. No comments were received.

Notice of the proposal was mailed to Josephine County on July 21, 2009, in accordance with the 1998 Intergovernmental Agreement. No comments were received.

Notice was provided to the ODOT.

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. Based upon Exhibit 9 of the Staff Report, along with the new information submitted by the applicant at the September 9, 2009, public hearing (see Exhibits 10, 11 & 12 of the Staff Report), the Planning Commission found that there are adequate public facilities to serve the proposed property. 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. No additional information was requested by the Planning Commission.

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 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. The Comprehensive Plan designation has been recommended to be amended as proposed, so 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. As discussed under Criterion C (Goals 11 & 12) above, the applicant has shown that the existing water and transportation facilities are adequate to accommodate increased impacts or uses that would result from the amendment.

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. Based upon Exhibit 9 of the Staff Report, and the additional information submitted by the applicant (see Exhibit 12 to the Staff Report), the Planning Commission found that the applicant has adequately demonstrated that the proposed amendment is consistent with the Master Transportation Plan. The Planning Commission found that a new TIA would be required for the property at time of Site Plan Review.

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. As discussed above, the Planning Commission found that based upon the additional information provided by the applicant (Exhibit 11 to the Staff Report), that the applicant has proven that there are adequate transportation or water facilities to serve the subject property. Therefore, the zone change is appropriate at the present time.

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.

VII. 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 Urban Area Planning Commission recommends that City Council **DENY** the proposed development agreement. The zone change can be approved without the need for a development agreement.

VIII. APPROVED BY THE URBAN AREA PLANNING COMMISSION this 23rd day of September, 2009.



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:	09-40200002
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 904
Address:	26 Fire Mountain Way (see Exhibits 1 and 2)
Total Acreage:	1.01 acres
Existing Comprehensive Plan Designation:	Industrial (see Exhibit 3)
Proposed Comprehensive Plan Designation:	Business Park (see Exhibit 4)
Existing Zoning:	Industrial - (I)
Proposed Zoning:	Business Park - (BP)
Planner Assigned:	Lora Glover
Application Received:	July 1, 2009
Application Complete:	July 2, 2009
Date of Staff Report:	September 2, 2009
Date of UAPC Hearing:	September 9, 2009

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 property containing approximately 1.01 acres in size. The property is currently vacant.

The application materials include a narrative (see **Exhibit 5**), and a Traffic Impact Analysis (see **Exhibit 6**). The application also includes a proposed Development Agreement for approximately 35,000 sq. ft. of a specialty retail complex which would be built on the subject parcel and an adjoining tract of land owned by the applicant.

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 (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:** 1.01 acres
4. **Access:** The parcel has frontage and access on Fire Mountain Way.
5. **Utilities:**
 - a. **Water:** 6 & 8 inch mains in the right-of-way of Fire Mtn Way and 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 south property line to Fire Mtn Way. 12, 15 & 18, 24 inch in Fire Mtn Way; 12 & 18, 36 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: Vacant
- b. Proposed: Specialty Retail

8. Surrounding Land Use:

- a. North: Vacant/proposed specialty retail site ~ (GC); with the Grants Pass Shopping Center located across "F" Street
- b. South: Vacant/Home Depot Site ~ (BP)
- c. East: Fire Mtn Gem Complex ~ (I)
- d. West: Vacant/Home Depot Site ~ (BP)

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."

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.

As noted above, the property is located off Fire Mountain Way, west of the Fire Mountain Gem complex and adjacent to 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, 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. However, as more fully described below, there remain important transportation issues which have not been adequately addressed in the application.

The applicant has submitted a Traffic Impact Analysis (TIA) for Tax Lot 904, prepared by Michael Weishar of Access Engineering, LLC, dated July 13, 2009. The TIA incorporates data and future mitigation measures that have been approved under the pending Home Depot site. Appendix E of the TIA contains the scoping letter by Rich Schaff, City Engineer, dated May 29, 2009. Under the "Trip Generation" paragraph, Mr. Schaff requested that the applicant estimate a reasonable worst case scenario of potential uses for both zoning types. The TIA is based upon a use of an automobile parts and service center for the Industrial zone and a pharmacy without a drive-through window for the Business Park. The TIA dismisses the use of an eating/drinking establishment (which is permitted in both zones) as unlikely because the site is too large for such a use. However, a quick overview of eating/drinking establishments located in the City show that there are a number of such establishments on parcels approximately an acre (+/-) in size:

Elmer's Restaurant	0.59 acres (with overflow parking area total of 1.18 acres)
Applebee's	0.79 acres (with overflow parking area total of 0.95 acres)
Denny's	1.16 acres
Tubby's	0.96 acres
Wild River	0.90 acres (with overflow parking area total of 1.00 acres)
McDonalds	1.08 acres
Abby's	1.50 acres
Taco Bell	0.86 acres (with overflow parking area total of 1.10 acres)
Casa Flores	0.84 acres

Based on the above listed establishments, the TIA does not provide an accurate analysis of a reasonable worst case scenario of possible uses for the property under the current or proposed zone. Trip rates for eating/drinking establishments are much higher (ranging between 10.92 to 46.68 trips per 1,000 sq. ft.) than either an auto parts/service center (4.46 per 1,000 sq. ft.) or a pharmacy without a drive-through (8.42 per 1,000 sq. ft.). Note: The TIA is based on a 12,250 sq. ft. auto parts/service center and a 10,900 sq. ft. pharmacy without drive-through. Most of the above listed restaurants are approximately 5,000 sq. ft. in size, with the exception of Taco Bell which is less than 2,000 sq. ft. Due to the capacity issues of the existing facilities as reflected in the applicant's TIA, a revised TIA using eating/drinking establishments (or a concept plan with the actual proposed development) as the reasonable worst case scenario should be provided in order to determine the affects of further development in the area. Because the application and proposed development agreement indicate the future development of the site will be incorporated into a larger project with the adjoining General Commercial parcels to the north, along with the pending acquisition of additional acreage from the

Home Depot site via a property line adjustment, the existing TIA fails to provide a thorough analysis of the potential impacts.

Though Table 6 of the TIA (see pg 9 of Exhibit 6) indicates that there is minimal change between the existing conditions, the current and proposed zoning, the intersection of the Grants Pass Parkway and "F" Street is nearing capacity based on the applicant's choice of worst case scenario uses; however, as noted in the application narrative, the applicant proposes to develop the site and adjoining tract with approximately 35,000 sq. ft. of speciality retail with a potential trip rate of 8.42 or greater per 1,000 sq. ft. The TIA provides the following analysis:

	<u>Volume-to-capacity (v/c)</u>	<u>Level of Service</u>
Existing:	0.97	D
Current:	0.98	D
Proposed:	0.98	D

Note: Information extrapolated from applicant's TIA, Table 8, pg 11.

Section 27.121 of the Development Code lists the following minimum performance standards 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.

Note: The Oregon Department of Transportation's (ODOT) mobility standard for the Grants Pass Parkway intersection is v/c 0.70. See the ODOT comments attached as Exhibit 8. Because the ODOT has no "significant affect" concerns with the application, all further comments in this report are based upon the Comprehensive Plan and the Development Code.

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 parcel, along with the four vacant General Commercial lots to the north. The total acreage referenced in the development agreement is 2.84 acres of land. The General Commercial and Business Park zones provide for a wide variety of uses, including a strip mall complex, multiple buildings with mixed uses. The applicant has not provided a concept plan or an analysis for the future development. The applicant is also preparing to file a property line adjustment with the adjacent Home Depot tract for an unspecified additional amount of Business Park zoned acreage. The development agreement covers a general proposal which has not been studied with the proposed zone change. Additionally, the proposed development agreement notes potential mitigation (without listing specific items), while the TIA notes no impacts. Because the proposed development agreement does not contain a concept plan, traffic analysis and/or mitigation measures for the proposed uses, it is premature to review the request at this time. The proposed development agreement is not in conformance with ORS 94.504 to 94.528 (see Exhibit 8).

It is Staff's concern that without a thorough analysis of the future development of the subject parcel and adjoining GC tract to the north, along with the participation of the ODOT and agreement of potential mitigation measures (to include the potential rezoning of the applicants abutting 10+ acre tract containing the Fire Mountain Gem complex), that the applicant will be unable to move forward with the development of the property.

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: Not Satisfied. The proposal is not consistent with the applicable Goals and Policies of the Comprehensive Plan for reasons summarized below.

Element 8. Economy: The proposed amendment to change the subject parcel to Business Park will provide an opportunity for a mixed use development, maintaining the economic viability of the area by providing for a variety of light industrial and commercial uses for the tract which will compliment the existing development in the area.

Element 9. Housing: Not Applicable. The property is currently vacant. The amendment will not be beneficial or detrimental to the residential land inventory as new residential units are not listed as a permitted use in the BP zone.

Element 10. Public Facilities and Services: 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: The proposed amendment of approximately 1.01 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 subject tract is located west of the Grants Pass Parkway and south of the Grants Pass Shopping Center, within close proximity to the large commercial tracts located off the Parkway, to include the Deardoff Corners and the Fred Meyer centers.

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: Not Satisfied. The proposal is consistent with only three (3) of the six (6) 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

The City has acknowledged master plans for urban services (including water, sewer and transportation) as 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.

In response to show compliance with the Master Transportation Plan and the Development Code, the applicant submitted a TIA prepared by Access Engineering. Though the TIA does not consider an eating/drinking establishment as its worst case scenario, it still indicates that the intersection of the Grants Pass Parkway at "F" Street is near capacity, with inadequate storage for a number of turning lanes. Table 7, pg 10 of the TIA indicates that the queuing length for the westbound right turn lane is currently 525 feet and the westbound

through lane is 800 feet. Both movements impact the intersection of the Grants Pass Parkway at Beacon, yet no additional analysis or mitigation was proposed.

Conclusion: The applicant has failed to prove that the City has public facilities in place to adequately serve the property. Therefore, the request is not 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 and existing access 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 submitted a Traffic Impact Analysis (TIA), prepared by Access Engineering as part of the application materials for the amendment (see *Exhibit 6*). The scope of the study was determined by the Oregon Department of Transportation (ODOT) and the City of Grants Pass. A total of two (2) intersections were studied in the TIA for the proposal:

- Grants Pass Parkway (Highway 199) at "F" Street
- "F" Street at Fire Mountain Way

Note: The subject analysis included the approved mitigations for the pending Home Depot and Main Place developments.

The Development Code's minimum Level of Service (LOS) standard is "D" for signalized intersections, and a volume-to-capacity (v/c) ratio not to be higher than 1.0 for the sum of critical movements. Based upon the TIA's choice of worst case scenario, the analysis reflects that existing conditions at the intersection of the Grants Pass Parkway and "F" Street are near capacity with regards to the City's mobility standard.

	<u>Volume-to-capacity (v/c)</u>	<u>Level of Service</u>
Existing:	0.97	D
Current:	0.98	D
Proposed:	0.98	D

Note: Information extrapolated from applicant's TIA, Table 8, pg 11.

The analysis indicates that the intersection will meet the City's minimum requirements based on the applicant's choice of using an automobile part and service center and a pharmacy without drive-through for its analysis. In addition, the intersection would be in compliance with the Transportation Planning Rule (TPR) in that the proposed zoning conditions do not exceed the existing zoning conditions, and there is no difference seen between the operational performance of the development scenarios using the existing and proposed zoning.

Therefore, no mitigation measures are required for the intersection under the year 2024 conditions based on the TPR.

As previously mentioned, it is Staff's concern that without a thorough analysis of the most reasonable worst case scenario, along with a viable concept plan for the future development of the subject parcel, that the applicant will be unable to move forward in a timely manner with the development of the property. The current TIA reflects serious capacity issues for the Grants Pass Parkway at "F" Street intersection, including v/c ratios, LOS and queuing lengths. It is important to note that a recent decision made by the Land Use Board of Appeals of the State of Oregon (LUBA) under Luba No. 2007-210, reviewed the City's requirement that applications comply with the minimum performance standards listed in Section 27.121 of the Development Code (see *Exhibit 9*). LUBA determined in part that the applicant should be required to:

"... mitigate the impact of its proposed development on the affected intersection, even if that mitigation does not fully restore it to LOS D. . . where proposed development will worsen an already failing intersection, the general approach of requiring an applicant to eliminate the impacts of development on the intersection, by means of off-site improvements, limitations on the proposed use or similar means, seems more consistent with the applicable plan and land use regulations, than does the city's apparent view that the application must be denied if the intersection cannot be fully restored to LOS D."

The applicant's TIA has failed to provide any mitigation for its impacts or to prove that the proposed Comprehensive Plan Map Amendment and Zone Change Map Amendment will not cause a change in functional classification of the existing transportation facilities.

Conclusion: The applicant has failed to thoroughly analyze or provide any mitigation measures to the transportation facilities to adequately serve the property. There is concern that any proposed new development will not be able to mitigate its impacts. A new study will be required for any future development. The proposal is not consistent with Goal 12.

Goal 13: Energy Conservation

As noted above, the property does not have adequate public utilities available to serve the site. The application fails to discuss how the proposal meets this goal. Any development of the property should try to implement energy conservation principles regardless of zoning designation.

Conclusion: The proposed amendment is not consistent with Goal 13.

Overall Conclusion: Of the nineteen (19) statewide planning goals, the City finds that three (3) of the applicable six (6) goals analyzed above have been met by the proposal. As noted above, the proposal fails to comply with Goals 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 July 21, 2009. No comments were received.

Notice of the proposal was mailed to Josephine County on July 21, 2009, in accordance with the 1998 Intergovernmental Agreement. No comments were received.

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: Not Satisfied. Water, sewer, storm, and streets are all present adjacent to the property and are available to serve the property. As discussed above, the applicant has failed to prove that there is adequate water for fire flow protection and that there is adequate transportation capacity. Therefore, the proposed amendment is not 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 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: Not Satisfied. As discussed under Criterion C (Goals 11 & 12) above, the applicant has failed to prove that the existing water and transportation facilities are adequate to accommodate increased impacts or uses that would result from the amendment.

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: Not Satisfied. The applicant has submitted a TIA which failed to analyze the worst case scenario of an eating/drinking establishment for the existing and proposed zones, yet indicates that the intersection for the Grants Pass Parkway and "F" Street is near capacity. The TIA also indicates that the queuing (storage lengths) for the Grants Pass Parkway and "F" Street intersection are beyond existing available storage for the following movements:

<u>Movement</u>	<u>Lane Storage</u>	<u>Existing/Current/Proposed Zoning</u>
• East/Left Turn	215	300/300/300
• West/Through	560	800/800/750
• West/Right Turn	350	525/500/425

Note: Information extrapolated from Table 7, pg 10 of Exhibit 6.

The storage capacity issue impacts the intersection of the Grants Pass Parkway @ Beacon. Though the applicant's TIA notes this deficiency, no mitigation or additional analysis was provided.

As discussed under Criterion C (Goal 12: Transportation) above, the TIA notes serious deficiencies and near capacity limits at the Grants Pass Parkway @ "F" Street intersection. The applicant's narrative fails to address these issues and simply relies upon the TIA for its finding that the proposal is consistent with the performance standards in the Master Transportation Plan, and concludes that no mitigation is required as a result of the proposed zone change. The application and TIA fail to adequately reflect and/or address the potential impacts of the proposed zone map amendment.

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: Not Satisfied. As discussed above, the applicant has not proven that there are adequate transportation or water facilities to serve the subject property. Therefore, the zone change is not appropriate at the present time.

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 **DENY** 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 **DENY** 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 July 13, 2009
- 7. ORS 94.504 – 94.528
- 8. ODOT's comments dated 8/28/09
- 9. Supplemental TIA Information received 2:15 p.m. 9/2/09

FREEDMAN/FMG CPMA/ZC
36-05-17-40, TL 904

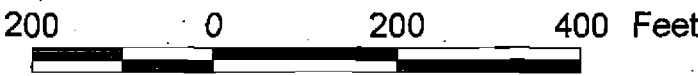
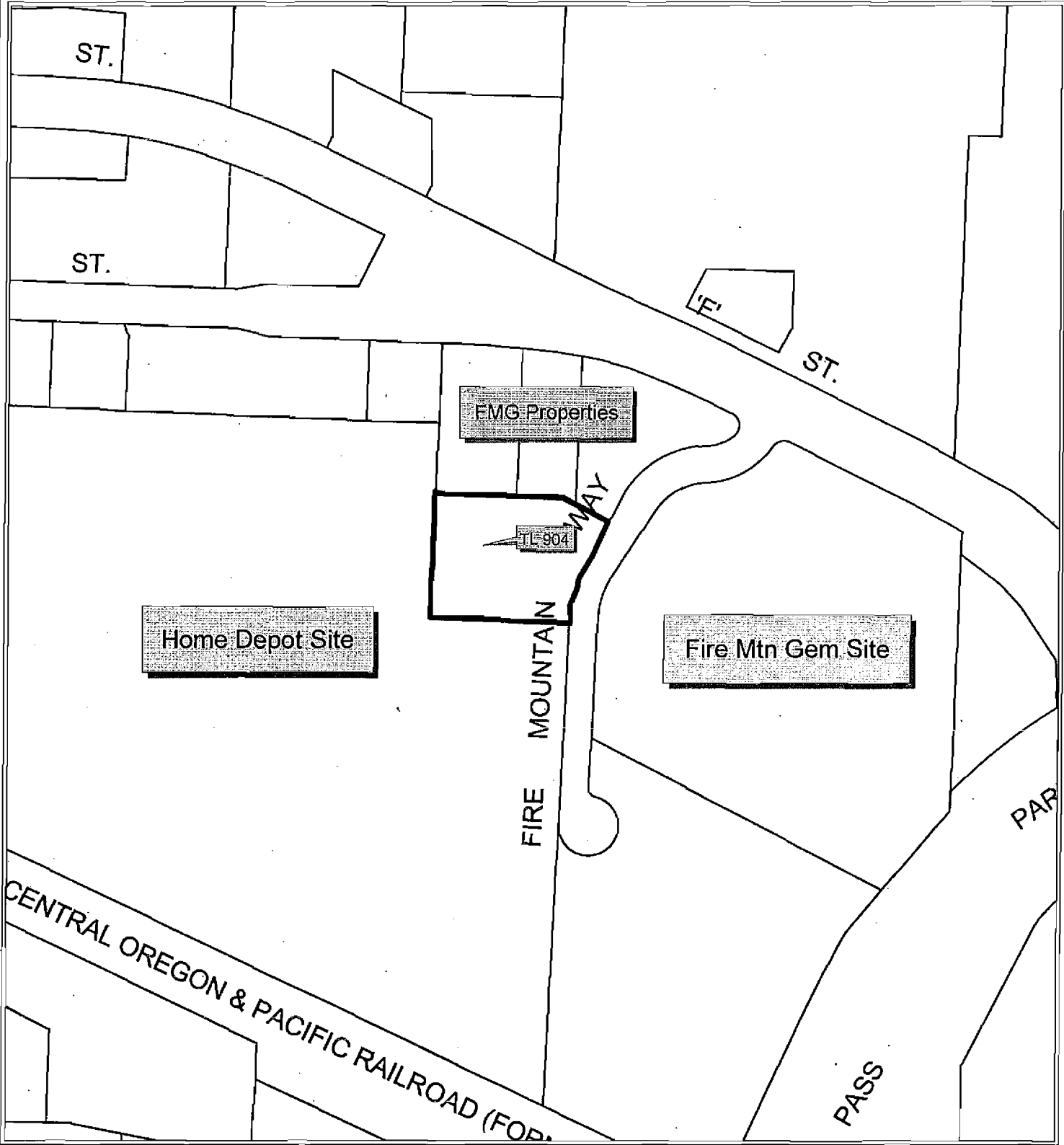
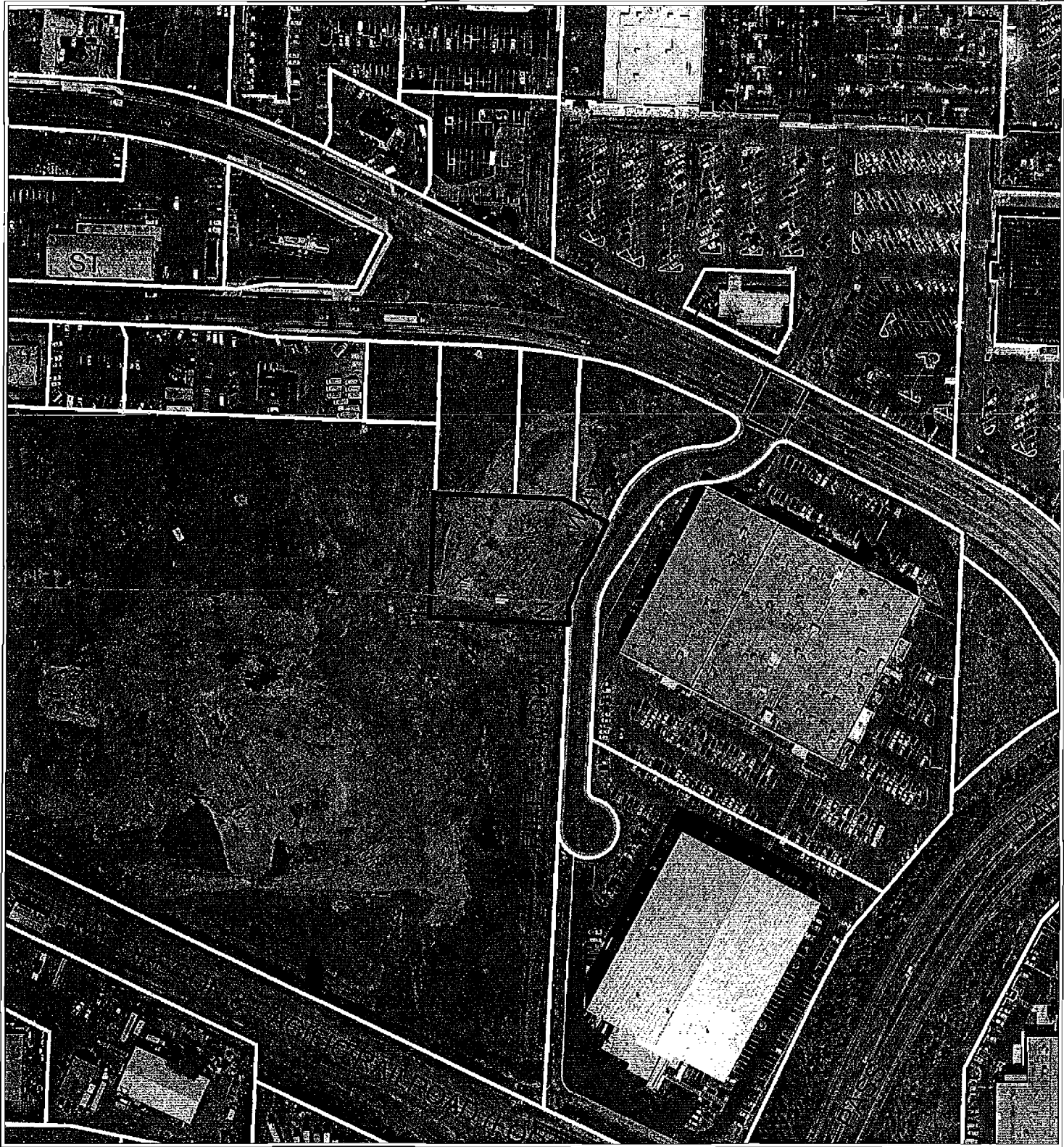


EXHIBIT 1

FREEDMAN/FMG CPMA/ZC
36-05-17-40, TL 904



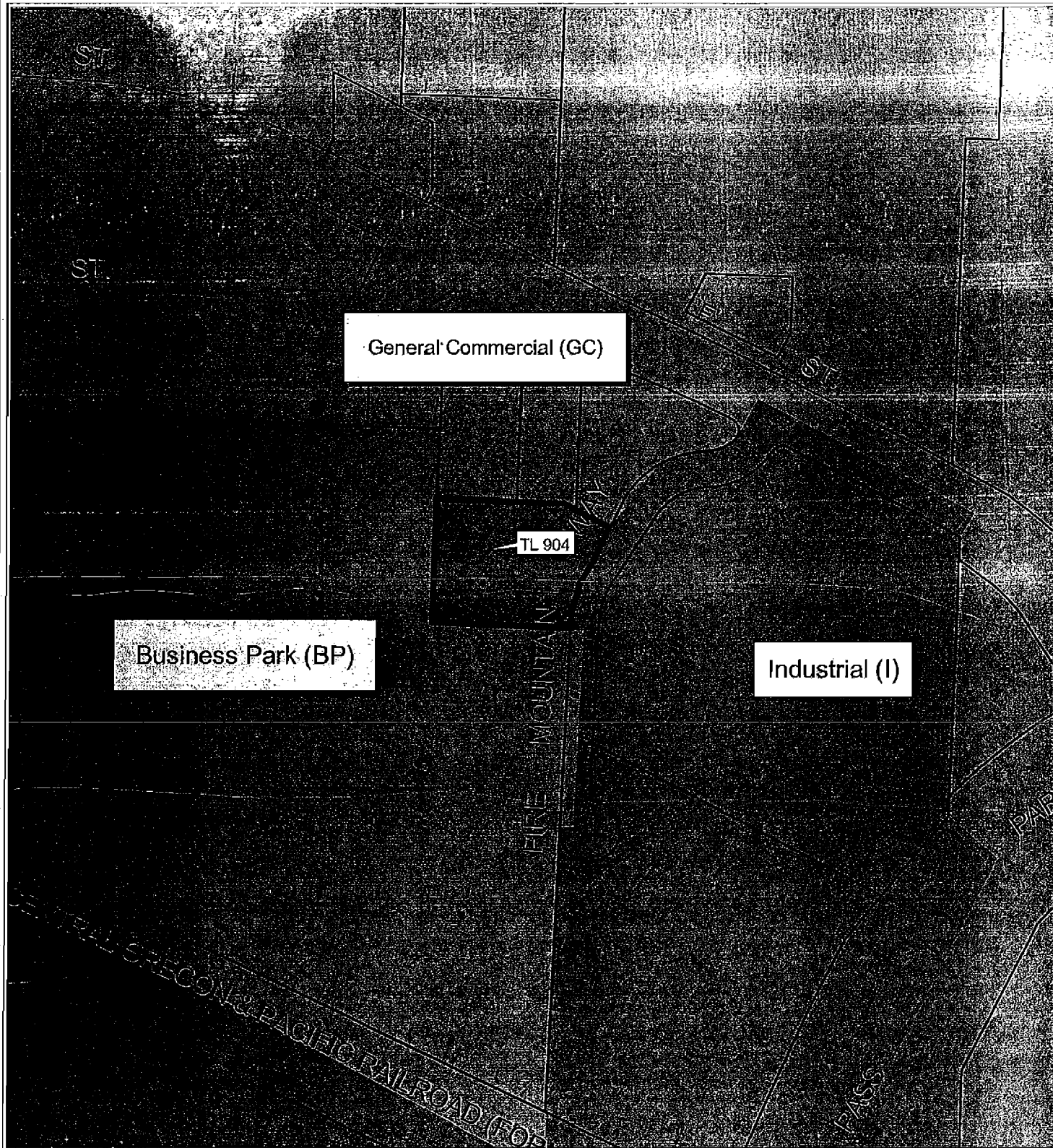
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EXHIBIT 2

FREEDMAN/FMG CPMA/ZC

36-05-17-40, TL 904

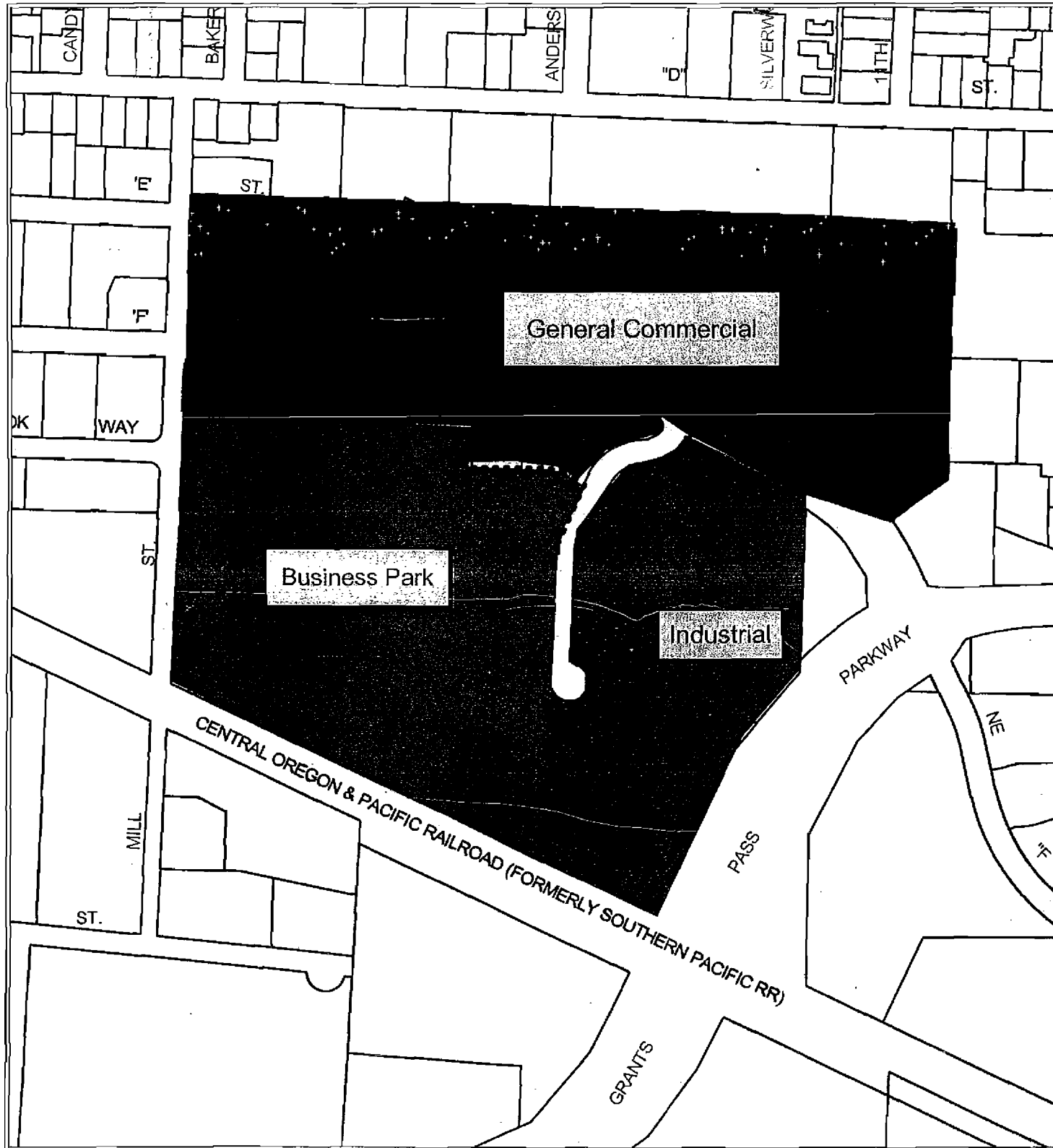


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EXHIBIT 3

FREEDMAN/FMG CPMA/ZC
36-05-17-40, TL 904



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EXHIBIT 4

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

IN THE MATTER OF A LAND USE)
APPLICATION TO AMEND THE CITY)
OF GRANTS PASS COMPREHENSIVE)
PLAN AND CHANGE THE ZONING)
FOR ONE PARCEL SITUATED AT 26)
FIRE MOUNTAIN WAY NEAR 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 the Grants Pass Comprehensive Plan and Zoning Map affecting one parcel 1.01-acre parcel located on Fire Mountain Way near its intersection with NE 'F' Street and Grants Pass Parkway. If approved, the amendments would change Tax Lot 904 from Industrial (I) to Business Park (BP).

The applications for comprehensive plan amendment and rezoning are submitted as a Type IV-B review which requires a final decision by the Grants Pass City Council following review and recommendation by the Planning Commission pursuant to Grants Pass Development Code (GPDC) 2.020.

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



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

- 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** Traffic Impact Analysis by Access Engineering, Inc. dated June 16, 2009
- Exhibit 13** Proposed Development Agreement in *DRAFT* form

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 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

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

13.2.1 Comp Plan Land Use Map:

The City and County shall adopt a Land use Map as part of this Comprehensive Plan. 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.

13.2.2 Comp Plan Land Use Designations:

The Land Use Map shall include the following land uses, whose designation are summarized below:

- Business Park: mixed used District, provides for light industrial and commercial uses, allows retail sales as accessory use to light industrial and wholesale uses. (Allows Zoning Map Designation of BP, Business Park)
- Industrial: provides for those industrial uses with heavier impacts upon their surroundings and need for outdoor functions. Performance standards required, with graduated buffering requirements keyed to adjacent uses. This district shall not include retail commercial (other than service commercial) or other uses incompatible with heavy industry. (Allows Zoning Map Designation of I, Industrial)

13.2.3 Plan Map/Zoning Map

The land use designation on the Comprehensive Plan Land Use Map shall be deemed to encompass the Zoning Districts of the Development Code according to the following schedule:

<u>Comprehensive Plan Land Use Designation</u>	<u>Urban Area Zoning Ordinance Designation</u>
<u>Industrial Designation:</u> Business Park Industrial Park Industrial	<u>Allows:</u> BP IP I

13.5 Comprehensive Plan Amendments

13.5.1 Provision for Amendments:

The Comprehensive Plan is not an inflexible document. It is intended to be responsive to changes in community condition and the attitude. In order to permit such flexibility, and at the same time maintain the integrity of the Comprehensive Plan, it is necessary to amend the Plan from time to time without frustrating its basic purpose.

- (a) In order to maintain the validity of community decision-making, the Data Base must be continuously updated, and the implications for decision-making that result from changing data and changing community attitudes should be widely disseminated and discussed.
- (b) Goals, Policies, and Findings will require changing over time, as the community changes. Linkage must be maintained between policy and the data base, all land use maps, and the implementing ordinances.
- (c) From time to time, the Land Use Map may need to be amended, and yet still maintain the correct linkages to the goals, policies, findings and data base, as well as retaining internal consistency.

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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:

1. Consistency with other findings, goals and policies in the Comprehensive Plan.¹
2. 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.
3. Applicable planning goals and guidelines of the State of Oregon.
4. Citizen Review and comment.
5. Review and comment from affected governmental units and other agencies.
6. 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.
7. Additional information as required by the review body.
8. 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.
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.

¹ 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.



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12.023 Zoning Map Amendment. The Zoning Map may be amended according to the procedures provided in Schedule 2-1 and the criteria provided in Article 4 of this Code.

Comprehensive Plan/Zoning District Summary Schedule 12-1	
Comprehensive Plan Land Use Map Designation	Zoning District
Industrial Designation:	Allows:
Business Park	BP
Industrial Park	IP
Industrial	I

12.300 Industrial Zoning Districts

12.320 Purpose

12.321 Business Park District (BP). 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 the compatibility with adjacent Commercial and Residential Zoning Districts.

12.323 Industrial District (I). The purpose of the Industrial District is to provide for those industrial uses with heavier impacts upon their surroundings and the need for outdoor functions. Performance standards are less than required for other industrial districts and graduated buffering standards ensure compatibility with neighboring zones of lesser intensity of use. It is the express intent of the Industrial District to maintain lands for industrial use, with commercial and residential uses limited to those uses accessory to industrial development.

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.
- (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):



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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.

OREGON TRANSPORTATION PLANNING RULE

OREGON ADMINISTRATIVE RULES CHAPTER 660, DIVISION 12

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 660-12-060 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



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- (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.

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 located on Fire Mountain Way, south of NE 'F' Street within the corporate boundaries of the City of Grants Pass. The situs address is 26 Fire Mountain Way, Grants Pass, Oregon. *See, Applicant's Exhibit 3.*
2. **Subject Property Description, Acreage, Ownership:** The property is identified by the Josephine County Assessors as Tax Lot 904 on map 36S-5W-17D. Tax Lot 904 is owned in fee simple by the Freedman FMG Property, LLC and has 1.01 acres. Applicant, has given its consent for CSA Planning Ltd to submit the proposed applications on its behalf. Authorization by means of a Limited Power of Attorney is included as part of Applicant's Exhibit 2.
3. **Comprehensive Plan Map:** The property is presently designated *Industrial* on the Grants Pass Comprehensive Plan Map. Applicant seeks to amend this designation to *Business Park*. *See, Exhibit 8.*
4. **Zoning (Existing and Proposed):** The property is presently zoned *Industrial(I)* on the Grants Pass Zoning Map. *See, Exhibit 5.* Applicant seeks to expand the *Business Park(BP)* zoning which is adjacent to the south and west to include the subject property. *See, Exhibit 6.*
5. **Existing site development:** The property is vacant and wholly undeveloped.
6. **Existing and Surrounding Land Use:** Land uses in the surrounding area consist of the following:

North: The subject property abuts vacant land zoned for commercial use for properties that front upon NE 'F' Street. Parcels to the northwest along NE 'F' are zoned *General Commercial* and house small businesses such as the Eam Advertising Agency. Properties across 'F' Street are also zoned *General Commercial* and are typically of a retail nature with businesses include the Grants Pass Shopping Center and Bank of America.

East: Fire Mountain Gems corporate headquarters and warehouse is located on the opposite side of Fire Mountain Way east of the subject property. Beyond that is the Grants Pass Parkway and other properties zoned for commercial use.



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South/West: Land bordering the south and west sides of the subject property is a parcel that earlier 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.

7. **Property History:** Subject Tax Lot 904 was created in 2002 as a part of the Fire Mountain Subdivision which subdivided the then 14.77-acre parent parcel into a 7-lot subdivision and created Fire Mountain Way to provide access for most of the parcels. Tax Lots 901, 902, 903, and subject 904 are benefited by a 30 foot wide shared access easement that connects to Fire Mountain Way. See, Exhibit 4, the final plat for Fire Mountain Subdivision which shows the shared access easement and on which the subject property is depicted as Lot 4. The Comprehensive Plan designation for four Tax Lots (801, 901, 902 and 903) which front upon NE 'F' Street was changed from *Industrial* to *Commercial* and were contemporaneously rezoned from *Industrial* to *General Commercial* concurrent with the subdivision approval. The other three lots, including Tax Lot 904, remained under *Industrial* plan and zoning designations.
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.
9. **Police and Fire Protection:** Police and Fire protection is provided by City of Grants Pass.
10. **Public Facilities:** The subject property is 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 also 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 the 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. 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 and 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 be serving 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.² 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 in the respective proposed zoning district

C. Water Distribution Lines: An 8-inch water line exists within the right-of-way of Fire Mountain Way and connects to the also 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 their 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 has 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 respective proposed zoning district.³

² From City of Grants Pass Wastewater website and the Grants Pass Wastewater Facilities Plan, April 2000

³ Grants Pass Water Distribution System Master Plan, January 2001



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 presently sheet drains to an existing surface ditch system which connects to a catch basin on Fire Mountain Way. The catch basin connects to a 24" line 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 generally level.

10. Transportation Facilities:

A. Access: The subject property fronts upon Fire Mountain Way which is functionally classified as a local access cul-de-sac street in the City of Grants Pass Urban Area Master Transportation Plan. Actual access to the property will be by way of a 30-foot wide shared access easement, the location of which is shown on Exhibit 4. Traffic from future uses on the property will travel from the access easement to Fire Mountain Way, and from there to its signalized intersection with NE 'F' Street.

B. Street Functional Classifications: Direct access will be from Fire Mountain Way which is functionally classified as a local access street in the City of Grants Pass Master Transportation Plan. Fire Mountain Way connects to at a signalized intersection to NE 'F' Street. 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: A Transportation Impact Analysis (TIA) has been prepared by registered professional traffic engineer, Access Engineering, LLC in response to the City's Traffic Scoping Letter of May 29, 2009. The TIA is attached as Exhibit 12. The following are the conclusions of the Exhibit 12 TIA at page 13:

An examination of the Grants Pass Development Code finds that the proposed BP zoning could allow a retail trade type development on the site as a reasonable worst-case traffic generator and a commercial repair/maintenance development as a reasonable worst-case traffic generator for the current I zoning. The trips generated by a Pharmacy, selected for the proposed BP zoning, would be greater than the trips generated by an Automobile Parts and Repair Center selected for the current I zoning. However, the analysis of the traffic impacts of both zoning scenarios found that they produced essentially the same mobility levels at the intersections in the study area.

All study area intersections meet the City's mobility standard (LOS D) in the year of opening. 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 scenario than under the current I zoning scenario in both the year of opening and the planning horizon year which satisfies the Transportation Planning Rule. Based on this analysis, no mitigation is required as a result of the proposed zone change.



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 Council are preceded by the approval criteria to which they relate:

COMPREHENSIVE PLAN LAND USE MAP AMENDMENT

City of Grants Pass Comprehensive Plan
1984 Comprehensive Plan Policies (as amended- 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:

Criterion 1

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

Discussion; Conclusions of Law: GPDC 1.041 (Plan Consistency Assumed) states:

"It may be generally assumed that the requirements of this Code implement the policies of the Comprehensive Plan, and that therefore a use or development meeting the requirements of this Code likewise meets the requirements of the Comprehensive Plan and Code be demonstrated, the requirements of the Comprehensive Plan shall prevail, and the Director shall initiate the necessary action to bring the requirements of this Code into conformance with the Comprehensive Plan."

The Council also 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. No responsive findings are required when local government policies are expressed not as regulatory requirements, but as aspirational objectives. *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. 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 may be 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.



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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.

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 and evidence further shows that the municipal water source 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 10.1.7.

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 property is served by adjacent municipal water facilities which will not require the use of interim development standards in full compliance 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 property is served by adjacent sanitary sewer 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 10.3.7.

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



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EXTENSION AND DEVELOPMENT OF THE STORM DRAIN SYSTEM, PROVIDED THE REQUIREMENTS OF PUBLIC SAFETY, HEALTH AND WELFARE ARE MET.

Conclusions of Law (Continued): Based upon the findings of fact and the evidence, 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 from the City of Grants Pass. 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 the applications are 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. 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 applications are consistent with Public Facilities and Services Goal, Sewer Services Policy 10.7.2.

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 (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. Therefore, the Council concludes that the subject property will be served by an urban level street system consistent with Policy 11.9. A Transportation Impact Analysis (TIA) was prepared by registered professional traffic engineer, Access Engineering, LLC in response to the City's Traffic Scoping Letter of May 29, 2009. The TIA is attached as Exhibit 12. With respect to traffic impacts anticipated from the proposed land use actions, the TIA at page 13 concludes that:

"All study area intersections meet the City's mobility standard (LOS D) in the year of opening. 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 scenario than under the current I zoning scenario in both the year of opening and the planning horizon year which satisfies the Transportation Planning Rule. Based on this analysis, no mitigation is required as a result of the proposed zone change."

Based upon the Exhibit 12 TIA, the Council concludes that adequate mobility at street intersections (within the study area determined by the Grants Pass City Engineer and set out in the TIA Scoping Letter) will be maintained following the proposed land use actions because Level of Service ("LOS") 'D' will be maintained at all signalized intersections and at arterial and collector approaches at unsignalized intersections. For these reasons, the applications are concluded to be consistent with Grants Pass Urban Area Master Transportation Plan Policy 1.2.1.

Summary Conclusions of Law: Based upon the foregoing findings of fact and conclusions of law, the Council concludes that the applications are consistent with the requirements of Criterion 1 because, based upon the findings of fact and substantial evidence, the proposed amendments are consistent all relevant applicable findings, goals and policies of the Comprehensive Plan.

* * * * *

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 appears to be limited to changes to the [plan's] findings, goals and policies [but not to the comprehensive plan map]. The Council concludes that this application seeks only to amend the comprehensive plan map but not its findings, goals and policies. As such, the Council concludes that Criterion 2 is inapplicable.



* * * * *

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. To the extent that any Statewide Planning Goals or implementing administrative rules operate as approval standards in context of this post-acknowledgement plan amendment, it is 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 Criterion 9, the findings of fact and conclusions of law for which are herewith incorporated and adopted. With respect to OAR 660-009, the rule does not apply because this application concerns a parcel only slightly greater than one acre in size; OAR 660-009, for post-acknowledgement plan amendments, applies only to land larger than two acres as follows:

"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"

Based upon the foregoing, the Council concludes that the magnitude of the change in this instance — affecting only one acre and changing the plan map designation from Industrial to Business Park — is such that does not trigger and will not violate any of Oregon's applicable planning goals nor its implementing administrative rules. To the extent that OAR 660-0012 is triggered and is applicable, the findings of fact and conclusions of law for which have been addressed, fully satisfied and incorporated herewith. Therefore the Council concludes that the application is consistent with Criterion 3.

* * * * *

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 designated land use actions by the City Council at a public hearing,



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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 these bases, the Council concludes that Criterion 4 can, will and has been met.

* * * * *

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 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.

* * * * *

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. The Council further concludes that the property is served by adequate police and fire protection and there is no additional need for these services to be augmented as a result of this application. The nature of the instant land use applications is such that neither future development plans nor prospective land uses must be identified and, in this instance, the precise nature, size and magnitude of future land uses are unknown. However, the Council also concludes that the potential land uses are those permitted in the BP zone as set forth in the GPDC.



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

Given the small size of the property suggests, and Council concludes, that additional need for basic services will be slight and insignificant. Therefore, the Council concludes that Criterion 6 has been satisfied because there is substantial evidence to demonstrate that any additional need for basic urban services is adequately covered by adopted utility plans and service policies and because any potential increase in facility demand will be slight and insignificant.

* * * * *

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.

* * * * *

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 the instant land use application.

* * * * *

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 and, in this instance, the potential use(s) are not *precisely* known. However, the future development on Tax Lot 904 is proposed to have specialty retail uses which are consistent with the proposed Business Park designation. Additionally, before



the city will issue development permits an applicant is required to submit development plans and have the same approved by the city before the start of construction. At such time that plans for future development are approved, the city (through its site plan review process) will insure that any and all potential use(s) are consistent with the proposed Business Park (BP) zoning district. Therefore, the Council concludes that Criterion 1 can and will be met.

* * * * *

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 Criterion 2 has been established.

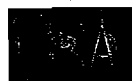
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Zone Change Criterion 3

- (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 7 through 10 (regarding public facilities) the Council concludes that all required 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. Given the small size of the property and the permitted uses, the Council concludes that the need for basic services beyond that required for the current zoning will be slight and insignificant and be without adverse impact on the service area or require changes to the adopted utility plans. Therefore, the Council concludes that the zone change application is consistent with the requirements of 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 Applicant has introduced into the record as Applicant's Exhibit 12, a Transportation Impact Analysis report, prepared by the registered professional traffic engineering firm, Access Engineering, LLC, June 12, 2009 in response to the City of Grants Pass traffic scoping letter dated May 29, 2009. Their report finds that the proposed change of zone and use will not adversely impact the existing transportation facilities and that the impacted facilities will continue to meet the City of Grants Pass performance standards once the site has been developed. Therefore, the Council concludes, based upon the Findings of Fact in Section IV hereinabove and Applicant's Exhibits 12, that the zone change application is consistent with the requirements of 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 ultimate redevelopment 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 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 seen 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 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 plan map amendment Criterion 1 below Criterion 9 (Oregon Transportation Planning Rule) and concludes that the findings of fact in Section IV and the evidence in Exhibits 9 through 12 (inclusive) demonstrate that basic urban services exist and are sufficient in size and capacity to accommodate future development for uses permitted in the *Business Park* zone. Therefore, the Council concludes that the zone change application is consistent with 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.

* * * * *

Zone Change Criterion 9

OREGON TRANSPORTATION PLANNING RULE
Oregon Administrative Rules Chapter 660, Division 12

Amendments to acknowledged comprehensive plans and zone changes are subject to specific provisions of the Oregon Transportation Planning Rule at Oregon Administrative Rules Chapter 660, Division 012. The rule provisions are applicable to plan amendments is in OAR 660-012-060 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);



Findings of Fact and Conclusions of Law

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

- (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 2 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 Criterion 9 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 operational analysis of the intersections impacted by this Plan Amendment and Zone Change show no change between the LOS under the current zoning and the LOS under the proposed zoning. This demonstrates that the change in zoning will not reduce the performance of existing intersections to below acceptable standards, nor does it worsen existing intersections that are already performing below standard. *See*, Exhibit 12.

Therefore, the City Council concludes that the proposed Plan Amendment and Zone Change are consistent with the requirements of Criterion 9.



Findings of Fact and Conclusions of Law

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

VI

APPLICANT AGREED TO STIPULATIONS

As part of these land use applications, Applicant Fire Mountain Gems herewith agrees to stipulate:

1. Building permits for uses permitted 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 before the said transportation system improvements for use(s) which are permitted in *both* the BP and Industrial (I) districts.
2. Upon approval of the proposed comprehensive plan and zoning amendments, Applicant will duly execute and return to the city a signed copy of the Development Agreement offered in DRAFT form as Applicant's Exhibit 13.

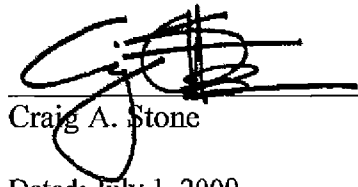
VII

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. Therefore, the Council orders that the same be and hereby are 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 1.01 acre subject property identified as Tax Lot 904 on Map 36S-5W-17D.

Respectfully submitted on behalf of Applicant Freedman FMG Property LLC:

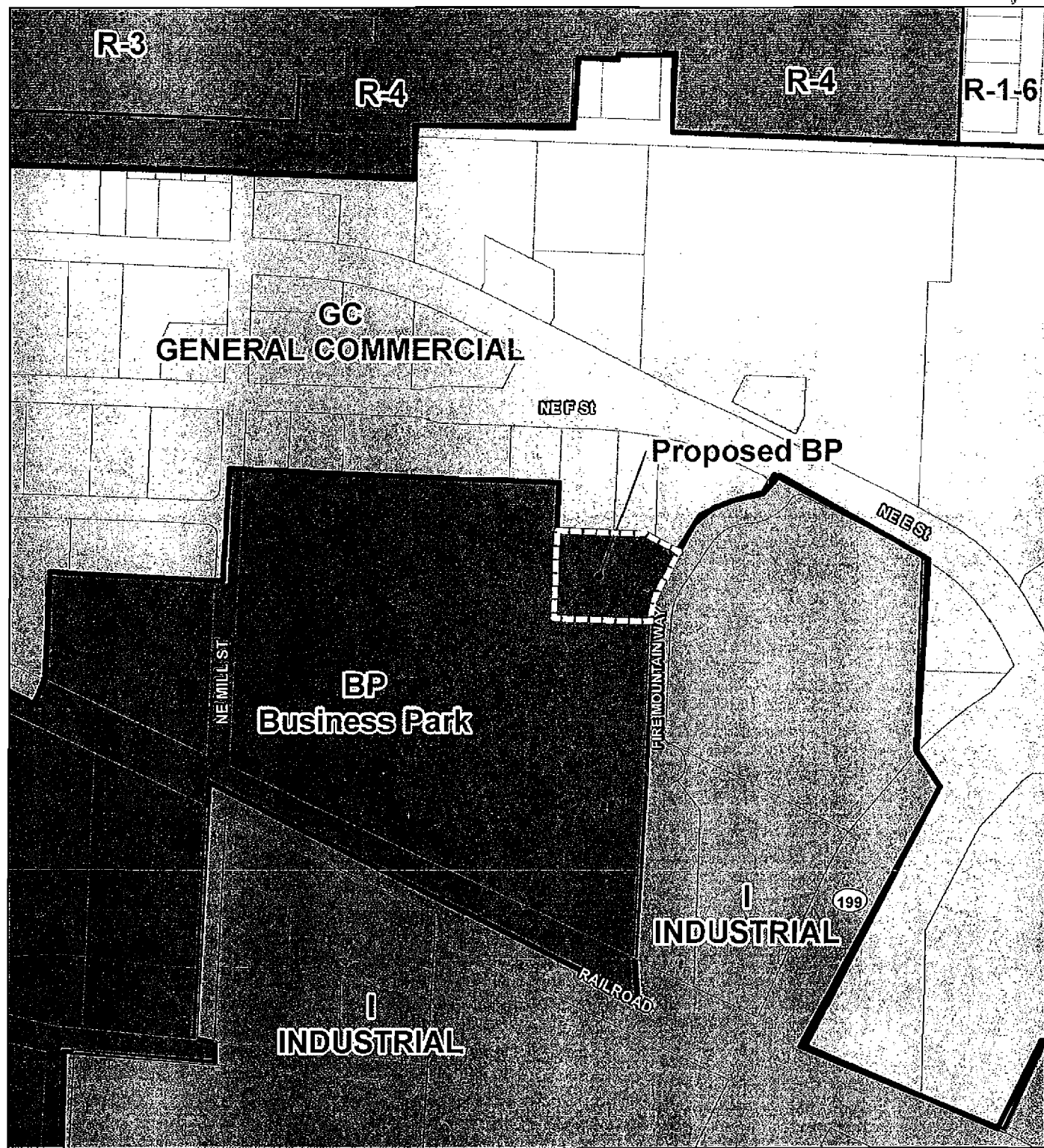
CSA PLANNING, LTD.



Craig A. Stone

Dated: July 1, 2009





Legend

- Subject Property (Proposed BP Zoning)
- Tax Lots
- I Industrial
- BP Business Park
- GC General Commercial
- R-4 High Rise Density Residential
- R-3 High Density Residential
- R-1-6 Medium Density Residential

Proposed Zoning

Comprehensive Plan Amendment & Zone Change

Fire Mountain Gems



CSA Planning, Ltd.

300 150 0 300 Feet



Date: June 2009

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

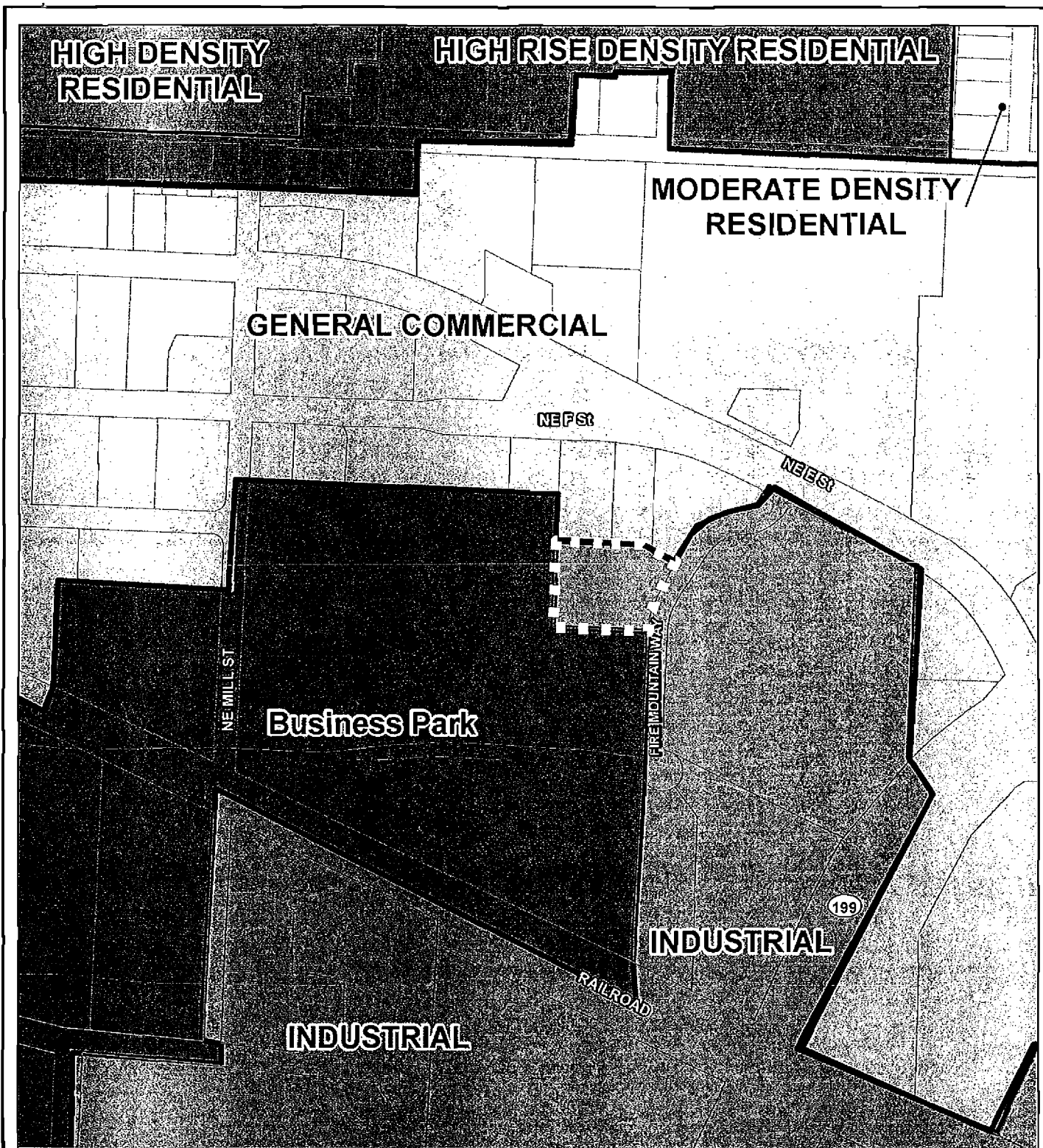


Exhibit 7

- Legend**
- Subject Property (Proposed BP/Business Park)
 - Tax Lots
 - I Industrial
 - BP Business Park Industrial
 - GC General Commercial
 - High Rise Density Residential
 - High Density Residential
 - Moderate Density Residential

Existing Comprehensive Plan

Comprehensive Plan Amendment & Zone Change

Fire Mountain Gems



300 150 0 300 Feet



CSA Planning, Ltd.

Date: June 2009

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

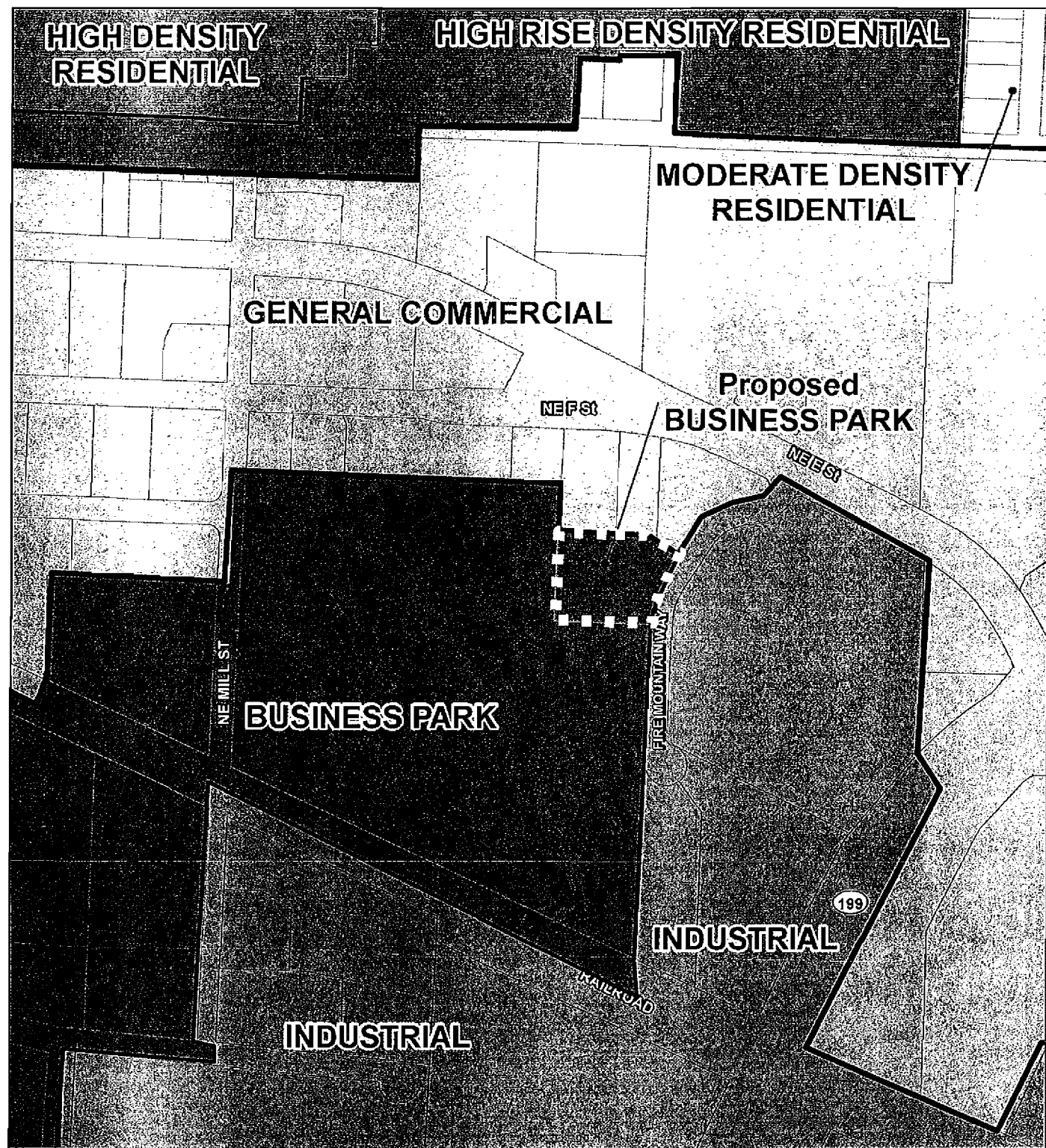


Exhibit 8

Legend

- Subject Property (Proposed BP/Business Park)
- Tax Lots
- I Industrial
- BP Business Park Industrial
- GC General Commercial
- High Rise Density Residential
- High Density Residential
- Moderate Density Residential

Proposed Comprehensive Plan

Comprehensive Plan Amendment & Zone Change

Fire Mountain Gems



300 150 0 300 Feet



CSA Planning, Ltd.

Date: June 2009

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



Exhibit 5

Legend

-  Subject Property
-  Tax Lots
-  Zoning
- * 2004 Aerial does not show all improvements

Existing Zoning on Aerial

Comprehensive Plan Amendment & Zone Change

Fire Mountain Gems



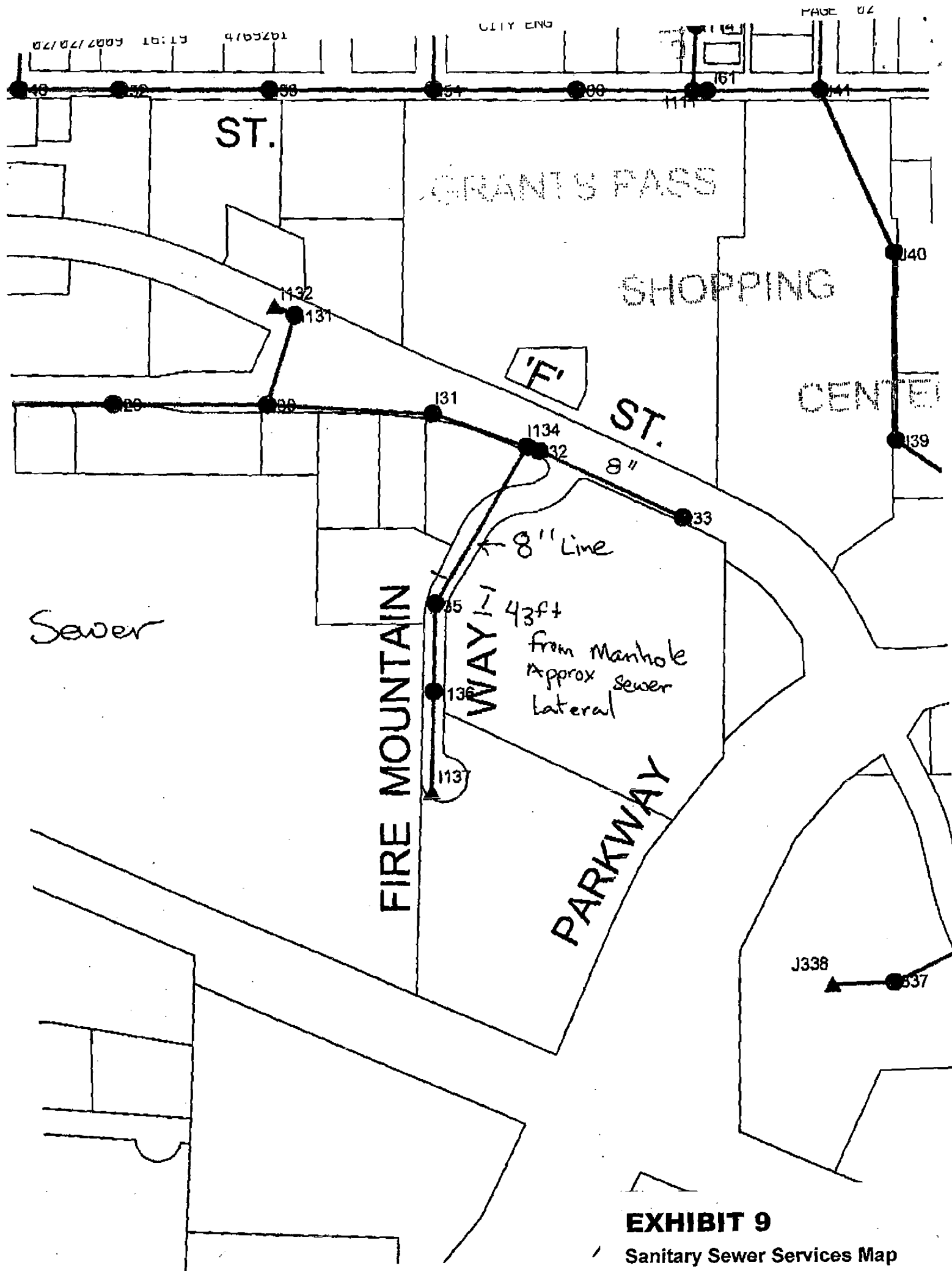
CSA Planning, Ltd.

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Date: June 2009

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



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CITY ENG

PAGE 04

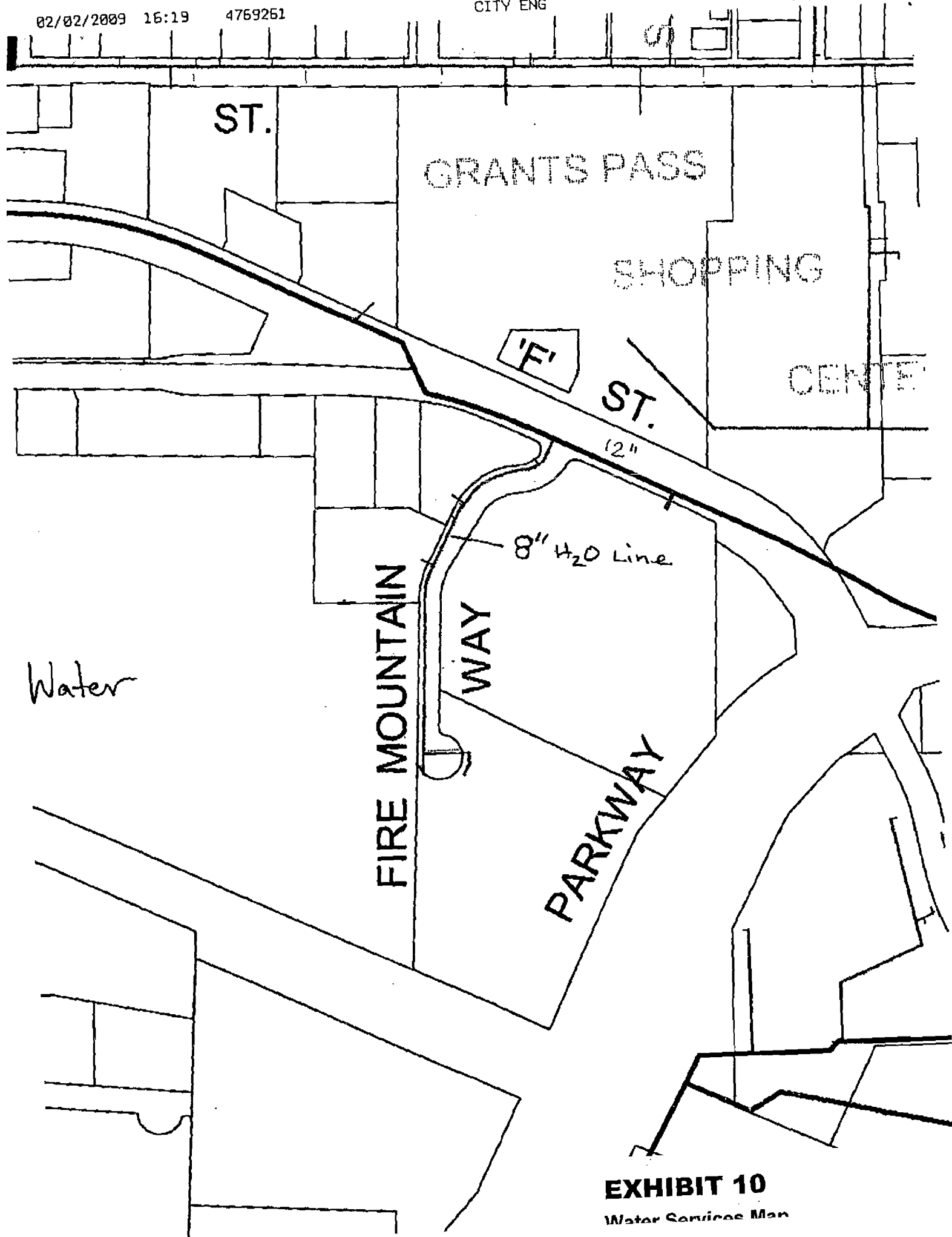


EXHIBIT 10
Water Services Map

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PAGE 03

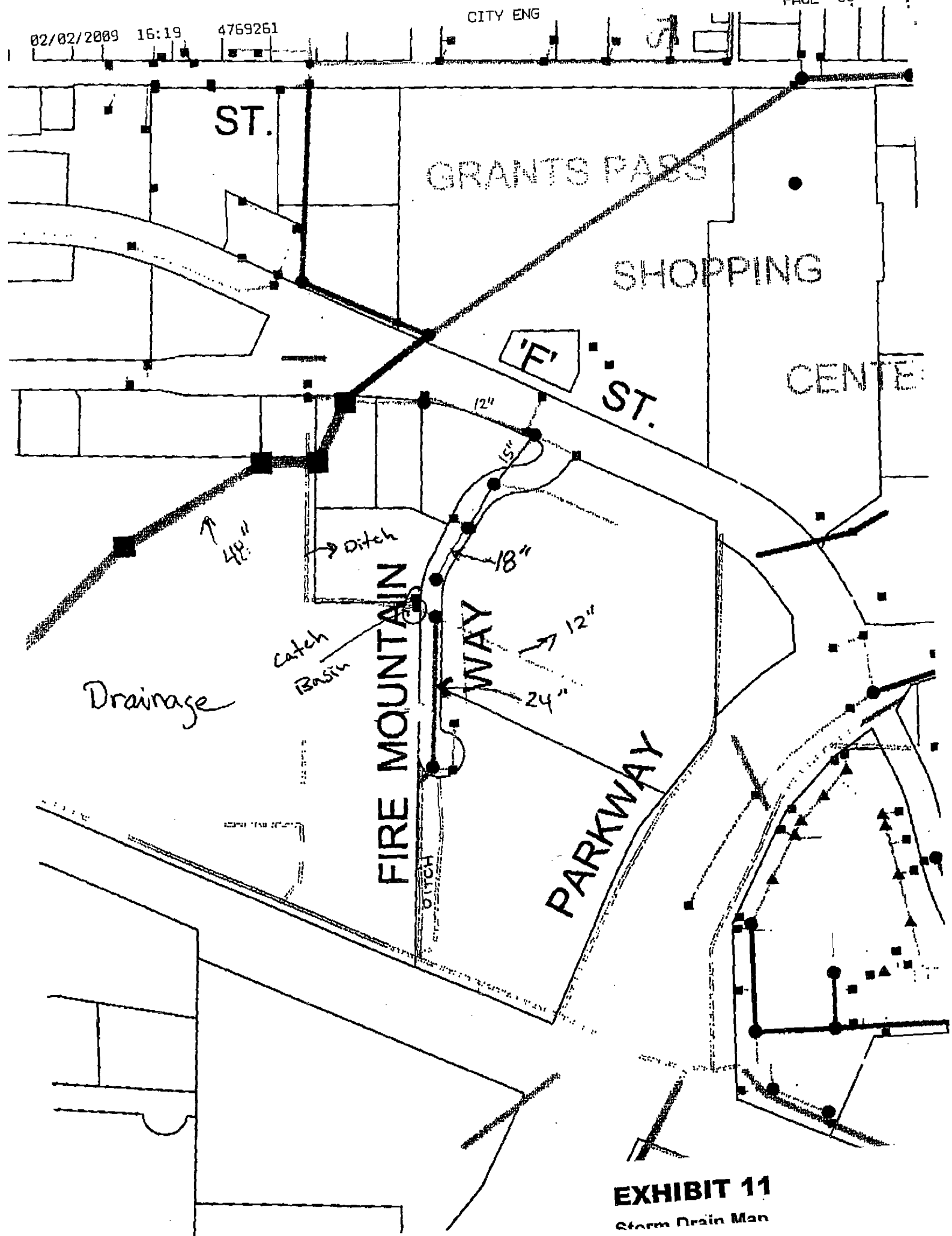


EXHIBIT 11
Storm Drain Map

EXHIBIT 13

DEVELOPMENT AGREEMENT #2009-2

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

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

EFFECTIVE
DATE: *Insert Date*

RECITALS

A. Owners own approximately 2.84 acres of real property, known as Lots 1 through 4 of the Fire Mountain subdivision located in 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 General Commercial and Industrial and is zoned GC and I. Owners have applied to City for approval of a comprehensive plan map and zoning designation amendment that would change the comprehensive plan map designation of Lot 4 (Tax Lot 904) Property from Industrial to Business Park and the zoning map from I to BP for the Property (City file number **Insert Number**) (the "Application"). Thereafter the Property will have comprehensive plan map designations of General Commercial and Business Park and will be zoned GC and BP.

B. Owners intended use of the Property is for approximately 35,000 square feet of specialty retail (the "Proposed Development"). City staff has identified a requirement that Owner, as a condition of the Proposed Development, must construct certain public improvements ("Planned Improvements"), as described in **Exhibit C**, that improve certain transportation facilities to meet both the City's mobility standard and the Oregon Department of Transportation's mobility standards.

C. A statutory development agreement, pursuant to ORS 94.504 to 94.528, is the appropriate mechanism for City and Owner to enter into an agreement for the Application approval, limitation on uses on the 2.84 acres proposed to be zoned BP and GC, and the construction of the needed public improvements. The applicant is relying on proposed mitigation measures listed in **Exhibit C**, to be installed as part of the previously approved Timber Products/Home Depot Development Agreement #2008-01. Failure of the Timber Products/Home Depot improvements being installed, Owner is required to submit a revised Traffic Impact

Analysis (including additional mitigation measures) for the Property and proposed Development to address impacts on the intersection of the Grants Pass Parkway/Highway 199 and F Street.

D. The City Council duly noticed and held a public hearing on this agreement on ***Insert Date*** at which time the City Council accepted public testimony on the proposed development agreement.

E. At the end of the public hearing, the City Council voted to approve the development agreement as adopted by City Ordinance No. ***Insert Number***.

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 (09-XXXXXX) presented by Owner as reflected in the Findings of Fact, Freedman EMG Property LLC for a Comprehensive Plan Map and Zoning Designation Amendments for Lot 4 of the Fire Mountain subdivision, the legal description for which is attached to this Agreement as ***Exhibit D*** and incorporated herein by this reference ("Approval").

2. Development Conditions:

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

b. If the development of the Property consists of the Proposed Development, improvements listed in ***Exhibit C*** shall be constructed and funded by the Owner. If any development of the Property consists of something other than the Proposed Development (and which produces greater P.M. Peak Hour traffic loading), the Owner shall submit a revised Traffic Impact Analysis addressing development of the entire Property. A Revised TIA and any related mitigation requirements shall be approved or rejected in accordance with the City's site review standards and procedures and shall demonstrate continuing consistency with the state Transportation Planning Rule as well as the City's Master Transportation Plan and implementing regulations, including levels of service. Nothing in this subsection shall be construed to limit the requirements pursuant to paragraph 1(e).

c. Furthermore, should any portion of the Property be developed, all required improvements pursuant to (1) (b) above shall be constructed prior to the issuance of any certificates of occupancy.

d. Owner is relying on certain transportation facilities to be upgraded with the construction of a home improvement store located off Mill Street and Fire Mountain Way. Owner's TIA indicates that the intersection (F Street and Highway 199 (Grants Pass Parkway)) will be affected by the proposed development. If said intersections are not upgraded prior to submittal of the site plan review for the Freedman FMG Property LLC development, Owner agrees to submit a revised traffic impact analysis and mitigation plan, with possible upgrades to said facilities based on the impacts of the development.

e. If the Proposed Development of the Property conforms to the proposal identified in the Owner's TIA, and an application for a site plan or other development approval is submitted 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 C**. If an application for site plan or other development approval is not submitted within five (5) years of this agreement, the City has the right to require a new traffic impact study be submitted by the owner/developer of the property for the proposed development.

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.

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. 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 12 of this Agreement).

5. **Effect when Laws and Rules render compliance impossible.** When changes in regional policy or 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 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. **Waiver of Certain Claims:** The Applicant knows and understands its rights under *Dolan v. City of Tigard*, 512 U.S. 374, 114 S. Ct. 2309 (1994), and by entering into this Agreement hereby waives any requirement that the City demonstrate that the off-site Public Improvements, as detailed in *Exhibit C*, are roughly proportional to the burden and demands placed upon public transportation facilities by the Proposed Development. The Applicant further waives any cause of action it may have pursuant to the Takings Clause of the Fifth Amendment to the U. S. Constitution or Article 1, Section 18 of the Oregon Constitution. This waiver includes but is not limited to any takings claim premised upon *Dolan* and cases interpreting the legal effect of *Dolan* arising out of the actions described herein and any claim asserting a regulatory taking.

10. **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.

11. **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.

12. **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.

13. **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. The governing body shall amend or

cancel a development agreement by adoption of an ordinance declaring cancellation of the agreement or setting forth the amendments to the agreement.

b. Until this Development Agreement is cancelled under this section, the terms of the Development Agreement are enforceable by any party to the Agreement.

[Signatures are on the following page(s).]

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 _____, 2009.

CITY:

City of Grants Pass

By: _____

Name: _____

Title: _____

OWNERS:

Freedman FMG Property LLC

By: _____

Name: _____

Title: _____

STATE OF OREGON

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 _____

STATE OF OREGON

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,

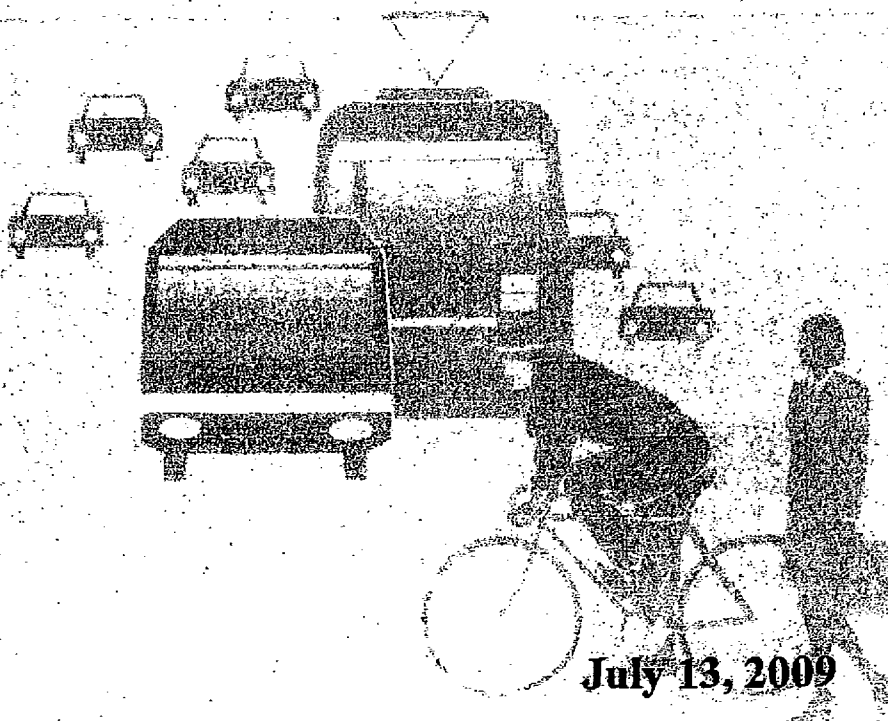
Notary Public for Oregon
My Commission Expires _____



Access Engineering LLC

Fire Mountain Gems Tax Lot 904 Zone Change Traffic Impact Analysis

Grants Pass, Oregon



July 13, 2009

EXHIBIT 6

**Fire Mountain Gems
Tax Lot 904 Zone Change
Traffic Impact Analysis**

Grants Pass, Oregon



Renews: 6/30/10

July 13, 2009

Fire Mountain Gems Tax Lot 904 Zone Change Traffic Impact Analysis

I. Executive Summary

This Traffic Impact Analysis is prepared for the proposed Zone Change request for the Fire Mountain Gems Properties Tax Lot 904 located on the west 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 purpose of this study is to address the requirements of the Transportation Planning Rule, OAR 660-012-0060 ("TPR") regarding plan amendments and zone changes and to address the City's criteria of approval for a comprehensive plan amendment and zoning change. The study compares the traffic impacts of the potential development under the Proposed BP Zoning to the development allowed under the Current I Zoning as well as the No-Build condition and recommends mitigation measures if necessary.

Tax Lot 904 is a 1.01 acre parcel. We have assumed the worst-case intensive development that would fit on this parcel under the current I zoning would be a 12,250 square foot automobile parts and service center. This development type would generate 55 PM peak hour trips of which 28% or 15 trips would be diverted from traffic already present on "F" Street. For the proposed BP zoning, a reasonable worst-case intensive development would be a 10,900 square foot pharmacy with out a drive-through window. This development type would generate 92 PM peak hour trips of which 50% or 46 trips would be diverted from traffic already present on "F" Street. The City's scope of work specified that the study area should include any intersection that would be impacted by 25 or more peak hour trips. The distribution of the remaining primary trips from the BP zoning development would impact only two intersections on "F" Street; Fire Mountain Way and Grants Pass Pkwy.

An intersection operational analysis was performed on the study area intersections for the no-build conditions in 2010. The analysis included traffic and mitigation measures assigned to the Home Depot and Main Place developments scheduled for completion in 2010. The results of the analysis indicate that the intersection of Grants Pass Pkwy. at "F" Street will not meet the ODOT mobility standard but will meet the City's mobility standard. Under TPR rules, when the existing conditions at the intersection do not meet the ODOT standard, then the operation of the intersection under the Proposed Zoning in the year of opening, 2010, and the planning horizon year, 2030, must be no worse than the operation under the Current Zoning. When the intersection was analyzed in both the year of opening and the horizon year, it was found that the traffic impacts under the proposed zoning were no worse than the impacts of the Current Zoning, and thus the TPR is satisfied. In the year of opening, all intersections in the study area met the City's mobility standard. We recommend that the zone change be approved with no mitigation required.

II. Development Proposal

A. Location and Vicinity Map

The Fire Mountain Gems site in Grants Pass, Oregon is a 1.01 acre parcel (tax lot 904 on Josephine Co. Tax Map 36 5 17D) located on Fire Mountain Way just south of "F" Street. The site is located in the Grants Pass area as shown on the vicinity map, Figure 1 in Appendix A.

B. Development Plan

The property is currently zoned Industrial (I) and the proposed zoning is Business Park (BP). The site is located on the west side of Fire Mountain Way approximately 200 feet south of "F" Street. The property is currently vacant. Surrounding the site to the south and west is Business Park zoning (Home Depot site), with General Commercial zoning to the north, and Industrial zoning (Fire Mountain Gems) to the east. The commercial properties abutting the site on north fronting "F" Street are also currently vacant under the ownership of Fire Mountain Gems.

This traffic impact analysis focuses solely on the zone change analysis for tax lot 904 comparing the worst-case developments under the proposed BP zoning with the current I zoning. The expected year of completion of the developments is 2010. For analysis purposes there will be a single access to the property on Fire Mountain Way approximately 250 feet south of "F" Street for both zoning scenarios (see Figure 2 in Appendix A).

C. Zone Change Study Area

The scope of the traffic study was determined by the City of Grants Pass (see Appendix E). The study area is to include the site access on Fire Mountain Way, the "F" Street @ Fire Mountain Way intersection and all other intersections impacted by 25 or more peak hour trips. The first step in the analysis will be to determine the trip generation of the worst-case developments for each zoning scenario, distribute those trips to the surrounding street system, and determine what intersections are impacted by 25 or more peak hour trips.

1. Industrial Zoning Development

For the current I zoning, the Grants Pass Development Code permits certain commercial services such as repair and maintenance services and eating/drinking establishments. The site is too large for most the most eating/drinking establishments, so a reasonable worst-case intense land use would be a automobile parts and service center. A 12,250 square foot auto parts and service center could be developed on the 1.01 acre parcel given the parking and setback requirements of the zone.

PM peak hour trips were generated for this use based on the Seventh Edition of the Institute of Transportation Engineers Trip Generation manual. The ITE land Use Code 943 - Auto Parts and Service was used. This type of commercial use will attract pass-by trips or diverted-linked trips from "F" Street. These are motorists that are already traveling on the thoroughfare and are attracted to the site. The Second Edition of the Trip Generation Handbook contains pass-by and diverted-linked trips for many land uses. The Handbook does not contain any studies for Auto Parts and Services but does contain three studies with an average 28% pass-by trips for Tire Stores (ITE Code 848) which is a similar automotive land use. Table 1 lists the peak hour trip generation for the site and the pass-by and primary trip split.

Table 1: Trip Generation I Zoning

ITE Code	Size	Units	PM Peak Hour			
			Rate	Trips	Enter	Exit
943 - Auto Parts & Service	12.25	1K SF GFA	4.46	55	23	32
Less Pass-By Trips			0.28	15	6	9
Primary Trips				40	17	23

2. Business Park Zoning Development

The Development Code permits a larger range of commercial land uses for the proposed BP zoning. Once again the site is too large for most the most eating/drinking establishments. The BP zoning allows retail trade where the current I zoning does not. For this size parcel a pharmacy without a drive-through window is a reasonable intense development. Based on parking and setback requirements a 10,900 square foot building could be built. The trip generation calculations are based on the Seventh Edition of the Institute of Transportation Engineers Trip Generation manual. Land Use Code 880 - Pharmacy without Drive-Through Window was used. Table 2 lists the potential trip generation for the site. For this use, 50% of the trips are assumed to be pass-by trips per the Trip Generation Handbook.

Table 2: Trip Generation BP Zoning

ITE Code	Size	Units	PM Peak Hour			
			Rate	Trips	Enter	Exit
880 - Pharmacy w/o Drive Through	10.9	1K SF GFA	8.42	92	46	46
Less Pass-By Trips			0.50	46	23	23
Primary Trips				46	23	23

3. Trip Distribution

The distribution of trips for both the current zoning and the proposed zoning will be the same as the trip distribution used in the Don Bradley Zone Change TIA for the Home Depot site south and west of this parcel with some minor changes. Since all access for tax lot 904 is on Fire Mountain Way, trips with origins and destinations to the south and southwest will be assigned to Grants Pass Pkwy. via "F" Street rather than to Mill Street as in the Don Bradley Zone Change TIA. Because of its location between Fire Mountain Gems site and the Home Depot site, we have assumed 10% of the trips will be to and from these sites using Fire Mountain Way exclusively. The remaining trips will enter and exit the street system at the "F" Street and Fire Mountain way intersection with 65% to and from the east and 25% to and from the west. Figure 3 in Appendix A shows the assignment of trips in the surrounding area. 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

The distribution of diverted-linked trips is based on the relative PM peak hour volumes (from the 2007 count data). Unlike the Home Depot site, the visibility of developments on tax lot 904 will not attract motorists from Grants Pass Pkwy, only from "F" Street.

<u>Arterial Street - direction</u>	<u>Volume</u>	<u>%</u>
"F" St. - westbound:	795	52%
"F" St. - eastbound:	725	48%

Figure 3 in Appendix A shows the diverted-linked trips at the "F" Street at Fire Mountain Way intersection.

III. Existing Conditions

A. Study Area Street System

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

Table 3: Existing Study Area Street Conditions

Street Segment	Classification	Posted Speed	Travel Lanes	Elke Lanes	On Street Parking	Sidewalks
Grants Pass Parkway (GPP) Agness to F F to M	ODOT Major Arterial	45	4	Yes	No	Yes No
"F" Street E to GPP - (two-way) GPP to south - (two-way)	City Major Arterial	35 25	2	Yes	No	Yes
Fire Mountain Way	Local Street	25	2	No	No	W. Side

* - Travel lanes shown are through lanes. See Figure 4 for lane configuration and traffic control at 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 5:00 PM running on 30-minute headways. Routes 10 and 10A run eastbound 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. Existing Traffic Volumes

The traffic counts taken for the Don Bradley Zone Change TIA at the two study area intersections are used in this analysis. Summary sheets for the peak hour traffic from those counts can be found in Appendix B.

1. Seasonal Factors

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. Since the traffic was counted

in January and February, a seasonal factor is applied to adjust the raw count data to DHV's. The ODOT Transportation Planning & Analysis Unit (TPAU) guidelines provide three methods for calculating the seasonal factor. Since there are no Automatic Traffic Recorder (ATR) stations on study area streets, the ATR Characteristic Table Method was consulted to find ATR's on roads with similar characteristics.

Grants Pass Parkway and Redwood Highway in the study area are 5-lane, statewide highways, located in a small urban area, with an ADT of 25,000 to 30,000, and exhibit a commuter seasonal trend. Filtering the ATR Characteristic Table reveals an ATR with similar characteristics: Oak Knoll ATR # 27-006 located on the Willamina-Salem Hwy., Ore 22. This ATR was used to calculate the seasonal factors for Grants Pass Pkwy (see Appendix B). The commuter seasonal trend, which is an average of all ATR's with a commuter type trend, is used to calculate the seasonal factors for City street approaches in urbanized cities. These seasonal factor calculations can also be found in Appendix B. In cases where a City street intersects a State highway, they have separate seasonal factors. Figure 4 in Appendix A presents the seasonally adjusted and balanced 2009 DHV's in the study area from the Don Bradley Properties TIA Addendum 2.

2. Growth Factors

Background traffic growth in the study area was estimated using the 2025 Highway Future Volume Table produced by ODOT for Grants Pass Parkway. Separate growth factors for the City streets in the study area were calculated from data in the Grants Pass Transportation System Plan. Both methods are consistent with the Don Bradley Zone Change TIA. Figure 4 in Appendix A presents the seasonally adjusted and balanced 2010 DHV's in the study area.

The approved Home Depot development on the Don Bradley property includes several mitigation measures, one of which is the addition of a right-turn lane on the westbound approach on "F" Street at Grants Pass Parkway. There is also another development, Main Place, located on Grants Pass Pkwy. at Terry Lane which will contribute traffic to the study area. Trips in the study area from these developments are found in Appendix B. Since the City's Scope of Work specifies that traffic generated by the Home Depot development and the Main Place development be included in the existing conditions, the mitigation measure for "F" Street at Grants Pass Parkway is required to be in place by that time. Figure 5 in Appendix A presents the 2010 DHV's in the study area including the Home Depot and Main Place trips.

D. Crash Data

Crash data were obtained from ODOT's Crash Analysis and Reporting Unit for the three-year period from 2005 through 2007. No crashes were reported during this time period on "F" Street between Grants Pass Pkwy. And "E" Street including the intersection with Fire Mountain Way.

Table 4 details the crashes at the intersection of Grants Pass Pkwy. And "F" Street by year and collision type.

Table 4: Study Area Crash Data

Collision Type					Severity	
	2005	2006	2007	Total	Injury	PDO
Rear-End	10	7	6	23	15	8
Turning	1	1	1	3	0	3
Angle	1	0	1	2	0	2
Total Collisions	12	8	8	28	15	13
ADT Entering	31330	33000	34650	98980		
Crash Rate*	1.05	0.66	0.63	0.78		

* - Crashes per million vehicles entering intersection.

By far the predominant collision was the rear-end collision accounting for 23 of the 28 crashes at the intersection. The predominant direction of the rear-end collisions was from the northwest to the southeast on the Parkway. There was only one rear-end collision reported on the approach from the northwest on "F" Street. This collision pattern is typical of signalized intersections, especially at congested locations.

For urban intersections, a crash rate of 1.0 or greater is considered an indicator that further investigations should be made. Rear-end collisions peaked in 2005 pushing the crash rate over 1.0, however, the frequency and rate of collisions has decreased in the following years. Other collision types have been infrequent and less severe.

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. For signalized intersections, the overall v/c or LOS is reported. For unsignalized intersections, the highest v/c or LOS on an approach that must Stop or yield is reported along with the corresponding movement.

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 mobility standard for City intersections is LOS D. Since all study area intersections are within Grants Pass, the City's mobility standard applies to all. For unsignalized intersections the LOS that must meet the standard is the approach LOS. 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 5. The existing signal timings for the signalized intersections are used. The City has recently added an exclusive pedestrian phase for crossing "F" Street at Fire Mountain Way. This phasing is included in all operational analyses of this intersection. Table 5 below displays the results of the analyses. The Synchro6 worksheets can be found in Appendix C.

Table 5: 2010 Design Hour LOS Analysis; Existing Conditions

Intersection	Control	Mobility Standard	V/C	Delay (Sec)	LOS
Grants Pass Pkwy. @ "F" St.	Signal/Free	0.70 / D	0.97	51.2	D
"F" Street @ Fire Mountain Way	Signal/Free	D	0.72	26.4	C

Table 5 shows that the Grants Pass Pkwy. At "F" Street intersection currently fails to meet the ODOT mobility standard. Both intersections meet the Grants Pass mobility standard.

C. Traffic Volumes & Operations - Year of Opening - 2010

By 2010 the site is assumed to be fully developed. Figure 6 in Appendix A shows the DHV at the study area intersections resulting from the adding the total site trips from each scenario to the background traffic levels shown in Figure 5. Table 6 below shows the results of the intersection analysis for 2010 comparing the Proposed Zoning traffic conditions to the Current Zoning and the No-Build traffic conditions. The peak hour factors and signal timings used in the year of opening analysis are the same as in the existing conditions. For those intersections currently running free, the signal operations (actuated cycle lengths and splits) were optimized for the new traffic conditions but limited to a maximum actuated cycle length of 120 seconds. The Synchro Reports are contained in Appendix C. Intersection v/c and LOS results that exceed the mobility standards are shown in bold type.

Table 6: Year of Opening - 2010 Design Hour Operational Analysis Comparison

Intersection Critical/Unsignalized Movement	Mob. Std.	Existing No-Build			Current Zoning			Proposed Zoning		
		V/C	Delay (Sec)	LOS	V/C	Delay (Sec)	LOS	V/C	Delay (Sec)	LOS
Grants Pass Pkwy. @ "F" St.	0.70 / D	0.97	51.2	D	0.98	52.4	D	0.98	52.8	D
"F" Street @ Fire Mountain Way	D	0.74	26.4	C	0.75	27.5	C	0.76	28.0	C
Site Access @ Fire Mountain Way Eastbound Movements	D	N/A			0.06	10.5	B	0.09	10.9	B

The results of the operational analysis for the year of opening, 2010, show that the Grants Pass Pkwy. at "F" Street intersection will not meet the ODOT mobility standard under either zoning 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 Zoning must be no worse than the operation under the Current Zoning. In this case the v/c ratios are equal and the TPR rule is satisfied. No mitigation is required.

D. Queuing Analysis - Year of Opening - 2010

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 7 below shows the results of the simulations. For left- and right-turn pockets, two available lane storage figures are shown; the first number is the distance of the turn-lane stripe, the second number is measured from the Stop line to the back of the usable lane. This is usually slightly longer than the lane stripe. 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, or a major driveway. Where the projected queues exceed the available storage length, they are shown in bold type. The SimTraffic Reports can be found in Appendix C.

Table 7: Year of Opening - 2010 Queuing Analysis; Current Zoning vs. Proposed Zoning

Intersection Movement	Lane Storage (ft)	Existing No-Build	95% Queue Current Zoning	Proposed Zoning
Grants Pass Pkwy @ "F" Street				
Northbound Left turn	150*	225	200	200
Northbound Thru + Right	1000	350	325	350
Southbound Left turn	700	425	375	350
Southbound Left + Thru	700	450	400	375
Southbound Right turn	400	200	175	150
Eastbound Left turn	215	300	300	300
Eastbound Thru + Right	3100	500	550	800
Westbound Left turn	160	75	75	75
Westbound Thru	560	800	800	750
Westbound Right turn	350	525	500	425
"F" Street @ Fire Mountain Way				
Northbound Left turn	165	75	75	75
Northbound Thru + Right	300	100	100	100
Southbound Left turn	150	150	150	150
Southbound Left + Thru	175	100	100	100
Eastbound Left turn	250	150	150	175
Eastbound Thru	1150	175	175	175
Westbound Left turn	300	100	125	125
Westbound Thru	725	275	250	250

* - 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 under both zoning scenarios and the existing No-Build conditions. The Grants Pass Pkwy. at Beacon Drive intersection will regulate the westbound queues at the "F" Street intersection under both scenarios. There are no queuing problems at the "F" Street at Fire Mountain Way 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 on the arterial streets were increased by the growth factors calculated in the Don Bradley Properties TIA (see Appendix B) and is shown as the No-Build traffic on Figure 7. No increase in traffic was assumed on the shopping center approaches to and from "F" Street since that site was fully developed at the time the traffic counts were taken in 2007. For the No-Build condition, traffic on Fire Mountain Way was not increased, however for the Build zoning scenarios, the traffic levels on Fire Mountain Way were increased by the difference in the trips assumed for the full development of the vacant Fire Mountain Gems properties determined in the May 19, 2009 "Reserve Capacity at Grants Pass Pkwy. @ "F" Street for Fire Mountain Gems" (see Appendix D for this report) and the trips calculated for the proposed re-zone of Tax Lot 904. Table 8 shows the results of the intersection operational analysis. The Synchro reports are found in Appendix C.

Table 8: Horizon Year- 2030 Design Hour Operational Analysis Comparison

Intersection Critical Signalized Movement	Mob Std	No-Build			Current Zoning			Proposed Zoning		
		v/c	Delay (Sec)	LOS	v/c	Delay (Sec)	LOS	v/c	Delay (Sec)	LOS
Grants Pass Pkwy. @ "F" St.	0.70 / D	1.29	119.7	F	1.30	123.0	F	1.30	123.4	F
"F" Street @ Fire Mountain Way	D	0.82	28.8	C	0.82	31.6	C	0.82	32.2	C
Site Access @ Fire Mountain Way Eastbound Movements	D	N/A			0.10	10.9	B	0.13	11.2	B

Once again 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 zoning scenario. However, since the existing No-Build conditions at the intersection do not meet the ODOT standard and the v/c ratios are equal for both zoning scenarios, the TPR is satisfied and no mitigation is required. The LOS on the Fire Mountain Way intersections are both above the City's mobility standard.

G. Queuing Analysis - Future 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 9 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 C.

Table 9: Year of Opening - 2030 Queuing Analysis; Current Zoning vs. Proposed Zoning

Intersection Movement	Lane Storage (Feet)	95% Queue		
		No-Build	Current Zoning	Proposed Zoning
Grants Pass Pkwy @ "F" Street				
Northbound Left turn	150*	225	200	225
Northbound Thru + Right	1000	1325	1250	1275
Southbound Left turn	700	825	875	900
Southbound Left +Thru	700	800	850	875
Southbound Right turn	400	550	500	500
Eastbound Left turn	215	275	250	250
Eastbound Thru + Right	3100	1050	1100	1075
Westbound Left turn	160	100	75	75
Westbound Thru	560	775	750	775
Westbound Right turn	350	550	525	525
"F" Street @ Fire Mountain Way				
Northbound Left turn	165	125	125	125
Northbound Thru + Right	300	225	200	225
Southbound Left turn	150	150	175	150
Southbound Left +Thru	175	150	125	125
Eastbound Left turn	250	175	175	175
Eastbound Thru	1150	175	175	175
Westbound Left turn	300	100	150	125
Westbound Thru	725	275	275	275

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

By 2030, most of the approaches to Grants Pass Pkwy. at "F" Street will experience long queues that exceed the currently available storage under both zoning scenarios. As in 2010, the results show that the Proposed Zoning queues will be very similar to those of the Current Zoning and the No-Build conditions. Again the differences are small (one or two car lengths) and result from the randomness of the simulation which reflects real life conditions.

V. Conclusions and Recommendations

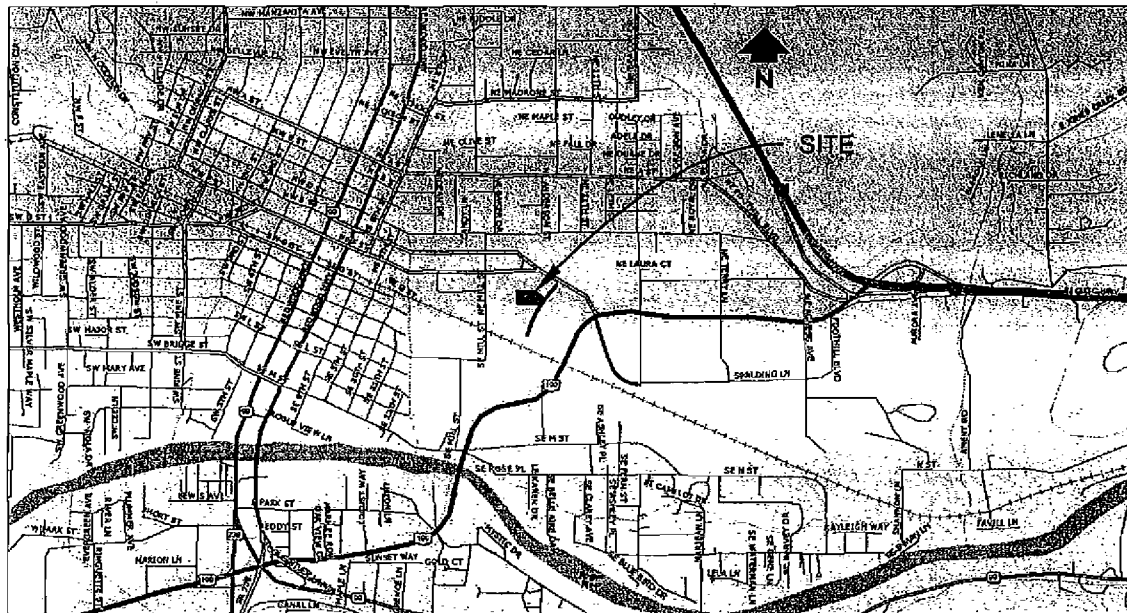
An examination of the Grants Pass Development Code finds that the proposed BP zoning could allow a retail trade type development on the site as a reasonable worst-case traffic generator and a commercial repair/maintenance development as a reasonable worst-case traffic generator for the current I zoning. The trips generated by a Pharmacy, selected for the proposed BP zoning, would be greater than the trips generated by an Automobile Parts and Repair Center selected for the current I zoning. However, the analysis of the traffic impacts of both zoning scenarios found that they produced essentially the same mobility levels at the intersections in the study area.

All study area intersections meet the City's mobility standard (LOS D) in the year of opening, 2010. 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 scenario than under the current I zoning scenario in both the year of opening and the planning horizon year which satisfies the Transportation Planning Rule. Based on this analysis, no mitigation is required as a result of the proposed zone change.

Appendix A

Figures

Figure 1
F.M.G. TL 904 Zone Change Traffic Impact Study
Vicinity Map





Access Engineering

Figure 3

F.M.G. TL 904 Zone Change Traffic Impact Study
Trip Distribution and Assignment

XX - Current Zoning
 (XX) - Proposed BP Zoning

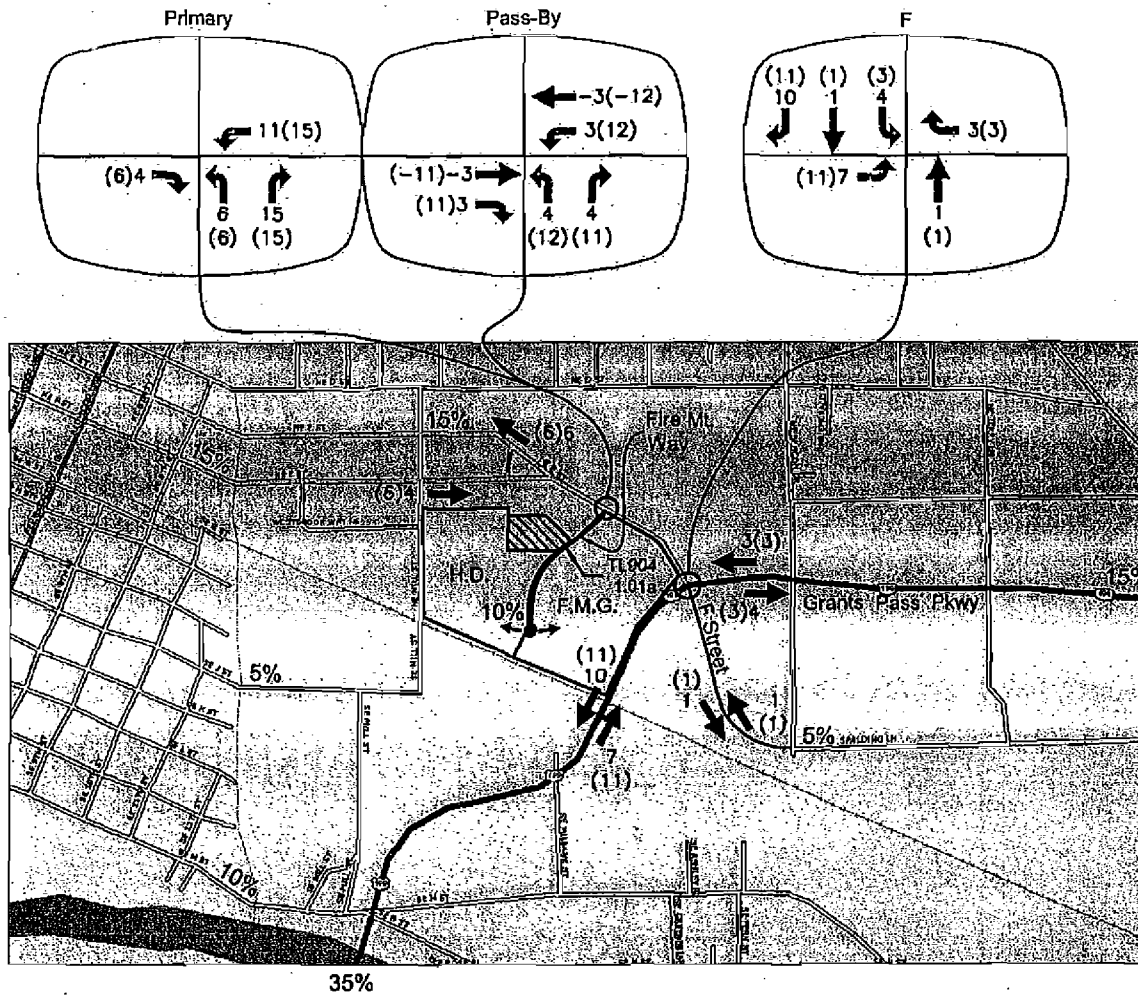


Figure 4

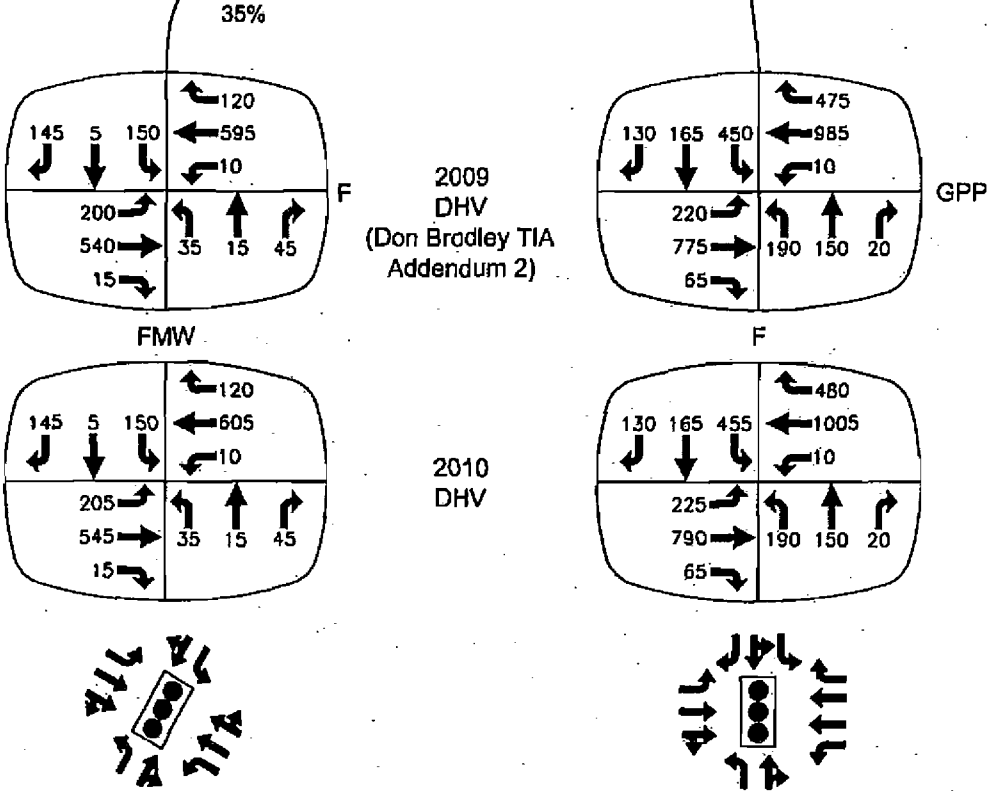
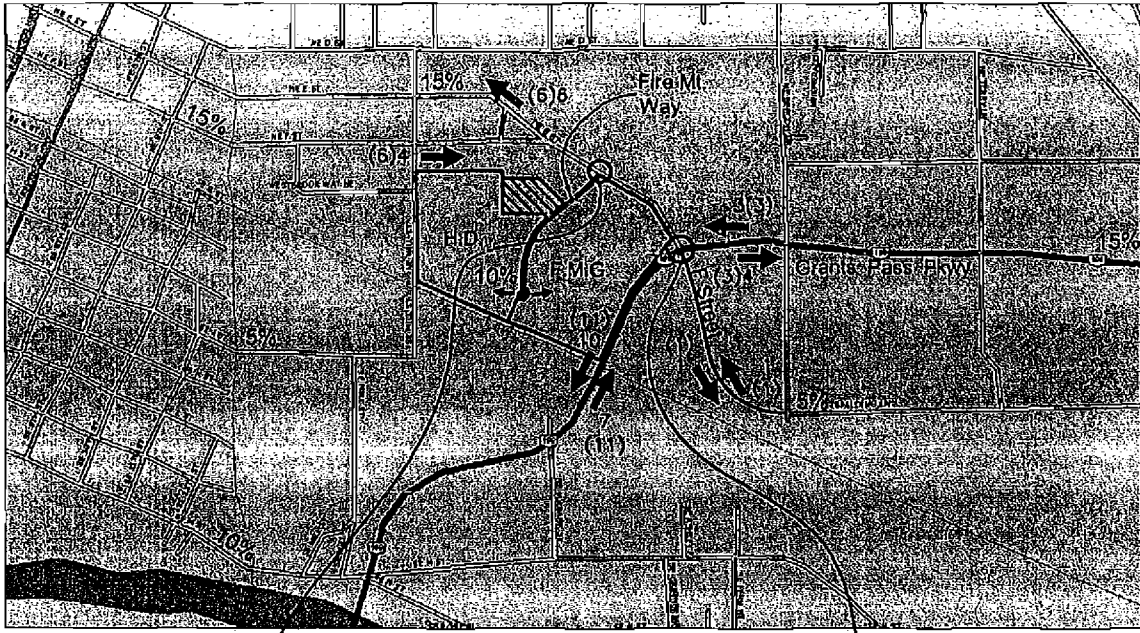


Figure 5

F.M.G. TL 904 Zone Change Traffic Impact Study
Existing Conditions 2010 DHV
Incl. Home Depot + Main Place

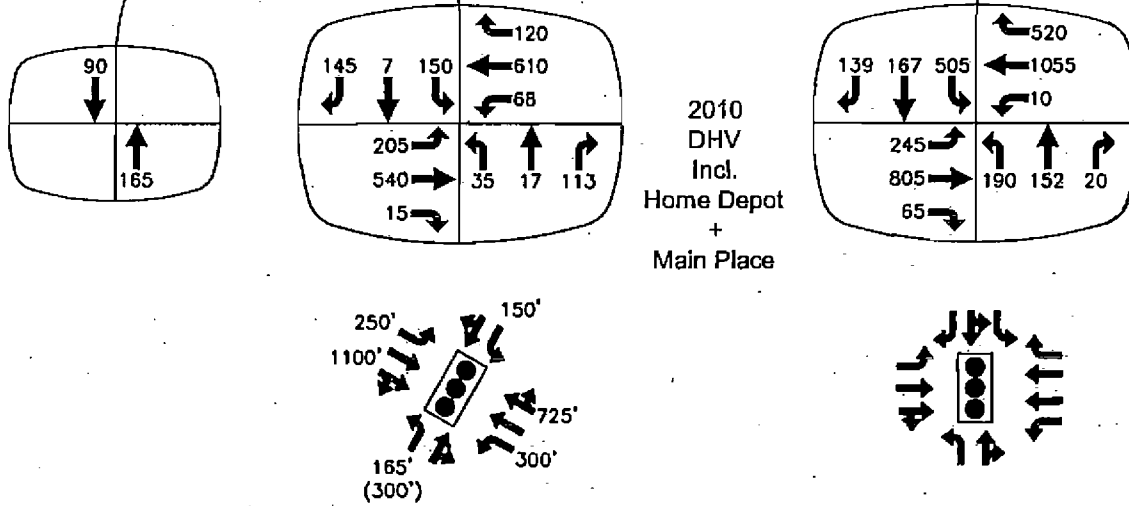
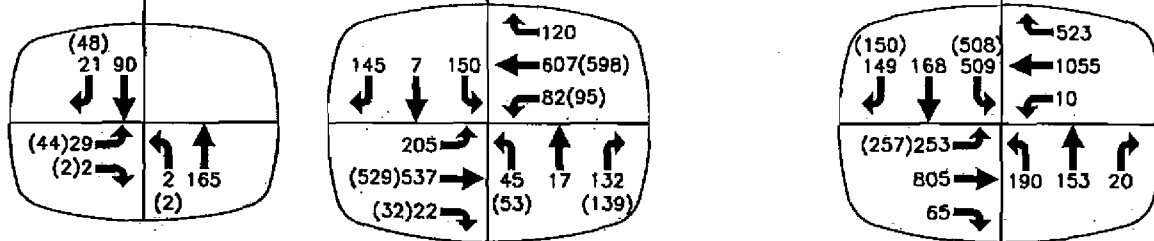


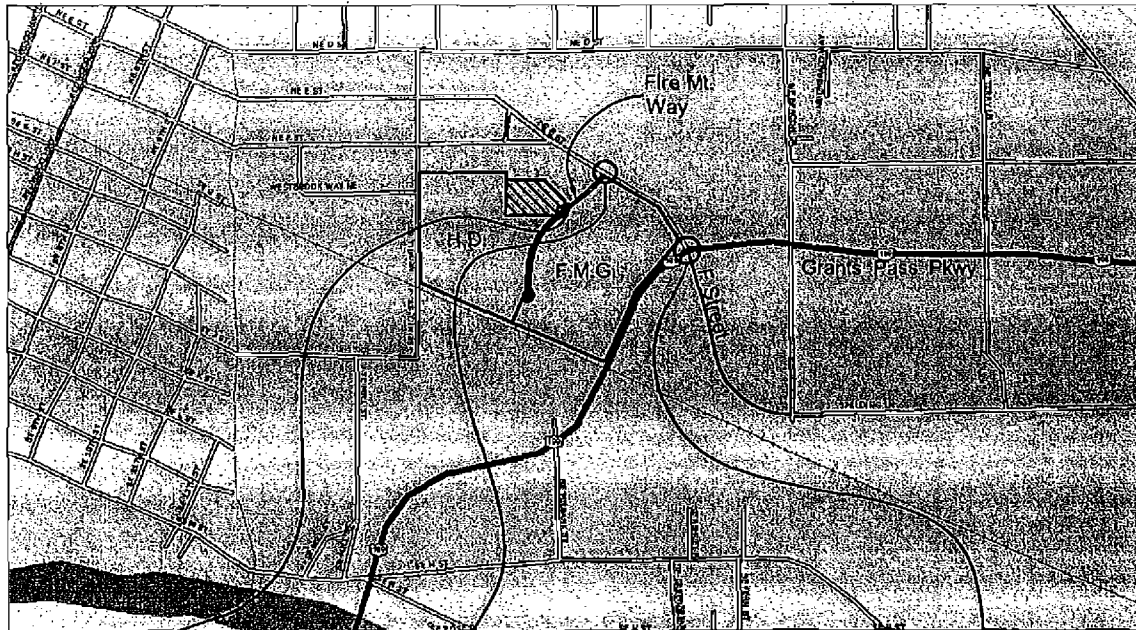
Figure 6

F.M.G. TL 904 Zone Change Traffic Impact Study
2010 DHV
Current + Proposed Zoning Trips

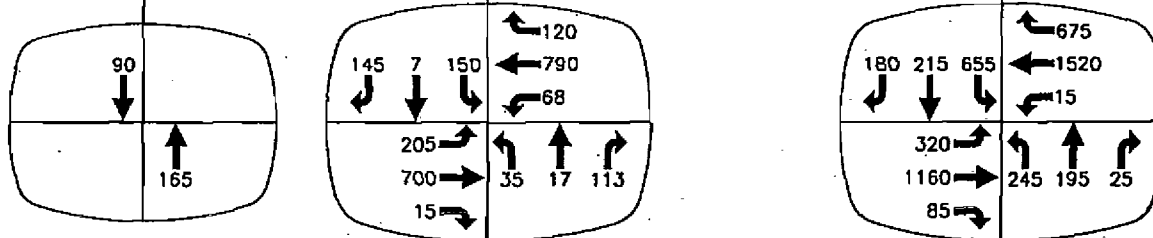


XX - Current Zoning
 (XX) - Proposed BP Zoning (where different)

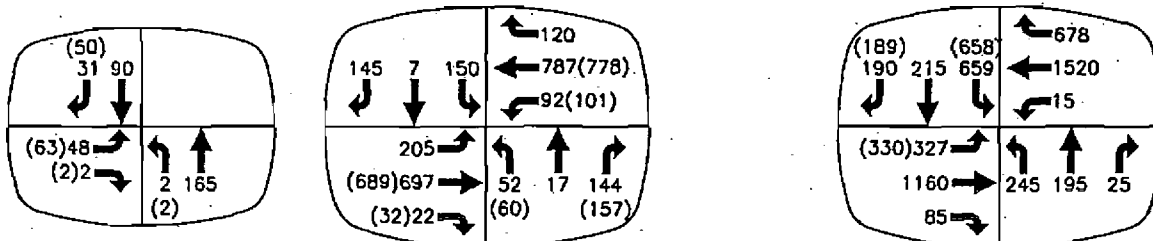
Figure 7
F.M.G. TL 904 Zone Change Traffic Impact Study
2030 DHV
No Build, Current and Proposed Zoning Trips



No Build Traffic Levels



Current and Proposed Zoning Traffic Levels



xx - Current | Zoning
 (xx) - Proposed BP Zoning (where different)

Appendix B

Traffic Data

80-98-1-97

16:00-17:00

	Trucks & Buses	%HV	PME	Seasonal Adjustment	30th Highest Hour
1	25	2%	1,078	61	
4	4	2%	1,078	208	
6	6	2%	1,078	388	
28	28	3%	1,086	927	
0	0	0%	1,078	6	
0	0	0%	1,078	14	
2	2	1%	1,078	147	
3	3	2%	1,078	181	
2	2	2%	1,078	120	
2	2	1%	1,078	157	
7	7	2%	1,078	433	
81	81	3%		3,395	

Peak Hour Traffic Count Summary

Timber Products Zone Change TIA

Counted by TraiStats

NE Mill Street at "E" Street

10-Jan-07

15:00-16:00			Eastbound			Westbound			Northbound			Southbound			Totals
			Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
Automobiles			0	0	0	18	634	66	0	79	69	42	49	0	967
Commercial Vehicles			0	0	0	0	10	4	0	7	4	1	4	0	30
Buses			0	0	0	0	0	0	0	0	0	0	0	0	0
Motorcycles			0	0	0	0	0	0	0	0	0	0	0	0	0
T r u c k s	Single Unit	2 Axle 6 Tire	0	0	0	0	2	2	0	2	2	0	2	0	10
		3 Axle	0	0	0	0	1	0	0	0	0	0	0	0	1
		4 Axle +	0	0	0	0	0	0	0	0	0	0	0	0	0
	Single Trailer	4 Axle -	0	0	0	0	4	1	0	0	1	1	0	0	7
		5 Axle	0	0	0	0	1	0	0	0	0	0	1	0	2
		6 Axle +	0	0	0	0	0	0	0	0	0	0	0	0	0
	Multi Trailer	5 Axle -	0	0	0	0	0	0	0	0	0	0	0	0	0
		6 Axle	0	0	0	0	0	0	0	0	0	0	0	0	0
		7 Axle +	0	0	0	0	0	0	0	0	0	0	0	0	0
		Totals	0	0	0	18	652	73	0	88	76	44	56	0	1007
Trucks & Buses			0	0	0	0	8	3	0	2	3	1	3	0	20
%HV						0%	1%	4%		2%	4%	2%	5%		2%
PHF							90%			80%		76%			

NE Mill Street at "F" Street

10-Jan-07

15:00-16:00			Eastbound			Westbound			Northbound			Southbound			Totals
			Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
Automobiles			45	541	86	0	0	0	48	62	0	0	85	21	888
Commercial Vehicles			3	9	7	0	0	0	2	4	0	0	6	2	33
Buses			0	0	0	0	0	0	0	0	0	0	0	0	0
Motorcycles			0	0	0	0	0	0	0	0	0	0	0	0	0
T r u c k s	Single Unit	2 Axle 6 Tire	1	4	4	0	0	0	1	2	0	0	4	0	16
		3 Axle	1	0	0	0	0	0	1	0	0	0	0	0	2
		4 Axle +	0	0	0	0	0	0	0	0	0	0	0	0	0
	Single Trailer	4 Axle -	1	1	1	0	0	0	5	0	0	0	0	0	8
		5 Axle	0	3	0	0	0	0	0	0	0	0	0	1	4
		6 Axle +	0	0	0	0	0	0	0	0	0	0	0	0	0
		5 Axle -	0	0	0	0	0	0	2	0	0	0	0	0	2
	Multi Trailer	6 Axle	0	0	0	0	0	0	0	0	0	0	0	0	0
		7 Axle +	0	0	0	0	0	0	0	0	0	0	0	0	0
		Totals	51	558	98	0	0	0	59	68	0	0	95	24	953
Trucks & Buses			3	8	5	0	0	0	9	2	0	0	4	1	32
%HV			6%	1%	5%				15%	3%			4%	4%	3%
PHF				94%						78%			74%		

"F" Street @ Fire Mountain Way

18-Jan-07

15:30-16:30			Eastbound			Westbound			Northbound			Southbound			Totals
			Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
Automobiles			15	449	173	100	586	11	32	14	40	122	2	128	1672
Commercial Vehicles			0	8	1	0	8	0	0	0	0	1	0	0	18
Buses			0	1	0	0	0	0	0	0	0	0	0	0	1
Motorcycles			0	0	0	0	0	0	0	0	0	0	0	0	0
T r u c k s	Single Unit	2 Axle 6 Tire	0	5	0	0	4	0	2	0	0	0	1	2	14
		3 Axle	0	0	0	0	0	0	0	0	0	0	0	0	0
		4 Axle +	0	0	0	0	0	0	0	0	0	0	0	0	0
		4 Axle -	0	2	0	0	3	0	0	0	0	0	0	0	5
	Single Trailer	5 Axle	0	2	0	0	0	0	0	0	0	0	0	0	2
		6 Axle +	0	0	0	0	0	0	0	0	0	0	0	0	0
		5 Axle -	0	0	0	0	0	0	0	0	0	0	0	0	0
	Multi Trailer	6 Axle	0	0	0	0	0	0	0	0	0	0	0	0	0
		7 Axle +	0	1	0	0	0	0	0	0	0	0	0	0	1
	Totals			15	468	174	100	601	11	34	14	40	123	3	130
Trucks & Buses			0	11	0	0	7	0	2	0	0	0	1	2	23
%HV			0%	2%	0%	0%	1%	0%	6%	0%	0%	0%	33%	2%	1%
PHF				97%			91%			61%			80%		

TL 904 Zone Change

06/08/09

from: Timber Products Zone Change

02/29/08

Seasonal Factor Calculations by Approach

ATR Characteristic Table Method		ATR: Oak Knoll 27-006					Seasonal
Approach @ Intersection	Peak Month	2006	2002	2003	2004	2005	AVE Factor
Grants Pass Pkwy. @ "F" & "M" Sts.	July/Aug	107	110	107	107	108.00	
	Feb. 28	101	99	101	101	100.33	0.000

Seasonal Trend Table 2007		Commuter				
Approach @ Intersection	Count Date	Feb 15	Mar 1	Count date	Peak	Factor
F St. @ Grants Pass Pkwy.	Feb. 28	0.9860	0.9787	0.9792	0.9087	1.078

Growth Rate Calculations ODOT Facilities

US 199 - Grants Pass Pkwy (Hwy. 25 Spur)

Location	M.P.	2003	2025	RSQ	22 Year Factor	Annual Rate
0.02 mile west of Parkdale Drive	Y -0.05	20100	30100	MODEL	1.498	2.28%
0.02 mile east of Parkdale Drive	Y -0.01	29400	41300	MODEL	1.405	1.84%
0.02 mile north of M Street	Y 0.26	28800	40600	MODEL	1.410	1.88%
0.04 mile east of Terry Lane	Y 1.28	20300	28500	MODEL	1.404	1.84%
0.10 east of Foothill Blvd.	Y 1.54	24200	34200	MODEL	1.413	1.88%
Average Growth Rate =		1.86%				
Annual Growth Factor		1.0185				
Years		1 20				
Growth Factor		1.019 1.443				

Source: 2025 Future Volumes Table ODOT Transportation Planning & Analysis Unit

Growth Rate Calculations City Facilities

E" Street

Location	2007	2015	8 Year Factor	Annual Rate
7th - 9th	8100	8950	1.105	1.31%
9th - Mill	8750	8950	1.023	0.29%
Mill - "F"	15450	12050	0.780	-2.75%

F" Street

Location	2007	2015	8 Year Factor	Annual Rate
7th - 9th	6550	7815	1.193	2.41%
9th - Mill	8050	7915	0.983	-0.21%
Mill - "F"	7400	8949	1.209	2.62%

M" Street

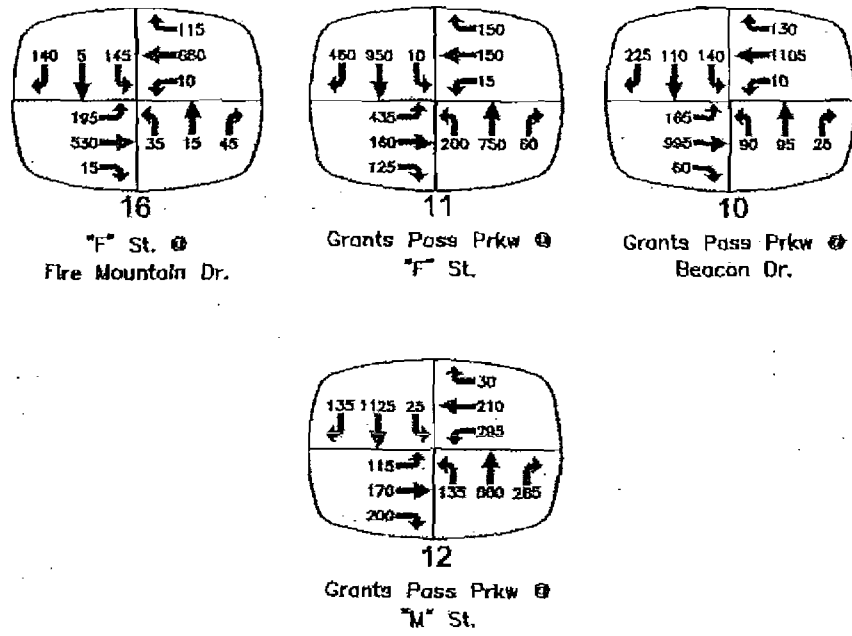
Location	2007	2015	8 Year Factor	Annual Rate
6th - 7th	11050	11441	1.035	0.44%
7th - 9th	9550	8940	0.936	-0.60%
12th - "N"	10400	11456	1.102	1.27%

Average Growth Rate =		1.31%		non-negative results	
Annual Growth Factor		1.0131		1.0131	
Years		1		20	
Growth Factor		1.013		1.297	

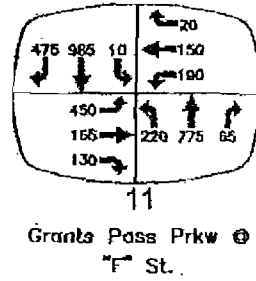
2007 volumes are from the seasonally adjusted & balanced peak hour count data X 10
2015 volumes are from the Grants Pass Transportation System Plan.

Figure 1
Timber Products Zone Change Traffic Impact Study
Addendum 2

2007 Balanced DHV's

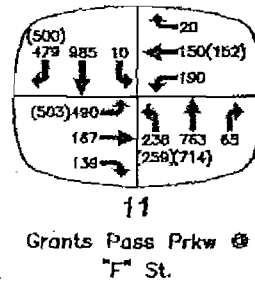


2009 NoBuild DHV

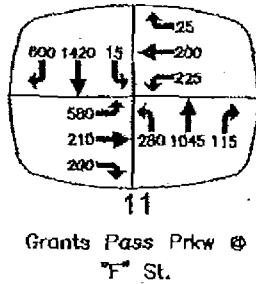


xxx - Current Zoning
 (xxx) - Proposed Zoning

2009 Build DHV

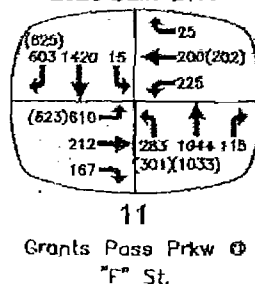


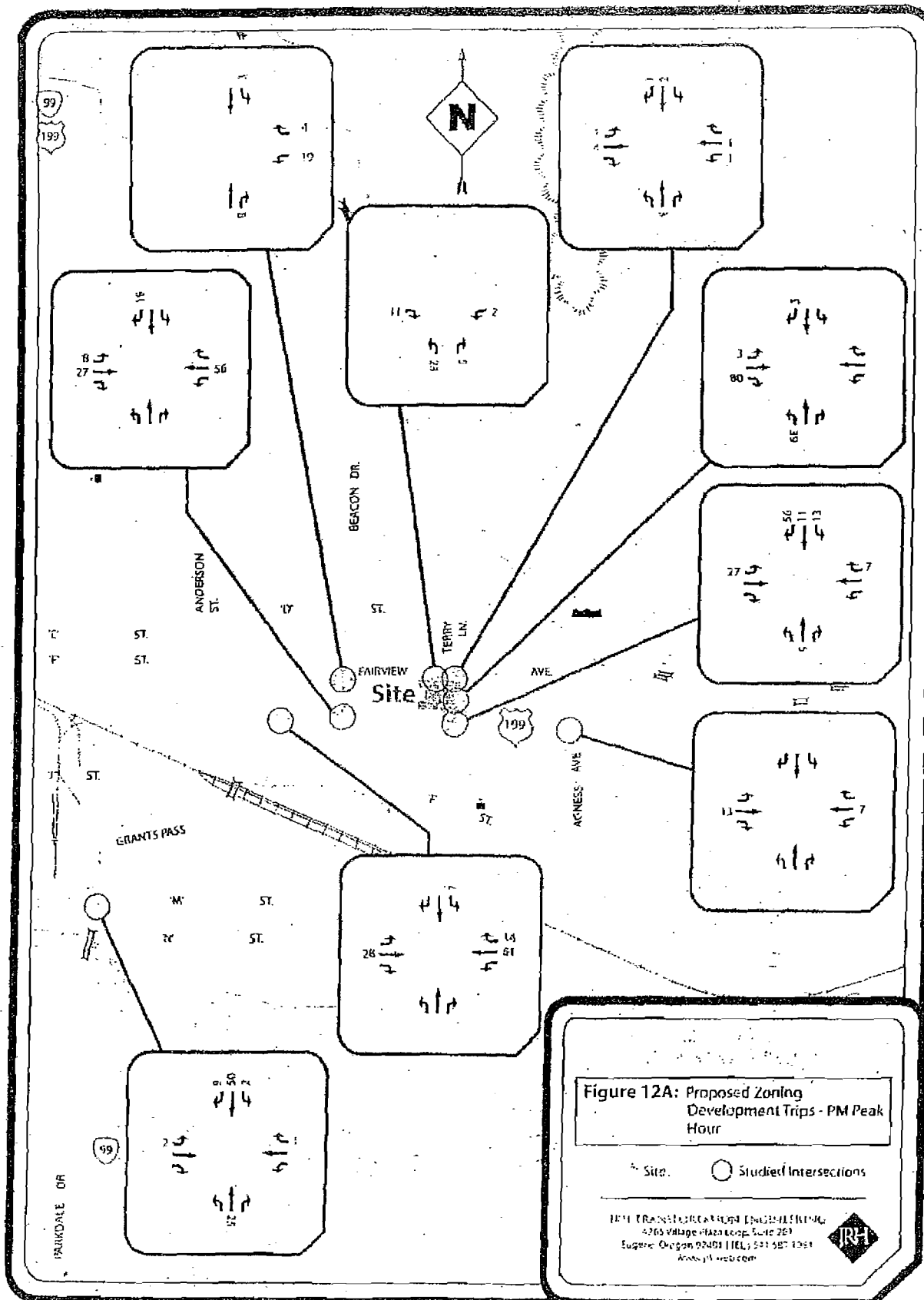
2029 NoBuild DHV



xxx - Current Zoning
 (xxx) - Proposed Zoning

2029 Build DHV





Appendix C

Synchro6 & SimTraffic Reports

1 F Street & Fire Mountain Way
Lanes, Volumes, Timings

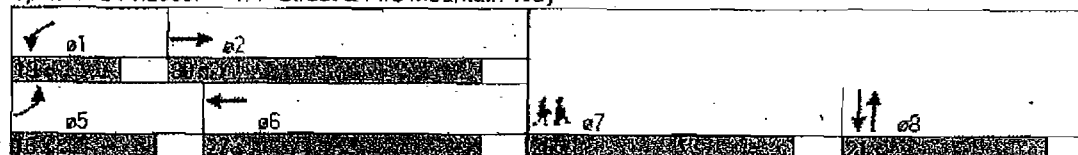
Fire Mountain Gems TL 904 Zone Change
2010 DHI w/ Mitigation

	SB	EB	WB	WB	WB	NB	NB	NB	SB	SB	SB
Lane Group	SB	EB	WB	WB	WB	NB	NB	NB	SB	SB	SB
Lane Configurations	↖	↖	↖	↖	↖	↖	↖	↖	↖	↖	↖
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Storage Length (ft)	220		0	275		0	160		0	100	0
Storage Lanes	1		0	1		0	1		0	1	0
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Leading Detector (ft)	80	160		80	160		80	80		80	80
Trailing Detector (ft)	5	80		5	80		5	5		5	5
Turning Speed (mph)	20		15	20		15	15		15	20	9
Right Turn on Red			Yes			Yes			Yes		Yes
Link Speed (mph)		30			30			25			25
Link Distance (ft)		293			788			388			158
Travel Time (s)		6.7			17.9			10.6			4.3
Volume (vph)	205	540	15	68	610	120	35	17	113	150	7
Peak Hour Factor	0.97	0.97	0.97	0.95	0.95	0.95	0.85	0.85	0.85	0.85	0.85
Heavy Vehicles (%)	0%	2%	0%	0%	1%	0%	6%	0%	0%	2%	33%
Turn Type	Prot			Prot			Perm			Perm	
Protected Phases	5	2		1	6			8			8
Permitted Phases							8			8	
Detector Phases	5	2		1	6		8	8		8	8
Minimum Initial (s)	4.0	8.0		4.0	8.0		6.0	6.0		6.0	6.0
Minimum Split (s)	8.0	26.0		8.0	26.0		10.0	10.0		10.0	10.0
Total Split (s)	16.0	30.0	0.0	13.0	27.0	0.0	21.0	21.0	0.0	21.0	21.0
Total Split (%)	17.8%	33.3%	0.0%	14.4%	30.0%	0.0%	23.3%	23.3%	0.0%	23.3%	23.3%
Maximum Green (s)	12.0	26.0		9.0	23.0		17.0	17.0		17.0	17.0
Yellow Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0
All-Red Time (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0
Lead/Lag	Lead	Lag		Lead	Lag		Lag	Lag		Lag	Lag
Lead-Lag Optimize?											
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0
Recall Mode	None	Min		None	Min		None	None		None	None
Walk Time (s)		7.0			7.0						
Flash Dont Walk (s)		10.0			10.0						
Pedestrian Calls (#/hr)		0			0						

Intersection Summary

Area Type: Other
Cycle Length: 90
Actuated Cycle Length: 68.8
Natural Cycle: 90
Control Type: Actuated-Uncoordinated

Splits and Phases: 1: F Street & Fire Mountain Way



1: F Street & Fire Mountain Way
Lanes, Volumes, Timings

Fire Mountain Gems TL 904 Zone Change
2010 DHV w/ Mitigation

Lane Group	
Lane Configurations	
Ideal Flow (vphpl)	
Storage Length (ft)	
Storage Lanes	
Total Lost Time (s)	
Leading Detector (ft)	
Trailing Detector (ft)	
Turning Speed (mph)	
Right Turn on Red	
Link Speed (mph)	
Link Distance (ft)	
Travel Time (s)	
Volume (vph)	
Peak Hour Factor	
Heavy Vehicles (%)	
Turn Type	
Protected Phases	7
Permitted Phases	
Detector Phases	
Minimum Initial (s)	4.0
Minimum Split (s)	26.0
Total Split (s)	26.0
Total Split (%)	29%
Maximum Green (s)	22.0
Yellow Time (s)	4.0
All-Red Time (s)	0.0
Lead/Lag	Lead
Lead-Lag Optimize?	
Vehicle Extension (s)	3.0
Recall Mode	None
Walk Time (s)	7.0
Flash Dont Walk (s)	15.0
Pedestrian Calls (#/hr)	25
Intersection Summary	

2: Grants Pass Prkw & F St
Lanes, Volumes, Timings

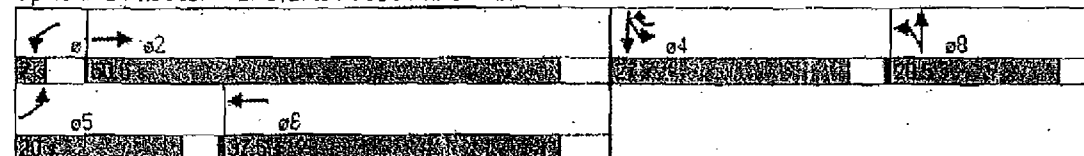
Fire Mountain Gems TL 904 Zone Change
2010 DHV w/ Mitigation

Lane Group	EBL	EBT	EBF	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↔	↔	↔	↔	↔	↔	↔	↔	↔	↔	↔	↔
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Storage Length (ft)	215		0	160		350	150		0	0		400
Storage Lanes	1		0	1		1	1		0	0		1
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Leading Detector (ft)	80	320		80	320	160	80	80		80	80	50
Trailing Detector (ft)	5	160		5	160	80	5	5		5	5	0
Turning Speed (mph)	20		15	20		15	20		15	20		15
Right Turn on Red			Yes			Yes			Yes			Yes
Link Speed (mph)		45			45			30			30	
Link Distance (ft)		951			702			1146			788	
Travel Time (s)		14.4			10.6			28.0			17.9	
Volume (vph)	246	805	65	10	1055	520	190	152	20	505	167	139
Peak Hour Factor	0.91	0.91	0.91	0.98	0.98	0.98	0.90	0.90	0.90	0.98	0.98	0.98
Heavy Vehicles (%)	2%	4%	2%	0%	3%	2%	2%	1%	0%	2%	1%	2%
Turn Type	Prot			Prot		pm+ov	Split			Split		Perm
Protected Phases	5	2		1	6	4	8	8		4	4	
Permitted Phases						8						4
Detector Phases	5	2		1	6	4	8	8		4	4	4
Minimum Initial (s)	5.0	10.0		3.0	10.0	5.0	3.0	3.0		5.0	5.0	5.0
Minimum Split (s)	20.0	29.0		7.0	35.0	27.0	20.5	20.5		27.0	27.0	27.0
Total Split (s)	20.0	50.5	0.0	7.0	37.5	27.0	20.5	20.5	0.0	27.0	27.0	27.0
Total Split (%)	19.0%	48.1%	0.0%	6.7%	35.7%	25.7%	19.5%	19.5%	0.0%	25.7%	25.7%	25.7%
Maximum Green (s)	16.0	45.5		3.0	32.5	23.0	16.5	16.5		23.0	23.0	23.0
Yellow Time (s)	3.5	5.0		3.5	5.0	3.5	3.5	3.5		3.5	3.5	3.5
All-Red Time (s)	0.5	0.0		0.5	0.0	0.5	0.5	0.5		0.5	0.5	0.5
Lead/Lag	Lead	Lag		Lead	Lag							
Lead-Lag Optimize?												
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Recall Mode	None	Min		None	Min	None	None	None		None	None	None
Walk Time (s)		7.0			5.0	5.0				5.0	5.0	5.0
Flash Dont Walk (s)		17.0			25.0	18.0				18.0	18.0	18.0
Pedestrian Calls (#/hr)		0			0	0				0	0	0

Intersection Summary

Area Type: Other
Cycle Length: 105
Actuated Cycle Length: 104.1
Natural Cycle: 105
Control Type: Actuated-Uncoordinated

Splits and Phases: 2: Grants Pass Prkw & F St



1: F Street & Fire Mountain Way
HCM Signalized Intersection Capacity Analysis

Fire Mountain Gems TL 904 Zone Change
2010 DHV w/ Mitigation

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↰	↰	↰	↰	↰	↰	↰	↰	↰	↰	↰	↰
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	0.95		1.00	0.95		1.00	1.00		1.00	1.00	
Frt	1.00	1.00		1.00	0.98		1.00	0.87		1.00	0.86	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1710	3341		1710	3308		1613	1565		1676	1520	
Flt Permitted	0.95	1.00		0.95	1.00		0.56	1.00		0.61	1.00	
Satd. Flow (perm)	1710	3341		1710	3308		957	1565		1085	1520	
Volume (vph)	205	540	15	68	610	120	35	17	113	150	7	145
Peak-hour factor, PHF	0.97	0.97	0.97	0.95	0.95	0.95	0.85	0.85	0.85	0.85	0.85	0.85
Adj. Flow (vph)	211	557	15	72	642	126	41	20	133	178	8	171
RTOR Reduction (vph)	0	2	0	0	17	0	0	102	0	0	131	0
Lane Group Flow (vph)	211	570	0	72	751	0	41	51	0	176	48	0
Heavy Vehicles (%)	0%	2%	0%	0%	1%	0%	6%	0%	0%	2%	33%	0%
Turn Type	Prot			Prot			Perm			Perm		
Protected Phases	5	2		1	6			8			8	
Permitted Phases							6			8		
Actuated Green, G (s)	12.1	28.5		4.5	20.9		17.2	17.2		17.2	17.2	
Effective Green, g (s)	12.1	28.5		4.5	20.9		17.2	17.2		17.2	17.2	
Actuated g/C Ratio	0.17	0.39		0.06	0.29		0.24	0.24		0.24	0.24	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	284	1306		106	948		226	369		256	359	
v/s Ratio Prot	0.12	0.17		0.04	0.23			0.03			0.03	
v/s Ratio Perm							0.04			0.16		
v/c Ratio	0.74	0.44		0.68	0.79		0.18	0.14		0.69	0.13	
Uniform Delay, d1	28.9	16.3		33.5	24.0		22.2	22.0		25.4	22.0	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	10.0	0.2		15.9	4.6		0.4	0.2		7.5	0.2	
Delay (s)	39.0	16.5		49.4	28.6		22.6	22.2		32.9	22.1	
Level of Service	D	B		D	C		C	C		C	C	
Approach Delay (s)		22.6			30.4			22.3			27.5	
Approach LOS		C			C			C			C	
Intersection Summary												
HCM Average Control Delay		28.4					HCM Level of Service			C		
HCM Volume to Capacity ratio		0.74										
Actuated Cycle Length (s)		72.9					Sum of lost time (s)		22.7			
Intersection Capacity Utilization		64.2%					ICU Level of Service		C			
Analysis Period (min)		15										
c Critical Lane Group												

Fire Mountain Gems TL 904 Zone Change

HCM Signalized Intersection Capacity Analysis

2010 DHV w/ Mitigation

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖	↑↑		↖	↑↑	↗	↖	↑		↖	↑	↗
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0
Lane Util. Factor	1.00	0.95		1.00	0.95	1.00	1.00	1.00		0.95	0.95	1.00
Flt	1.00	0.99		1.00	1.00	0.85	1.00	0.98		1.00	1.00	0.85
Flt Protected	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.97	1.00
Satd. Flow (prot)	1676	3256		1710	3320	1500	1676	1753		1593	1642	1500
Flt Permitted	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.97	1.00
Satd. Flow (perm)	1676	3256		1710	3320	1500	1676	1753		1593	1642	1500
Volume (vph)	246	805	65	10	1055	520	190	152	20	505	167	139
Peak-hour factor, PHF	0.91	0.91	0.91	0.98	0.98	0.98	0.90	0.90	0.90	0.98	0.98	0.98
Adj. Flow (vph)	270	885	71	10	1077	531	211	169	22	515	170	142
RTOR Reduction (vph)	0	5	0	0	0	89	0	4	0	0	0	112
Lane Group Flow (vph)	270	951	0	10	1077	442	211	187	0	332	353	30
Heavy Vehicles (%)	2%	4%	2%	0%	3%	2%	2%	1%	0%	2%	1%	2%
Turn Type	Prot			Prot		pm+ov	Split			Split		Perm
Protected Phases	5	2		1	6	4	8	8		4	4	
Permitted Phases						6						4
Actuated Green, G (s)	16.0	51.1		0.6	35.7	58.7	15.6	15.6		23.0	23.0	23.0
Effective Green, g (s)	16.0	52.1		0.6	36.7	59.7	15.6	15.6		23.0	23.0	23.0
Actuated g/C Ratio	0.15	0.49		0.01	0.34	0.56	0.15	0.15		0.21	0.21	0.21
Clearance Time (s)	4.0	5.0		4.0	5.0	4.0	4.0	4.0		4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	250	1581		10	1136	890	244	255		341	352	322
v/s Ratio Prot	c0.16	0.29		0.01	c0.32	0.11	c0.13	0.11		0.21	c0.21	
v/s Ratio Perm						0.19						0.02
v/c Ratio	1.08	0.60		1.00	0.95	0.50	0.86	0.73		0.97	1.00	0.09
Uniform Delay, d1	45.6	20.1		53.4	34.4	14.8	44.8	43.9		41.8	42.2	33.8
Progression Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	79.8	0.7		284.6	15.7	0.4	25.7	10.3		41.4	48.7	0.1
Delay (s)	125.5	20.7		338.0	50.0	15.0	70.5	54.2		83.2	90.8	33.9
Level of Service	F	C		F	D	B	E	D		F	F	C
Approach Delay (s)		43.8			40.3			62.8			78.0	
Approach LOS		D			D			E			E	
Intersection Summary												
HCM Average Control Delay		51.2		HCM Level of Service						D		
HCM Volume to Capacity ratio		0.97										
Actuated Cycle Length (s)		107.3		Sum of lost time (s)						16.0		
Intersection Capacity Utilization		89.0%		ICU Level of Service						E		
Analysis Period (min)		15										
c Critical Lane Group												

1: F Street & Fire Mountain Way
 HCM Signalized Intersection Capacity Analysis

Fire Mountain Gems TL 904 Zone Change
 2010 DHV w/Current I Zoning

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↰	↑	↱	↰	↑	↱	↰	↑	↱	↰	↑	↱
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	0.95		1.00	0.95		1.00	1.00		1.00	1.00	
Frt	1.00	0.99		1.00	0.98		1.00	0.87		1.00	0.86	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1710	3336		1710	3308		1613	1561		1676	1520	
Flt Permitted	0.95	1.00		0.95	1.00		0.57	1.00		0.58	1.00	
Satd. Flow (perm)	1710	3336		1710	3308		970	1561		1021	1520	
Volume (vph)	205	537	22	82	607	120	45	17	132	150	7	145
Peak-hour factor, PHF	0.97	0.97	0.97	0.95	0.95	0.95	0.85	0.85	0.85	0.85	0.85	0.85
Adj. Flow (vph)	211	554	23	86	638	126	53	20	155	176	8	171
RTOR Reduction (vph)	0	3	0	0	17	0	0	116	0	0	128	0
Lane Group Flow (vph)	211	574	0	86	748	0	53	59	0	176	51	0
Heavy Vehicles (%)	0%	2%	0%	0%	1%	0%	6%	0%	0%	2%	33%	0%
Turn Type	Prot			Prot			Perm			Perm		
Protected Phases	5	2		1	6			8			8	
Permitted Phases							8			8		
Actuated Green, G (s)	12.1	25.7		6.6	20.2		18.4	18.4		18.4	18.4	
Effective Green, g (s)	12.1	25.7		6.6	20.2		18.4	18.4		18.4	18.4	
Actuated g/C Ratio	0.16	0.35		0.09	0.27		0.25	0.25		0.25	0.25	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	281	1165		153	908		243	390		255	380	
v/s Ratio Prot	0.12	0.17		0.05	0.23			0.04			0.03	
v/s Ratio Perm							0.05			0.17		
v/c Ratio	0.75	0.49		0.56	0.82		0.22	0.15		0.69	0.13	
Uniform Delay, d1	29.3	18.8		32.1	25.0		21.9	21.5		25.0	21.4	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	10.7	0.3		4.7	6.1		0.5	0.2		7.8	0.2	
Delay (s)	40.1	19.2		36.8	31.1		22.3	21.7		32.8	21.6	
Level of Service	D	B		D	C		C	C		C	C	
Approach Delay (s)		24.8			31.7			21.8			27.2	
Approach LOS		C			C			C			C	
Intersection Summary												
HCM Average Control Delay		27.5					HCM Level of Service		C			
HCM Volume to Capacity ratio		0.76										
Actuated Cycle Length (s)		73.6					Sum of lost time (s)		22.8			
Intersection Capacity Utilization		65.4%					ICU Level of Service		C			
Analysis Period (min)		15										
c Critical Lane Group												

2: Grants Pass Prkw & F St
 HCM Signalized Intersection Capacity Analysis

Fire Mountain Gems TL 904 Zone Change
 2010 DHV w/Current Zoning

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↰	↰↱		↰	↰↱	↰	↰	↰		↰	↰↱	↰
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0
Lane Util. Factor	1.00	0.95		1.00	0.95	1.00	1.00	1.00		0.95	0.95	1.00
Frt	1.00	0.99		1.00	1.00	0.85	1.00	0.98		1.00	1.00	0.85
Flt Protected	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.97	1.00
Satd. Flow (prot)	1676	3256		1710	3320	1500	1676	1754		1593	1642	1500
Flt Permitted	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.97	1.00
Satd. Flow (perm)	1676	3256		1710	3320	1500	1676	1754		1593	1642	1500
Volume (vph)	253	805	65	10	1055	523	190	153	20	509	168	149
Peak-hour factor, PHF	0.91	0.91	0.91	0.98	0.98	0.98	0.90	0.90	0.90	0.98	0.98	0.98
Adj. Flow (vph)	278	885	71	10	1077	534	211	170	22	519	171	152
RTOR Reduction (vph)	0	5	0	0	0	87	0	4	0	0	0	119
Lane Group Flow (vph)	278	951	0	10	1077	447	211	188	0	334	358	33
Heavy Vehicles (%)	2%	4%	2%	0%	3%	2%	2%	1%	0%	2%	1%	2%
Turn Type	Prot			Prot		pm+ov	Split			Split		Perm
Protected Phases	5	2		1	6	4	8	8		4	4	
Permitted Phases						6						4
Actuated Green, G (s)	16.0	51.1		0.6	35.7	58.7	15.6	15.6		23.0	23.0	23.0
Effective Green, g (s)	16.0	52.1		0.6	36.7	59.7	15.6	15.6		23.0	23.0	23.0
Actuated g/C Ratio	0.15	0.49		0.01	0.34	0.56	0.15	0.15		0.21	0.21	0.21
Clearance Time (s)	4.0	5.0		4.0	5.0	4.0	4.0	4.0		4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	250	1581		10	1138	890	244	255		341	352	322
v/s Ratio Prot	0.17	0.29		0.01	0.32	0.11	0.13	0.11		0.21	0.22	
v/s Ratio Perm						0.19						0.02
v/c Ratio	1.11	0.60		1.00	0.95	0.50	0.86	0.74		0.98	1.01	0.10
Uniform Delay, d1	45.6	20.1		53.4	34.4	14.7	44.8	43.9		41.9	42.2	33.8
Progression Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	90.3	0.7		284.6	15.7	0.4	25.7	10.5		42.7	50.9	0.1
Delay (s)	135.9	20.7		338.0	50.0	15.1	70.5	54.4		84.6	93.0	34.0
Level of Service	F	C		F	D	B	E	D		F	F	C
Approach Delay (s)		46.7			40.3			62.9			79.0	
Approach LOS		D			D			E			E	
Intersection Summary												
HCM Average Control Delay		52.4										
HCM Volume to Capacity ratio		0.98										
Actuated Cycle Length (s)		107.3										
Intersection Capacity Utilization		89.6%										
Analysis Period (min)		15										
c Critical Lane Group												

Fire Mountain Gems TL 904 Zone Change
2010 DHV w/Current I Zoning

cmw
Access Engineering Inc

1: F Street & Fire Mountain Way
 HCM Signalized Intersection Capacity Analysis

Fire Mountain Gems TL 904 Zone Change
 2010 DHV w/Proposed BP Zoning

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↰	↰	↰	↰	↰	↰	↰	↰	↰	↰	↰	↰
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	0.95		1.00	0.95		1.00	1.00		1.00	1.00	
Frt	1.00	0.99		1.00	0.97		1.00	0.87		1.00	0.86	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1710	3328		1710	3307		1613	1559		1676	1520	
Flt Permitted	0.85	1.00		0.95	1.00		0.58	1.00		0.57	1.00	
Satd. Flow (perm)	1710	3328		1710	3307		981	1559		1004	1520	
Volume (vph)	205	529	32	95	598	120	53	17	139	150	7	145
Peak-hour factor, PHF	0.97	0.97	0.97	0.95	0.95	0.95	0.85	0.85	0.85	0.85	0.85	0.85
Adj. Flow (vph)	211	545	33	100	629	126	62	20	164	176	8	171
RTOR Reduction (vph)	0	5	0	0	18	0	0	121	0	0	126	0
Lane Group Flow (vph)	211	573	0	100	737	0	62	63	0	176	53	0
Heavy Vehicles (%)	0%	2%	0%	0%	1%	0%	6%	0%	0%	2%	33%	0%
Turn Type	Prot			Prot			Perm			Perm		
Protected Phases	5	2		1	6			8			8	
Permitted Phases							8			8		
Actuated Green, G (s)	11.6	25.0		6.2	19.6		19.0	19.0		19.0	19.0	
Effective Green, g (s)	11.6	25.0		6.2	19.6		19.0	19.0		19.0	19.0	
Actuated g/C Ratio	0.16	0.34		0.08	0.27		0.26	0.28		0.28	0.26	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	272	1140		145	888		255	406		261	396	
v/s Ratio Prot	0.12	0.17		0.06	0.22			0.04			0.03	
v/s Ratio Perm							0.06			0.18		
v/c Ratio	0.78	0.50		0.69	0.83		0.24	0.15		0.67	0.13	
Uniform Delay, d1	29.5	19.1		32.5	25.1		21.3	20.8		24.2	20.7	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	12.9	0.4		12.8	6.5		0.5	0.2		6.7	0.2	
Delay (s)	42.4	19.4		45.3	31.6		21.8	21.0		30.9	20.8	
Level of Service	D	B		D	C		C	C		C	C	
Approach Delay (s)		25.6			33.2			21.2			25.8	
Approach LOS		C			C			C			C	

Intersection Summary			
HCM Average Control Delay	28.0	HCM Level of Service	C
HCM Volume to Capacity ratio	0.76		
Actuated Cycle Length (s)	73.0	Sum of lost time (s)	22.8
Intersection Capacity Utilization	65.6%	ICU Level of Service	C
Analysis Period (min)	15		
c Critical Lane Group			

2. Grants Pass Pkwy & F St

Fire Mountain Gems TL 904 Zone Change

HCM Signalized Intersection Capacity Analysis

2010 DHV w/Proposed BP Zoning

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↰	↰	↰	↰	↰	↰	↰	↰	↰	↰	↰	↰
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0
Lane Util. Factor	1.00	0.95		1.00	0.95	1.00	1.00	1.00		0.95	0.95	1.00
Frt	1.00	0.99		1.00	1.00	0.85	1.00	0.98		1.00	1.00	0.85
Flt Protected	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.97	1.00
Satd. Flow (prot)	1676	3256		1710	3320	1500	1676	1754		1593	1642	1500
Flt Permitted	0.95	1.00		0.85	1.00	1.00	0.95	1.00		0.95	0.97	1.00
Satd. Flow (perm)	1676	3256		1710	3320	1500	1676	1754		1593	1642	1500
Volume (vph)	257	805	85	10	1055	523	190	153	20	508	168	150
Peak-hour factor, PHF	0.91	0.91	0.91	0.98	0.98	0.98	0.90	0.90	0.90	0.98	0.98	0.98
Adj. Flow (vph)	282	885	71	10	1077	534	211	170	22	518	171	153
RTOR Reduction (vph)	0	5	0	0	0	86	0	4	0	0	0	120
Lane Group Flow (vph)	282	951	0	10	1077	448	211	188	0	334	355	33
Heavy Vehicles (%)	2%	4%	2%	0%	3%	2%	2%	1%	0%	2%	1%	2%
Turn Type	Prot			Prot	pm+ov	Split				Split		Perm
Protected Phases	5	2		1	6	4	8	8		4	4	
Permitted Phases						6						4
Actuated Green, G (s)	16.0	51.1		0.6	35.7	58.7	15.6	15.6		23.0	23.0	23.0
Effective Green, g (s)	16.0	52.1		0.6	36.7	59.7	15.6	15.6		23.0	23.0	23.0
Actuated g/C Ratio	0.15	0.49		0.01	0.34	0.56	0.15	0.15		0.21	0.21	0.21
Clearance Time (s)	4.0	5.0		4.0	5.0	4.0	4.0	4.0		4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	250	1581		10	1138	890	244	255		341	352	322
v/s Ratio Prot	c0.17	0.29		0.01	c0.32	0.11	c0.13	0.11		0.21	c0.22	
v/s Ratio Perm						0.19						0.02
v/c Ratio	1.13	0.60		1.00	0.95	0.50	0.86	0.74		0.98	1.01	0.10
Uniform Delay, d1	45.6	20.1		53.4	34.4	14.7	44.8	43.9		41.9	42.2	33.9
Progression Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	95.8	0.7		284.6	15.7	0.4	25.7	10.5		42.7	50.1	0.1
Delay (s)	141.4	20.7		338.0	50.0	15.1	70.5	54.4		84.6	92.3	34.0
Level of Service	F	C		F	D	B	E	D		F	F	C
Approach Delay (s)		48.2			40.3			62.9			78.6	
Approach LOS		D			D			E			E	

Intersection Summary

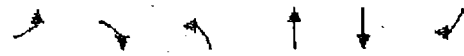
HCM Average Control Delay	52.8	HCM Level of Service	D
HCM Volume to Capacity ratio	0.98		
Actuated Cycle Length (s)	107.3	Sum of lost time (s)	16.0
Intersection Capacity Utilization	89.8%	ICU Level of Service	E
Analysis Period (min)	15		
c Critical Lane Group			

3: TL 904 Access & Fire Mountain Way

Fire Mountain Gems TL 904 Zone Change

HCM Unsignalized Intersection Capacity Analysis

2010 DHV w/Proposed BP Zoning



Movement	EBL	EBR	NBL	NBT	SBT	SEB
Lane Configurations	W			↑	↓	
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Volume (veh/h)	44	2	2	165	90	44
Peak Hour Factor	0.75	0.75	0.85	0.85	0.85	0.85
Hourly flow rate (vph)	59	3	2	194	106	52
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage (veh)						
Upstream signal (ft)					388	
pX, platoon unblocked						
vC, conflicting volume	331	132	158			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	331	132	158			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	91	100	100			
cM capacity (veh/h)	687	923	1422			

Direction Lane #	EB 1	NB 1	SB 1
Volume Total	61	196	158
Volume Left	59	2	0
Volume Right	3	0	52
cSH	675	1422	1700
Volume to Capacity	0.09	0.00	0.09
Queue Length 95th (ft)	7	0	0
Control Delay (s)	10.9	0.1	0.0
Lane LOS	B	A	
Approach Delay (s)	10.9	0.1	0.0
Approach LOS	B		

Intersection Summary			
Average Delay		1.7	
Intersection Capacity Utilization		20.9%	ICU Level of Service
Analysis Period (min)		15	A

Sim Traffic Report
Queuing and Blocking Report

Fire Mountain Gems TL 904 Zone Change
2010 DHV w/ Mitigation

Intersection: 1: F Street & Fire Mountain Way

Movement	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB
	L	T	TR	L	T	TR	L	TR	L	TR
Directions Served	L	T	TR	L	T	TR	L	TR	L	TR
Maximum Queue (ft)	132	136	133	102	271	279	63	120	136	109
Average Queue (ft)	103	97	98	43	142	159	22	47	79	49
95th Queue (ft)	150	153	158	82	244	261	52	93	133	89
Link Distance (ft)					686	686		303		110
Upstream Blk Time (%)									7	1
Queuing Penalty (veh)									0	0
Storage Bay Dist (ft)	220			275			160		100	
Storage Blk Time (%)					0			0	10	1
Queuing Penalty (veh)					0			0	16	1

Intersection: 2: Grants Pass Prkw & F St

Movement	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB	
Directions Served	L	T	TR	L	T	T	R	L	TR	L	LT	R
Maximum Queue (ft)	265	492	434	97	670	671	494	192	410	472	487	254
Average Queue (ft)	200	267	228	12	542	539	245	138	184	249	264	60
95th Queue (ft)	285	489	410	53	758	783	519	212	348	404	429	186
Link Distance (ft)		904	904		644	644			1082	686	686	
Upstream Blk Time (%)					9	11	0					
Queuing Penalty (veh)					0	0	0					
Storage Bay Dist (ft)	215			160			350	150				400
Storage Blk Time (%)	28	2			56	25	0	12	9		2	0
Queuing Penalty (veh)	111	4			6	132	1	21	17		2	0

Intersection: 3: TL 904 Access & Fire Mountain Way

Movement	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB	
Directions Served	L	T	TR	L	T	T	R	L	TR	L	LT	R
Maximum Queue (ft)												
Average Queue (ft)												
95th Queue (ft)												
Link Distance (ft)												
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)												
Storage Blk Time (%)												
Queuing Penalty (veh)												

Sim Traffic Report
Queuing and Blocking Report

Fire Mountain Gems TL 904 Zone Change
2010 DHV w/Current I Zoning

Intersection: 1. F Street & Fire Mountain Way

Movement	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	TR	L	T	TR	L	TR	L	TR
Maximum Queue (ft)	132	146	141	157	238	247	106	110	130	126
Average Queue (ft)	101	98	103	54	124	144	30	46	75	50
95th Queue (ft)	150	150	156	110	205	229	75	81	126	95
Link Distance (ft)					686	686		303		110
Upstream Blk Time (%)									4	1
Queuing Penalty (veh)									0	0
Storage Bay Dist (ft)	220			275			160		100	
Storage Blk Time (%)					0		0	0	6	1
Queuing Penalty (veh)					0		0	0	10	1

Intersection: 2: Grants Pass Prkw & F St

Movement	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB	SB	SB
Directions Served	L	T	TR	L	T	T	R	L	TR	L	LT	R
Maximum Queue (ft)	257	546	520	100	675	677	417	179	376	386	410	254
Average Queue (ft)	212	305	252	14	557	550	233	129	153	226	243	56
95th Queue (ft)	293	542	474	66	771	795	493	199	304	351	379	158
Link Distance (ft)		904	904		644	644			1082	686	686	
Upstream Blk Time (%)					10	13						
Queuing Penalty (veh)					0	0						
Storage Bay Dist (ft)	215			160			350	150				400
Storage Blk Time (%)	38	1			58	28	0	10	8		1	0
Queuing Penalty (veh)	154	3			6	145	1	17	15		1	0

Intersection: 3: TL 904 Access & Fire Mountain Way

Movement	EB
Directions Served	LR
Maximum Queue (ft)	56
Average Queue (ft)	21
95th Queue (ft)	50
Link Distance (ft)	62
Upstream Blk Time (%)	0
Queuing Penalty (veh)	0
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Sim Traffic Report
Queuing and Blocking Report

Fire Mountain Gems TL 904 Zone Change
2010 DHV w/Proposed BP Zoning

Intersection: 1. F Street & Fire Mountain Way

Movement	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	TR	L	T	TR	L	TR	L	TR
Maximum Queue (ft)	132	133	137	141	264	280	93	115	126	122
Average Queue (ft)	108	92	98	62	130	148	34	47	83	51
95th Queue (ft)	151	147	154	116	219	235	74	86	131	97
Link Distance (ft)					686	686		303		110
Upstream Blk Time (%)									6	1
Queuing Penalty (veh)									0	0
Storage Bay Dist (ft)	220			275			160		100	
Storage Blk Time (%)					0			0	10	1
Queuing Penalty (veh)					0			0	16	2

Intersection: 2. Grants Pass Pkwy & F St

Movement	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	T	TR	L	T	T	R	L	TR	L	LT	R
Maximum Queue (ft)	266	690	638	159	653	643	380	188	382	379	381	187
Average Queue (ft)	219	393	337	15	460	442	173	125	155	221	240	49
95th Queue (ft)	291	780	686	68	722	726	408	197	335	344	362	128
Link Distance (ft)		904	904		644	644			1082	686	686	
Upstream Blk Time (%)		0	0		6	7						
Queuing Penalty (veh)		0	0		0	0						
Storage Bay Dist (ft)	215			160			350	150				400
Storage Blk Time (%)	48	1			49	17	0	9	8		0	
Queuing Penalty (veh)	191	2			5	87	0	16	15		0	

Intersection: 3. TL 904 Access & Fire Mountain Way

Movement	EB	NB
Directions Served	LR	LT
Maximum Queue (ft)	62	7
Average Queue (ft)	24	0
95th Queue (ft)	51	5
Link Distance (ft)	82	354
Upstream Blk Time (%)	0	
Queuing Penalty (veh)	0	
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

1: F Street & Fire Mountain Way
HCM Signalized Intersection Capacity Analysis

Fire Mountain Gems TL 904 Zone Change
2030 DHV: No Build w/ Mitigation

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SEB	SEB	SBR
Lane Configurations	←	↑↑	→	←	↑↑	→	←	↑	→	←	↑	→
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	0.95		1.00	0.95		1.00	1.00		1.00	1.00	
Frt	1.00	1.00		1.00	0.98		1.00	0.87		1.00	0.88	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1710	3344		1710	3324		1613	1565		1676	1520	
Flt Permitted	0.95	1.00		0.95	1.00		0.54	1.00		0.59	1.00	
Satd. Flow (perm)	1710	3344		1710	3324		911	1565		1045	1520	
Volume (vph)	205	700	15	68	790	120	35	17	113	150	7	145
Peak-hour factor, PHF	0.97	0.97	0.97	0.95	0.95	0.95	0.85	0.85	0.85	0.85	0.85	0.85
Adj. Flow (vph)	211	722	16	72	832	126	41	20	133	176	8	171
RTOR Reduction (vph)	0	1	0	0	12	0	0	105	0	0	135	0
Lane Group Flow (vph)	211	736	0	72	946	0	41	48	0	176	44	0
Heavy Vehicles (%)	0%	2%	0%	0%	1%	0%	6%	0%	0%	2%	33%	0%
Turn Type	Prot			Prot			Perm			Perm		
Protected Phases	5	2		1	6			8			8	
Permitted Phases							8			8		
Actuated Green, G (s)	11.3	33.2		4.8	26.7		16.5	16.5		16.5	16.5	
Effective Green, g (s)	11.3	33.2		4.8	26.7		16.5	16.5		16.5	16.5	
Actuated g/C Ratio	0.15	0.43		0.06	0.34		0.21	0.21		0.21	0.21	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	248	1427		106	1141		193	332		222	322	
v/s Ratio Prot	c0.12	0.22		0.04	c0.28			0.03			0.03	
v/s Ratio Perm							0.05			c0.17		
v/c Ratio	0.85	0.52		0.68	0.83		0.21	0.15		0.79	0.14	
Uniform Delay, d1	32.4	16.4		35.7	23.5		25.3	24.9		29.0	24.9	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	23.3	0.3		15.9	5.1		0.8	0.2		17.4	0.2	
Delay (s)	55.8	16.7		51.7	28.6		25.8	25.1		46.4	25.1	
Level of Service	E	B		D	C		C	C		D	C	
Approach Delay (s)		25.4			30.2			25.3			35.7	
Approach LOS		C			C			C			D	

Intersection Summary			
HCM Average Control Delay	28.8	HCM Level of Service	C
HCM Volume to Capacity ratio	0.82		
Actuated Cycle Length (s)	77.8	Sum of lost time (s)	23.3
Intersection Capacity Utilization	69.5%	ICU Level of Service	C
Analysis Period (min)	15		
c Critical Lane Group			

2: Grants Pass Prkw & F St
 HCM Signalized Intersection Capacity Analysis

Fire Mountain Gems TL 904 Zone Change
 2030 DHV No Build w/ Mitigation

Movement	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↰	↰	↰	↰	↰	↰	↰	↰	↰
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0	4.0
Lane Util. Factor	1.00	0.95		1.00	0.95		1.00	0.95	1.00
Fr	1.00	0.99		1.00	0.85		1.00	0.98	0.85
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00	0.95
Satd. Flow (prot)	1676	3259		1710	3320		1676	3259	1710
Flt Permitted	0.95	1.00		0.95	1.00		0.95	1.00	0.95
Satd. Flow (perm)	1676	3259		1710	3320		1676	3259	1710
Volume (vph)	320	1180	85	15	1520	875	245	195	25
Peak-hour factor, PHF	0.91	0.91	0.91	0.98	0.98	0.98	0.90	0.90	0.90
Adj. Flow (vph)	352	1275	93	15	1551	689	272	217	28
RTOR Reduction (vph)	0	4	0	0	0	44	0	4	0
Lane Group Flow (vph)	352	1364	0	15	1551	645	272	241	0
Heavy Vehicles (%)	2%	4%	2%	0%	3%	2%	1%	0%	2%
Turn Type	Prot			Prot	pm+ov	Split		Split	Perm
Protected Phases	5	2		1	6	4	8	4	4
Permitted Phases					6	8			4
Actuated Green, G (s)	19.0	61.2		1.2	43.4	69.4	17.0	17.0	26.0
Effective Green, g (s)	19.0	62.2		1.2	44.4	70.4	17.0	17.0	26.0
Actuated g/C Ratio	0.16	0.51		0.01	0.36	0.58	0.14	0.14	0.21
Clearance Time (s)	4.0	5.0		4.0	5.0	4.0	4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	260	1656		17	1204	912	233	244	338
v/s Ratio Prot	c0.21	0.42		0.01	c0.47	0.15	c0.16	0.14	0.27
v/s Ratio Perm						0.28			c0.28
w/c Ratio	1.35	0.82		0.88	1.29	0.71	1.17	0.99	1.27
Uniform Delay, d1	51.7	25.5		60.5	39.0	18.6	52.7	52.6	48.2
Progression Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	182.4	3.5		159.7	136.1	2.5	111.7	53.3	143.7
Delay (s)	234.1	28.9		220.3	175.1	21.2	164.4	105.9	191.9
Level of Service	F	C		F	F	C	F	F	F
Approach Delay (s)		70.9			128.3		136.7		171.9
Approach LOS		E			F		F		F
Intersection Summary									
HCM Average Control Delay		119.7		HCM Level of Service		F			
HCM Volume to Capacity ratio		1.29							
Actuated Cycle Length (s)		122.4		Sum of lost time (s)		16.0			
Intersection Capacity Utilization		115.8%		ICU Level of Service		H			
Analysis Period (min)		15							
c Critical Lane Group									

1: F Street & Fire Mountain Way
HCM Signalized Intersection Capacity Analysis

Fire Mountain Gems TL 904 Zone Change
2030 DHV w/Current Zoning

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↰	↑↑	↱	↰	↑↑	↱	↰	↑	↱	↰	↑	↱
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	0.95		1.00	0.95		1.00	1.00		1.00	1.00	
Ft	1.00	1.00		1.00	0.98		1.00	0.87		1.00	0.86	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1710	3339		1710	3323		1613	1559		1676	1520	
Flt Permitted	0.95	1.00		0.95	1.00		0.55	1.00		0.53	1.00	
Satd. Flow (perm)	1710	3339		1710	3323		938	1559		942	1520	
Volume (vph)	205	697	22	92	787	120	52	17	144	150	7	145
Peak-hour factor, PHF	0.97	0.97	0.97	0.95	0.95	0.95	0.85	0.85	0.85	0.85	0.85	0.85
Adj. Flow (vph)	211	719	23	97	828	126	61	20	169	176	8	171
RTOR Reduction (vph)	0	2	0	0	11	0	0	127	0	0	129	0
Lane Group Flow (vph)	211	740	0	97	843	0	61	62	0	176	50	0
Heavy Vehicles (%)	0%	2%	0%	0%	1%	0%	6%	0%	0%	2%	33%	0%
Turn Type	Prot			Prot			Perm			Perm		
Protected Phases	5	2		1	6			8			8	
Permitted Phases							8			8		
Actuated Green, G (s)	12.5	33.8		6.3	27.6		20.8	20.8		20.8	20.8	
Effective Green, g (s)	12.5	33.8		6.3	27.6		20.8	20.8		20.8	20.8	
Actuated g/C Ratio	0.16	0.40		0.08	0.33		0.25	0.25		0.25	0.25	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	254	1344		128	1092		232	396		233	376	
v/s Ratio Prot	c0.12	0.22		0.06	c0.28			0.04			0.03	
v/s Ratio Perm							0.07			c0.19		
v/c Ratio	0.83	0.56		0.76	0.86		0.26	0.16		0.76	0.13	
Uniform Delay, d1	34.7	19.3		38.1	26.4		25.4	24.8		29.2	24.6	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	20.0	0.5		22.3	7.2		0.6	0.2		13.0	0.2	
Delay (s)	54.8	19.8		60.4	33.7		26.0	25.0		42.3	24.8	
Level of Service	D	B		E	C		C	C		D	C	
Approach Delay (s)		27.5			36.1			25.2			33.4	
Approach LOS		C			D			C			C	
Intersection Summary												
HCM Average Control Delay		31.6					HCM Level of Service		C			
HCM Volume to Capacity ratio		0.82										
Actuated Cycle Length (s)		84.0					Sum of lost time (s)		23.1			
Intersection Capacity Utilization		71.4%					ICU Level of Service		C			
Analysis Period (min)		15										
c Critical Lane Group												

2. Grants Pass Pkwy & F St

Fire Mountain Gems TL 904 Zone Change

HCM Signalized Intersection Capacity Analysis

2030 DHV w/Current I Zoning

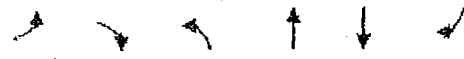
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↰	↑↑	↱	↰	↑↑	↱	↰	↑	↱	↰	↑	↱
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0
Lane Util. Factor	1.00	0.95		1.00	0.95	1.00	1.00	1.00		0.95	0.95	1.00
Flt	1.00	0.99		1.00	1.00	0.85	1.00	0.98		1.00	1.00	0.85
Flt Protected	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.97	1.00
Satd. Flow (prot)	1676	3259		1710	3320	1500	1676	1754		1593	1641	1500
Flt Permitted	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.85	0.97	1.00
Satd. Flow (perm)	1676	3259		1710	3320	1500	1676	1754		1593	1641	1500
Volume (vph)	327	1160	85	15	1520	678	245	195	25	659	215	190
Peak-hour factor, PHF	0.91	0.91	0.91	0.98	0.98	0.98	0.90	0.90	0.90	0.98	0.98	0.98
Adj. Flow (vph)	359	1275	93	15	1551	692	272	217	28	672	219	194
RTOR Reduction (vph)	0	5	0	0	0	46	0	4	0	0	0	152
Lane Group Flow (vph)	359	1364	0	15	1551	646	272	241	0	432	459	42
Heavy Vehicles (%)	2%	4%	2%	0%	3%	2%	2%	1%	0%	2%	1%	2%
Turn Type	Prot			Prot		pm+ov	Split			Split		Perm
Protected Phases	5	2		1	6	4	8	8		4	4	
Permitted Phases						6						4
Actuated Green, G (s)	19.0	59.2		1.2	41.4	67.4	17.0	17.0		26.0	26.0	26.0
Effective Green, g (s)	19.0	60.2		1.2	42.4	68.4	17.0	17.0		26.0	26.0	26.0
Actuated g/C Ratio	0.16	0.50		0.01	0.35	0.57	0.14	0.14		0.22	0.22	0.22
Clearance Time (s)	4.0	5.0		4.0	5.0	4.0	4.0	4.0		4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	284	1830		17	1160	802	237	248		344	354	324
v/s Ratio Prot	c0.21	0.42		0.01	c0.47	0.15	c0.16	0.14		0.27	c0.28	
v/s Ratio Perm						0.28						0.03
v/c Ratio	1.36	0.84		0.88	1.33	0.72	1.15	0.97		1.28	1.30	0.13
Uniform Delay, d1	50.7	25.9		59.5	39.0	18.9	51.7	51.5		47.2	47.2	38.1
Progression Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	184.5	3.9		159.7	153.1	2.7	104.1	48.7		136.7	152.9	0.2
Delay (s)	235.2	29.8		219.3	192.1	21.7	155.8	100.2		183.9	200.1	38.3
Level of Service	F	C		F	F	C	F	F		F	F	D
Approach Delay (s)		72.5			140.0			129.4			164.7	
Approach LOS		E			F			F			F	
Intersection Summary												
HCM Average Control Delay		123.0										
HCM Volume to Capacity ratio		1.30										
Actuated Cycle Length (s)		120.4										
Intersection Capacity Utilization		116.4%										
Analysis Period (min)		15										
c Critical Lane Group												
HCM Level of Service							F					
Sum of lost time (s)							16.0					
ICU Level of Service							H					

3 TL 904 Access & Fire Mountain Way

Fire Mountain Gems TL 904 Zone Change

HCM Unsignalized Intersection Capacity Analysis

2030 DHV w/Current I Zoning



Movement	EBL	EBR	NBL	NBT	SBT	SEB
Lane Configurations	W			↑	↑	
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Volume (veh/h)	48	2	2	165	90	31
Peak Hour Factor	0.75	0.75	0.85	0.85	0.85	0.85
Hourly flow rate (vph)	64	3	2	194	106	36
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage (veh)						
Upstream signal (ft)					388	
pX, platoon unblocked						
vC, conflicting volume	323	124	142			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	323	124	142			
IC, single (s)	6.4	6.2	4.1			
IC, 2 stage (s)						
IF (s)	3.5	3.3	2.2			
p0 queue free %	91	100	100			
cM capacity (veh/h)	674	932	1440			

Direction Lane #	EB	NB	SB
Volume Total	67	196	142
Volume Left	64	2	0
Volume Right	3	0	36
cSH	681	1440	1700
Volume to Capacity	0.10	0.00	0.08
Queue Length 95th (ft)	8	0	0
Control Delay (s)	10.9	0.1	0.0
Lane LOS	B	A	
Approach Delay (s)	10.9	0.1	0.0
Approach LOS	B		

Intersection Summary			
Average Delay		1.8	
Intersection Capacity Utilization	20.9%	ICU Level of Service	A
Analysis Period (min)	15		

1: F Street & Fire Mountain Way

Fire Mountain Gems TL 904 Zone Change

HCM Signalized Intersection Capacity Analysis

2030 DHV w/Proposed BP Zoning

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	←	←	←	←	←	←	←	←	←	←	←	←
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	0.95		1.00	0.95		1.00	1.00		1.00	1.00	
Frt	1.00	0.99		1.00	0.98		1.00	0.87		1.00	0.86	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1710	3334		1710	3323		1613	1557		1676	1520	
Flt Permitted	0.95	1.00		0.95	1.00		0.55	1.00		0.52	1.00	
Satd. Flow (perm)	1710	3334		1710	3323		941	1557		918	1520	
Volume (vph)	205	689	32	101	778	120	60	17	151	150	7	145
Peak-hour factor, PHF	0.97	0.97	0.97	0.95	0.95	0.95	0.85	0.85	0.85	0.85	0.85	0.85
Adj. Flow (vph)	211	710	33	106	819	126	71	20	178	176	8	171
RTOR Reduction (vph)	0	3	0	0	11	0	0	133	0	0	128	0
Lane Group Flow (vph)	211	740	0	106	934	0	71	65	0	176	51	0
Heavy Vehicles (%)	0%	2%	0%	0%	1%	0%	6%	0%	0%	2%	33%	0%
Turn Type	Prot			Prot			Perm			Perm		
Protected Phases	5	2		1	6			8			8	
Permitted Phases							8			8		
Actuated Green, G (s)	12.4	33.6		6.9	28.1		21.7	21.7		21.7	21.7	
Effective Green, g (s)	12.4	33.6		6.9	28.1		21.7	21.7		21.7	21.7	
Actuated g/C Ratio	0.15	0.39		0.08	0.33		0.25	0.25		0.25	0.25	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	248	1312		138	1093		239	396		233	388	
v/s Ratio Prot	c0.12	0.22		0.08	c0.28			0.04			0.03	
v/s Ratio Perm							0.08			c0.19		
v/c Ratio	0.85	0.56		0.77	0.85		0.30	0.16		0.76	0.13	
Uniform Delay, d1	35.6	20.2		38.5	26.7		25.7	24.8		29.4	24.6	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	23.3	0.6		22.2	6.7		0.7	0.2		13.0	0.2	
Delay (s)	58.9	20.7		60.7	33.4		26.4	25.0		42.4	24.7	
Level of Service	E	C		E	C		C	C		D	C	
Approach Delay (s)		29.2			36.1			25.4			33.5	
Approach LOS		C			D			C			C	
Intersection Summary												
HCM Average Control Delay		32.2					HCM Level of Service		C			
HCM Volume to Capacity ratio		0.82										
Actuated Cycle Length (s)		85.4					Sum of lost time (s)		23.2			
Intersection Capacity Utilization		71.6%					ICU Level of Service		C			
Analysis Period (min)		15										
c Critical Lane Group												

2: Grants Pass Hwy & F St

Fire Mountain Gems TL 904 Zone Change

HCM Signalized Intersection Capacity Analysis

2030 DHV w/Proposed BP Zoning

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↰	↑↑		↰	↑↑	↰	↰	↓		↰	↓	↰
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0
Lane Util. Factor	1.00	0.95		1.00	0.95	1.00	1.00	1.00		0.95	0.95	1.00
Frt	1.00	0.99		1.00	1.00	0.85	1.00	0.98		1.00	1.00	0.85
Flt Protected	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.97	1.00
Satd. Flow (prot)	1676	3259		1710	3320	1500	1676	1754		1593	1641	1500
Flt Permitted	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.97	1.00
Satd. Flow (perm)	1676	3259		1710	3320	1500	1676	1754		1593	1641	1500
Volume (vph)	330	1180	85	15	1520	678	245	195	25	858	215	189
Peak-hour factor, PHF	0.91	0.91	0.91	0.98	0.98	0.98	0.90	0.90	0.90	0.98	0.98	0.98
Adj. Flow (vph)	363	1275	93	15	1551	692	272	217	28	871	219	193
RTOR Reduction (vph)	0	5	0	0	0	45	0	4	0	0	0	151
Lane Group Flow (vph)	363	1364	0	15	1551	647	272	241	0	431	459	42
Heavy Vehicles (%)	2%	4%	2%	0%	3%	2%	2%	1%	0%	2%	1%	2%
Turn Type	Prot			Prot	pm+ov		Split			Split		Perm
Protected Phases	5	2		1	6		8	8		4	4	
Permitted Phases					6							4
Actuated Green, G (s)	19.0	59.2		1.2	41.4	67.4	17.0	17.0		26.0	26.0	26.0
Effective Green, g (s)	19.0	60.2		1.2	42.4	68.4	17.0	17.0		26.0	26.0	26.0
Actuated g/C Ratio	0.16	0.50		0.01	0.35	0.57	0.14	0.14		0.22	0.22	0.22
Clearance Time (s)	4.0	5.0		4.0	5.0	4.0	4.0	4.0		4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	264	1630		17	1169	902	237	248		344	354	324
v/s Ratio Prot	c0.22	0.42		0.01	c0.47	0.15	c0.16	0.14		0.27	c0.28	
v/s Ratio Perm						0.28						0.03
v/c Ratio	1.38	0.84		0.88	1.33	0.72	1.15	0.97		1.25	1.30	0.13
Uniform Delay, d1	50.7	25.9		59.5	39.0	18.9	51.7	51.5		47.2	47.2	38.1
Progression Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	190.8	3.9		159.7	153.1	2.7	104.1	48.7		135.6	152.9	0.2
Delay (s)	241.6	29.8		219.3	192.1	21.7	155.8	100.2		182.8	200.1	38.2
Level of Service	F	C		F	F	C	F	F		F	F	D
Approach Delay (s)		74.2			140.0			129.4			164.4	
Approach LOS		E			F			F			F	
Intersection Summary												
HCM Average Control Delay		123.4										
HCM Volume to Capacity ratio		1.30										
Actuated Cycle Length (s)		120.4										
Intersection Capacity Utilization		116.5%										
Analysis Period (min)		15										
c Critical Lane Group												

3: TL 904 Access & Fire Mountain Way
 HCM Unsignalized Intersection Capacity Analysis

Fire Mountain Gems TL 904 Zone Change
 2030 DHV w/Proposed BP Zoning

Movement	EBL	EBR	NBL	NBT	SEB	SEB
Lane Configurations	Y			↑	↑	
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Volume (veh/h)	63	2	2	165	90	50
Peak Hour Factor	0.75	0.75	0.85	0.85	0.85	0.85
Hourly flow rate (vph)	84	3	2	194	106	59
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage (veh)						
Upstream signal (ft)					388	
pX, platoon unblocked						
vC, conflicting volume	334	135	165			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	334	135	165			
IC, single (s)	6.4	6.2	4.1			
IC, 2 stage (s)						
IF (s)	3.5	3.3	2.2			
pD queue free %	87	100	100			
CM capacity (veh/h)	664	919	1414			
Direction Lane #	EB 1	EB 1	SB 1			
Volume Total	87	196	165			
Volume Left	84	2	0			
Volume Right	3	0	59			
cSH	670	1414	1700			
Volume to Capacity	0.13	0.00	0.10			
Queue Length 95th (ft)	11	0	0			
Control Delay (s)	11.2	0.1	0.0			
Lane LOS	B	A				
Approach Delay (s)	11.2	0.1	0.0			
Approach LOS	B					
Intersection Summary						
Average Delay			2.2			
Intersection Capacity Utilization			21.3%	ICU Level of Service		A
Analysis Period (min)			15			

Sim Traffic Report
Queuing and Blocking Report

Fire Mountain Gems TL 904 Zone Change
2030 OHV No Build w/ Mitigation

Intersection: 1: F Street & Fire Mountain Way

Movement	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	TR	L	T	TR	L	TR	L	TR
Maximum Queue (ft)	132	148	145	149	292	308	162	259	138	133
Average Queue (ft)	115	121	125	43	142	157	31	107	116	64
95th Queue (ft)	157	163	159	98	243	258	102	216	144	134
Link Distance (ft)					686	686		303		110
Upstream Blk Time (%)								0	72	8
Queuing Penalty (veh)								0	0	0
Storage Bay Dist (ft)	220			275			160		100	
Storage Blk Time (%)					0			6	77	4
Queuing Penalty (veh)					0			2	114	6

Intersection: 2: Grants Pass Prkw & F St

Movement	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	T	TR	L	T	T	R	L	TR	L	LT	R
Maximum Queue (ft)	279	960	945	160	694	674	546	188	1105	775	744	441
Average Queue (ft)	244	900	877	21	617	614	271	169	966	689	688	236
95th Queue (ft)	261	1031	1039	85	754	771	535	209	1317	818	785	545
Link Distance (ft)		904	904		644	644			1082	686	686	
Upstream Blk Time (%)		44	13		14	16	0		40	24	41	
Queuing Penalty (veh)		0	0		0	0	0		0	116	197	
Storage Bay Dist (ft)	215			160			350	150				400
Storage Blk Time (%)	81	4			57	31	0	51	41		65	0
Queuing Penalty (veh)	471	14			9	206	1	112	99		117	0

Intersection: 3: TL 904 Access & Fire Mountain Way

Movement												
Directions Served												
Maximum Queue (ft)												
Average Queue (ft)												
95th Queue (ft)												
Link Distance (ft)												
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)												
Storage Blk Time (%)												
Queuing Penalty (veh)												

Sim Traffic Report
Queuing and Blocking Report

Fire Mountain Gems TL 904 Zone Change
2030 DHV w/Current I Zoning

Intersection: 1: F Street & Fire Mountain Way

Movement	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB
	L	T	TR	L	T	TR	L	TR	L	TR
Directions Served										
Maximum Queue (ft)	132	142	153	195	296	307	187	251	147	120
Average Queue (ft)	114	112	118	58	147	162	48	93	105	48
95th Queue (ft)	155	165	171	131	248	259	125	196	151	103
Link Distance (ft)					686	686		303		110
Upstream Blk Time (%)								0	40	3
Queuing Penalty (veh)								1	0	0
Storage Bay Dist (ft)	220			275			160		100	
Storage Blk Time (%)					0		0	4	46	3
Queuing Penalty (veh)					0		0	2	68	4

Intersection: 2: Grants Pass Pkwy & F St

Movement	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB	SB	SB
	L	T	TR	L	T	T	R	L	TR	L	LT	R
Directions Served												
Maximum Queue (ft)	257	957	960	103	672	677	436	187	1060	776	738	437
Average Queue (ft)	242	888	865	18	632	640	270	170	823	653	652	200
95th Queue (ft)	250	1071	1086	72	735	746	523	199	1244	858	835	498
Link Distance (ft)		904	904		844	644			1082	686	686	
Upstream Blk Time (%)		39	15		15	19	0		18	18	30	
Queuing Penalty (veh)		0	0		0	0	0		0	87	149	
Storage Bay Dist (ft)	215			160			350	150				400
Storage Blk Time (%)	79	5			59	35	0	48	43		57	0
Queuing Penalty (veh)	456	17			9	235	1	106	106		109	0

Intersection: 3: TL 904 Access & Fire Mountain Way

Movement	EB	NB
	LR	LT
Directions Served		
Maximum Queue (ft)	65	34
Average Queue (ft)	28	1
95th Queue (ft)	52	10
Link Distance (ft)	82	354
Upstream Blk Time (%)	0	
Queuing Penalty (veh)	0	
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Sim Traffic Report
Queuing and Blocking Report

Fire Mountain Gems TL 904 Zone Change
2030 DHV w/Proposed BP Zoning

Intersection: 1: F Street & Fire Mountain Way

Movement	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB
	L	T	TR	L	T	TR	L	TR	L	TR
Directions Served										
Maximum Queue (ft)	132	146	154	138	256	270	183	283	138	126
Average Queue (ft)	118	112	125	54	143	163	43	108	110	57
95th Queue (ft)	152	163	158	109	236	251	109	225	150	120
Link Distance (ft)					686	686		303		110
Upstream Blk Time (%)								1	45	4
Queuing Penalty (veh)								1	0	0
Storage Bay Dist (ft)	220			275			160		100	
Storage Blk Time (%)					0		0	7	52	3
Queuing Penalty (veh)					0		0	4	77	5

Intersection: 2: Grants Pass Pkwy & F St

Movement	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB	SB
	L	T	TR	L	T	T	R	L	TR	L	LT	R
Directions Served												
Maximum Queue (ft)	246	955	942	106	675	686	446	186	984	758	733	451
Average Queue (ft)	242	898	868	17	633	635	247	164	724	638	642	195
95th Queue (ft)	246	1036	1070	75	749	767	512	207	1259	877	852	491
Link Distance (ft)		904	904		644	644			1082	686	686	
Upstream Blk Time (%)		40	11		17	20	0		13	21	32	
Queuing Penalty (veh)		0	0		0	0	0		0	104	158	
Storage Bay Dist (ft)	215			160			350	150				400
Storage Blk Time (%)	79	5			60	35	0	41	42		56	0
Queuing Penalty (veh)	457	18			9	237	1	88	102		108	0

Intersection: 3: TL 904 Access & Fire Mountain Way

Movement	EB	NB
	LR	LT
Directions Served		
Maximum Queue (ft)	67	24
Average Queue (ft)	32	1
95th Queue (ft)	57	11
Link Distance (ft)	82	354
Upstream Blk Time (%)	0	
Queuing Penalty (veh)	0	
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Appendix D
“Reserve Capacity at Grants Pass Pkwy. @ “F” Street
for Fire Mountain Gems”
May 19, 2009

Access Engineering LLC

May 19, 2009

Mr. Rich Schaff, City Engineer
City of Grants Pass
101 NW "A" Street
Grants Pass, OR 9726-2091

RE: Reserve Capacity at Grants Pass Pkwy. @ "F" Street for Fire Mountain Gems

Back in November-December of 2008, an agreement was worked out between Timber Products, Home Depot, and Fire Mountain Gems to request the City of Grants Pass to reserve the excess capacity under the maximum level-of-service (LOS) "D" at the Grants Pass Parkway and "F" Street intersection for a Fire Mountain Gems development. The excess capacity results from the mitigation plan for that intersection required for the Home Depot development. In my letter of December 1, 2009, I presented a traffic analysis that showed that a 35,000 square foot specialty retail development could be built on currently vacant Fire Mountain Gems properties (tax lots 801 and 901 through 904 on Map 36-517D) without generating traffic that would violate the mobility standards of the intersection whether calculated by the volume to capacity ratio (ODOT standard) or LOS = "D" based on delay (City standard).

A new development proposal, Main Place located at Grants Pass Parkway and Terry Lane, will now also impact the "F" Street intersection. This letter provides supporting documentation showing that the Home Depot mitigation for Grants Pass Parkway at "F" Street will have sufficient excess capacity to allow both the proposed Main Place development and the proposed specialty retail development on the Fire Mountain Gems vacant properties.

Previous analyses for the Home Depot development have documented that the proposed mitigation (adding an eastbound lane on "F" Street at the Parkway resulting in a left-turn lane, a left-turn + through lane, and a right-turn lane) will meet the Transportation Planning Rule (TPR) by lowering the volume to capacity ratio (V/C) at the intersection from 0.98 under the current industrial zoning to 0.96 under the proposed business park zoning with the specified Home Depot development. The mitigation also improves the level of service at the intersection from "E" to "D". Since the TPR in this case requires that the V/C resulting from the development's mitigation be no worse than the V/C resulting from an industrial use on the site, then there would be an excess of capacity of 0.02 at the intersection.

The Main Place commercial development is located on the northwest corner of Grants Pass Parkway and Terry Lane. JRH has produced a Traffic Impact Analysis for this development and has provided Fire Mountain Gems with the distribution and assignment of their PM peak hour trips in the study area including Grants Pass Parkway at "F" Street. The PM peak hour is the critical time period for analysis of the impacts to the intersection. The JRH trip assignments for Main Place are shown on the attached Figure 1. Also included on Figure 1 are the trip assignments from the previous analysis of the proposed the Fire Mountain Gems specialty retail development (December 1, 2008 letter to Mr. James Huber).

The attached Figure 2 shows the base volumes at the nearby intersections with the Home Depot development and mitigation in place taken from the Don Bradley Properties TIA and the March 25, 2008 letter addendum. Figure 2 also shows the resulting traffic volumes with Main Place traffic added, and the resulting volumes with both Main Place and Fire Mountain Gems' specialty retail trips added.

The intersection operational analysis is focused on the "F" Street and Grants Pass Parkway intersection. The Synchro program with the same input values as in the previous analyses was used for the analysis. The only change was to allow Synchro to optimize the cycle length and splits for each scenario since the controller is running in free actuated mode.

The results of the operational analysis for the additional Main Place development and for the Main Place plus Fire Mountain Gems commercial development compared to the allowable V/C under the TPR and LOS under City requirements for an industrial development and the approved Home Depot development are shown in the table:

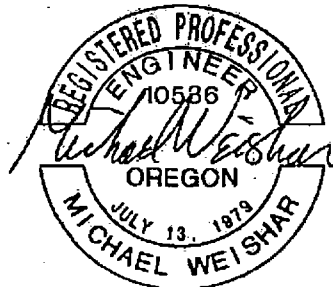
Operational Analysis - Grants Pass Pkwy. @ "F" Street - 2009 DHV's

Current Zoning (TPR limit)		Home Depot w/ Mitigation		Home Depot + Main Place		Home Depot + Main Place + Fire Mountain Gems	
V/C	Ave. Delay (LOS)	V/C	Ave. Delay (LOS)	V/C	Ave. Delay (LOS)	V/C	Ave. Delay (LOS)
0.98	56.3 (D)	0.96	50.4 (D)	0.97	54.7 (D)	0.98	56.0 (D)

The results now show that both proposed developments can be accommodated at the Grants Pass Parkway and "F" Street intersection within the TPR V/C limit and within the City's LOS D standard. The table shows that the Home Depot mitigation resulted in an excess V/C capacity of 0.02 and unused average delay of 5.9 seconds. Adding the Main Place development trips used 0.01 of the V/C capacity and 4.3 seconds of the unused average delay. Adding the Fire Mountain Gems' specialty retail development on top of Main Place used the remaining 0.01 of the V/C capacity and 1.3 seconds of the unused average delay. The Synchro worksheets are attached.

Based on this analysis I conclude that the excess capacity at Grants Pass Pkwy. and "F" Street required for the Home Depot development is sufficient to accommodate both the Main Place and Fire Mountain Gems' specialty retail development without violating the TPR and City mobility requirements.

Very truly yours,



Renews: 6/30/10

Michael Weishar, PE
Access Engineering LLC

cc: Chuck Wolfmueller, Fire Mountain Gems
Erik Vos, Timber Products Company
Michael Reeder, Arnold Gallagher Saydack Percell Roberts & Potter
John Replinger, David Evans & Assoc.

4: Grants Pass Prkw & F St
 HCM Signalized Intersection Capacity Analysis

Fire Mountain Gems Reserve Capacity
 2009 DHV Current Zoning

	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBR
Movement	←	↑	→	←	↑	→	←	↑	→	←	↑
Lane Configurations	←	↑	→	←	↑	→	←	↑	→	←	↑
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0	4.0	4.0	4.0		4.0	4.0
Lane Util. Factor	1.00	0.95		1.00	0.95	1.00	1.00	0.98		1.00	0.95
Flt	1.00	0.99		1.00	1.00	0.85	1.00	0.98		1.00	0.95
Flt Protected	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.99
Satd. Flow (prot)	1676	3255		1710	3353	1515	1710	1738		1593	1571
Flt Permitted	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.99
Satd. Flow (perm)	1676	3255		1710	3353	1515	1710	1738		1593	1571
Volume (vph)	238	763	65	10	985	479	190	150	20	490	167
Peak-hour factor, PHF	0.91	0.91	0.91	0.98	0.98	0.98	0.90	0.90	0.90	0.98	0.98
Adj. Flow (vph)	262	838	71	10	1005	489	211	167	22	500	170
RTOR Reduction (vph)	0	5	0	0	0	305	0	4	0	0	18
Lane Group Flow (vph)	262	904	0	10	1005	184	211	185	0	402	392
Heavy Vehicles (%)	2%	4%	2%	0%	2%	1%	0%	2%	0%	2%	2%
Turn Type	Prot			Prot		Perm	Split			Split	
Protected Phases	5	2		1	6		8	8		4	4
Permitted Phases						6					
Actuated Green, G (s)	15.0	48.5		0.8	34.3	34.3	12.0	12.0		28.3	28.3
Effective Green, g (s)	15.0	49.5		0.8	35.3	35.3	12.0	12.0		28.3	28.3
Actuated g/C Ratio	0.14	0.46		0.01	0.33	0.33	0.11	0.11		0.27	0.27
Clearance Time (s)	4.0	5.0		4.0	5.0	5.0	4.0	4.0		4.0	4.0
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0
Lane Grp Cap (vph)	236	1511		13	1110	502	192	196		423	417
v/s Ratio Prot	c0.16	0.28		0.01	c0.30		c0.12	0.11		c0.25	0.25
v/s Ratio Perm						0.12					
v/c Ratio	1.11	0.60		0.77	0.91	0.37	1.10	0.94		0.95	0.94
Uniform Delay, d1	45.8	21.2		52.8	34.1	27.1	47.3	47.0		38.5	38.3
Progression Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00
Incremental Delay, d2	91.3	0.6		128.6	10.5	0.5	93.9	47.6		31.2	28.8
Delay (s)	137.1	21.8		181.4	44.5	27.6	141.2	94.6		69.7	67.1
Level of Service	F	C		F	D	C	F	F		E	E
Approach Delay (s)		47.6			39.9			119.2			68.4
Approach LOS		D			D			F			E

Intersection Summary		
HCM Average Control Delay	56.3	HCM Level of Service E
HCM Volume to Capacity ratio	0.98	
Actuated Cycle Length (s)	106.6	Sum of lost time (s) 16.0
Intersection Capacity Utilization	90.5%	ICU Level of Service E
Analysis Period (min)	15	
c Critical Lane Group		

5: Grants Pass Prkw & F St

Fire Mountain Gems Reserve Capacity

HCM Signalized Intersection Capacity Analysis

2009 DHV w/ Mitigation



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↰	↰	↰	↰	↰	↰	↰	↰	↰	↰	↰	↰
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0
Lane Util. Factor	1.00	0.95		1.00	0.95	1.00	1.00	1.00		0.95	0.95	1.00
Frt	1.00	0.99		1.00	1.00	0.85	1.00	0.98		1.00	1.00	0.85
Flt Protected	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.97	1.00
Satd. Flow (prot)	1676	3253		1710	3320	1500	1676	1753		1593	1642	1500
Flt Permitted	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.97	1.00
Satd. Flow (perm)	1676	3253		1710	3320	1500	1676	1753		1593	1642	1500
Volume (vph)	259	714	65	10	985	500	190	152	20	503	167	139
Peak-hour factor, PHF	0.91	0.91	0.91	0.98	0.98	0.98	0.90	0.90	0.90	0.98	0.98	0.98
Adj. Flow (vph)	285	785	71	10	1005	510	211	169	22	513	170	142
RTOR Reduction (vph)	0	6	0	0	0	93	0	4	0	0	0	112
Lane Group Flow (vph)	285	850	0	10	1005	417	211	187	0	331	352	30
Heavy Vehicles (%)	2%	4%	2%	0%	3%	2%	2%	1%	0%	2%	1%	2%
Turn Type	Prot			Prot		pm+ov	Split			Split		Perm
Protected Phases	5	2		1	6	4	8	8		4	4	
Permitted Phases						6						4
Actuated Green, G (s)	18.0	51.1		0.6	33.7	56.7	15.6	15.6		23.0	23.0	23.0
Effective Green, g (s)	18.0	52.1		0.6	34.7	57.7	15.6	15.6		23.0	23.0	23.0
Actuated g/C Ratio	0.17	0.49		0.01	0.32	0.54	0.15	0.15		0.21	0.21	0.21
Clearance Time (s)	4.0	5.0		4.0	5.0	4.0	4.0	4.0		4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	281	1580		10	1074	863	244	255		341	352	322
v/s Ratio Prot	c0.17	0.26		0.01	c0.30	0.10	c0.13	0.11		0.21	c0.21	
v/s Ratio Perm						0.17						0.02
w/c Ratio	1.01	0.54		1.00	0.94	0.48	0.86	0.73		0.97	1.00	0.09
Uniform Delay, d1	44.6	19.2		53.4	35.2	15.5	44.8	43.9		41.8	42.2	33.8
Progression Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	57.4	0.4		284.6	14.5	0.4	25.7	10.3		40.7	48.0	0.1
Delay (s)	102.0	19.6		338.0	49.7	15.9	70.5	54.2		82.5	90.1	33.9
Level of Service	F	B		F	D	B	E	D		F	F	C
Approach Delay (s)		40.2			40.3			62.8			77.4	
Approach LOS		D			D			E			E	

Intersection Summary			
HCM Average Control Delay	50.4	HCM Level of Service	D
HCM Volume to Capacity ratio	0.96		
Actuated Cycle Length (s)	107.3	Sum of lost time (s)	15.0
Intersection Capacity Utilization	87.7%	ICU Level of Service	E
Analysis Period (min)	15		
c Critical Lane Group			

5: Grants Pass Prkw & F St
 HCM Signalized Intersection Capacity Analysis

Fire Mountain Gems Reserve Capacity
 2009 DHV w/ Home Depot Mitigation + Main Place

Movements	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖	↑↑		↖	↑↑	↗	↖	↑	↗	↖	↑	↗
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0
Lane Util. Factor	1.00	0.95		1.00	0.95	1.00	1.00	1.00		0.95	0.95	1.00
Prt	1.00	0.99		1.00	1.00	0.85	1.00	0.98		1.00	1.00	0.85
Flt Protected	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.97	1.00
Satd. Flow (prot)	1676	3254		1710	3320	1500	1676	1753		1593	1641	1500
Flt Permitted	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.97	1.00
Satd. Flow (perm)	1676	3254		1710	3320	1500	1676	1753		1593	1641	1500
Volume (vph)	259	742	65	10	1046	514	190	152	20	510	187	139
Peak Hour factor, PHF	0.91	0.91	0.91	0.98	0.98	0.98	0.90	0.90	0.90	0.98	0.98	0.98
Adj. Flow (vph)	285	815	71	10	1067	524	211	169	22	520	170	142
RTOR Reduction (vph)	0	5	0	0	0	77	0	4	0	0	0	113
Lane Group Flow (vph)	285	881	0	10	1067	447	211	187	0	334	356	29
Heavy Vehicles (%)	2%	4%	2%	0%	3%	2%	2%	1%	0%	2%	1%	2%
Turn Type	Prot			Prot		pm+av	Split			Split		Perm
Protected Phases	5	2		1	8	4	8	8		4	4	4
Permitted Phases						6						
Actuated Green, G (s)	19.0	59.2		0.6	40.8	64.8	16.0	16.0		24.0	24.0	24.0
Effective Green, g (s)	19.0	60.2		0.6	41.8	65.8	16.0	16.0		24.0	24.0	24.0
Actuated g/C Ratio	0.16	0.52		0.01	0.36	0.56	0.14	0.14		0.21	0.21	0.21
Clearance Time (s)	4.0	5.0		4.0	5.0	4.0	4.0	4.0		4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	273	1677		9	1188	896	230	240		327	337	308
v/s Ratio Prot	c0.17	0.27		0.01	c0.32	0.10	c0.13	0.11		0.21	c0.22	
v/s Ratio Perm						0.20						0.02
v/c Ratio	1.04	0.53		1.11	0.90	0.50	0.92	0.78		1.02	1.06	0.09
Uniform Delay, d1	48.9	18.8		58.1	35.5	15.5	49.7	48.7		46.4	46.4	37.6
Progression Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	66.4	0.3		342.2	9.2	0.4	37.2	14.6		55.3	64.6	0.1
Delay (s)	115.3	19.1		400.3	44.7	15.9	86.9	63.3		101.7	111.0	37.7
Level of Service	F	B		F	D	B	F	E		F	F	D
Approach Delay (s)		42.5			37.5			75.7			94.8	
Approach LOS		D			D			E			F	

Intersection Summary			
HCM Average Control Delay	54.7	HCM Level of Service	D
HCM Volume to Capacity ratio	0.97		
Actuated Cycle Length (s)	116.8	Sum of lost time (s)	16.0
Intersection Capacity Utilization	89.7%	ICU Level of Service	E
Analysis Period (min)	15		
c Critical Lane Group			

5: Grants Pass Prkw & F St

Fire Mountain Gems Reserve Capacity

HCM Signalized Intersection Capacity Analysis 2009 DHV w/ Home Depot Mit. + Main Place + Fire Mtn. Gems



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↰	↑↑		↰	↑↑	↰	↰	↑		↰	↑	↰
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0
Lane Util. Factor	1.00	0.95		1.00	0.95	1.00	1.00	1.00		0.95	0.95	1.00
Frt	1.00	0.99		1.00	1.00	0.85	1.00	0.98		1.00	1.00	0.85
Flt Protected	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.97	1.00
Satd. Flow (prot)	1676	3264		1710	3320	1500	1676	1754		1593	1641	1500
Flt Permitted	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.97	1.00
Satd. Flow (perm)	1676	3264		1710	3320	1500	1676	1754		1593	1641	1500
Volume (vph)	270	742	65	10	1046	522	190	154	20	521	170	152
Peak-hour factor, PHF	0.91	0.91	0.91	0.98	0.98	0.98	0.90	0.90	0.90	0.98	0.98	0.98
Adj. Flow (vph)	297	815	71	10	1067	533	211	171	22	532	173	155
RTOR Reduction (vph)	0	5	0	0	0	77	0	4	0	0	0	122
Lane Group Flow (vph)	297	881	0	10	1067	456	211	189	0	342	363	33
Heavy Vehicles (%)	2%	4%	2%	0%	3%	2%	2%	1%	0%	2%	1%	2%
Turn Type	Prot			Prot		pm+ov	Split			Split		Perm
Protected Phases	5	2		1	6	4	8	8		4	4	
Permitted Phases						6						4
Actuated Green, G (s)	20.0	59.1		0.6	39.7	64.7	16.1	16.1		25.0	25.0	25.0
Effective Green, g (s)	20.0	60.1		0.6	40.7	65.7	16.1	16.1		25.0	25.0	25.0
Actuated g/C Ratio	0.17	0.51		0.01	0.35	0.56	0.14	0.14		0.21	0.21	0.21
Clearance Time (s)	4.0	5.0		4.0	5.0	4.0	4.0	4.0		4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	285	1680		9	1147	888	229	240		338	348	318
v/s Ratio Prot	c0.18	0.27		0.01	c0.32	0.11	c0.13	0.11		0.21	c0.22	
v/s Ratio Perm						0.20						0.02
v/c Ratio	1.04	0.53		1.11	0.93	0.51	0.92	0.79		1.01	1.04	0.10
Uniform Delay, d1	48.9	19.4		58.6	37.2	16.2	50.2	49.2		46.4	46.4	37.4
Progression Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	64.7	0.3		342.2	13.1	0.5	38.5	15.5		52.0	59.9	0.1
Delay (s)	113.6	19.7		400.8	50.3	16.7	88.7	64.7		98.4	106.3	37.5
Level of Service	F	B		F	D	B	F	E		F	F	D
Approach Delay (s)		43.3			41.3			77.2			90.8	
Approach LOS		D			D			E			F	

Intersection Summary			
HCM Average Control Delay	56.0	HCM Level of Service	E
HCM Volume to Capacity ratio	0.98		
Actuated Cycle Length (s)	117.8	Sum of lost time (s)	16.0
Intersection Capacity Utilization	90.7%	ICU Level of Service	E
Analysis Period (min)	15		
c Critical Lane Group			

Figure 1

Fire Mountain Gems Commercial Traffic Impact Study

Trip Distribution and Assignment

Main Place and Fire Mountain Gems Developments

XX = Main Place
(XX) = Fire Mountain Gems

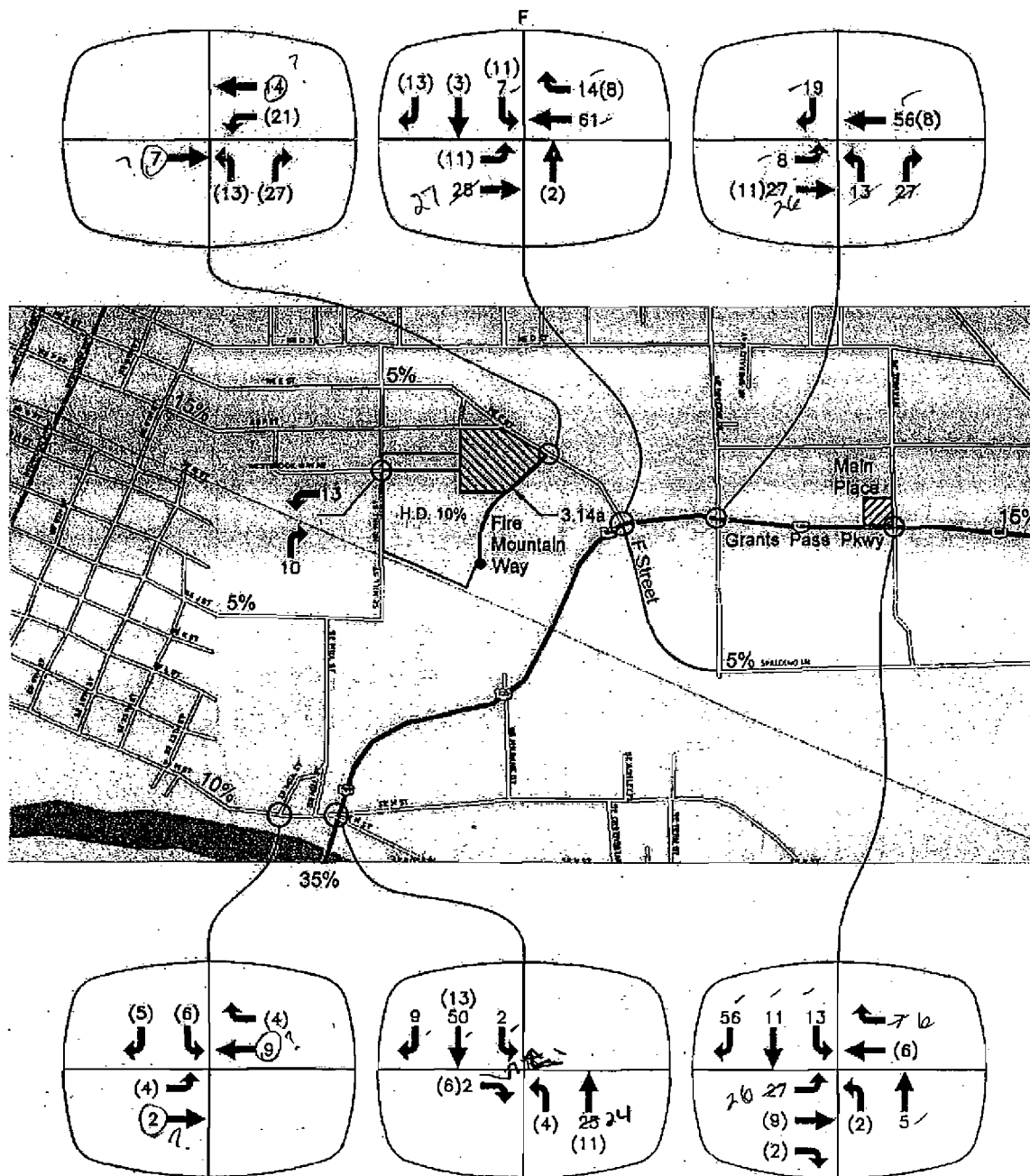
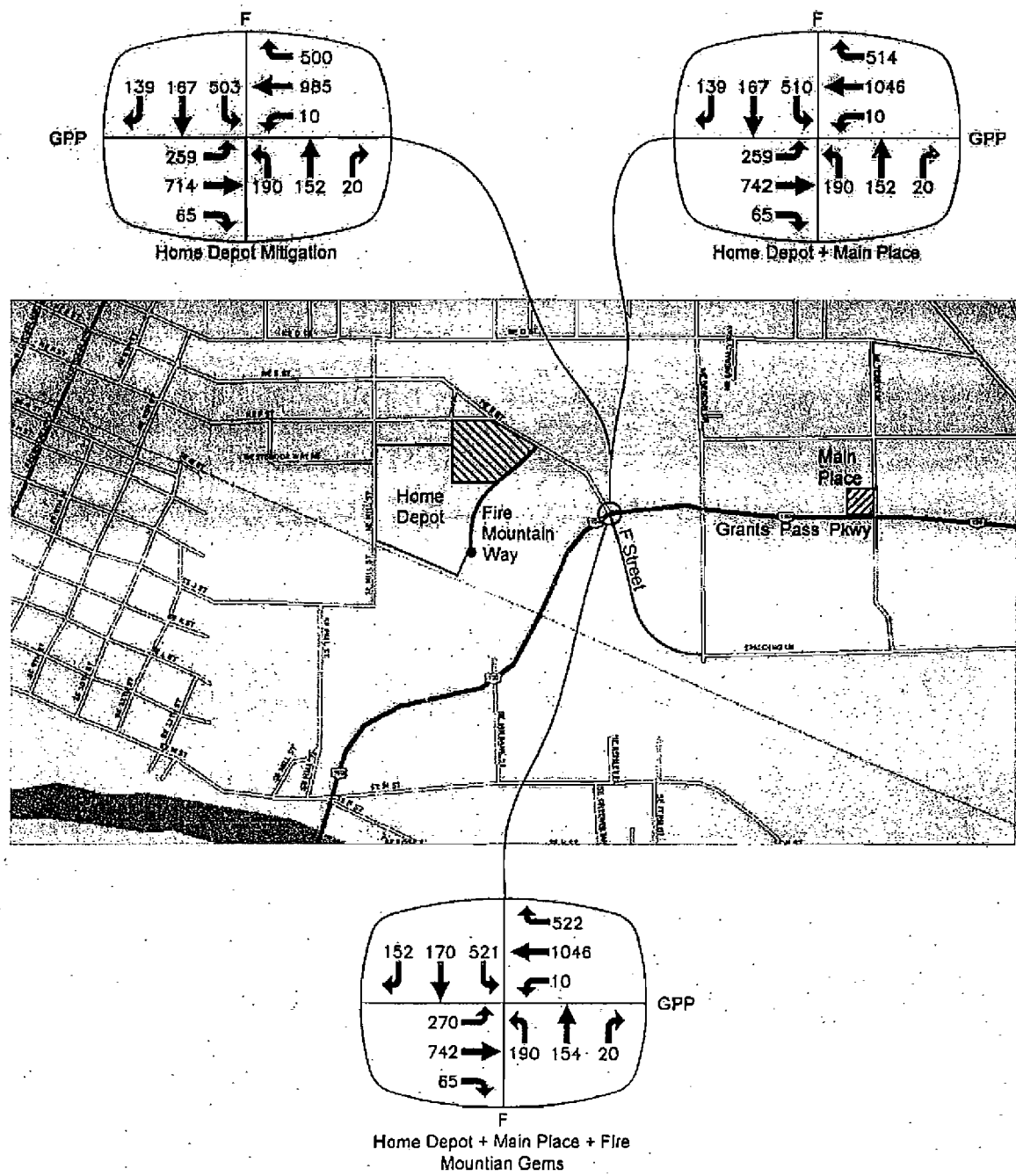


Figure 2
Fire Mountain Gems Commercial Traffic Impact Study
 2009 DHV
 Grants Pass Pkwy at F Street



Appendix E

Scope of Work

May 29, 2009

Craig Stone
CSA Planning
4497 Brownridge, Ste. 101
Medford, OR 97504

City of Grants Pass



RE: Fire Mountain Gems 1-Acre Zone Change Application, 26 Fire Mountain Way
Traffic Scoping Letter

I have received Mike Weishar's letter dated May 19, 2009 stating there is capacity at the intersection of F Street and the Grants Pass Parkway. I concur with this analysis. However, the question remains if there is adequate capacity at the F Street/Fire Mountain Way intersection and others.

Please provide Traffic Impact Analysis (TIA) for the F Street/Fire Mountain Way intersection that addresses the following both at the build year (2010) and a twenty-year planning horizon (2020). The TIA shall provide for comparisons in every facet of the existing zoning and the proposed zone change.

Trip Generation

1. Estimate reasonable worst case scenario intensity uses for both zoning types. This development should consider only development on the 1-acre parcel that will be identified in the zone change application.
2. Provide a trip distribution map showing the distribution of the generated peak hour trips until the peak hour distribution volumes fall below 25 vehicles at any given intersection located on an arterial or collector.

Note that all intersections impacted by 25 or more peak hour trips will also need to be included for analysis in this TIA. There may be more intersections other than the F St/GP Parkway and the F St/Fire Mountain Way that need to be analyzed in this TIA.

Traffic Counts and Background Traffic

1. The existing trip counts for the F St/Fire Mountain way intersection may be obtained from the Don Bradley (Timber Products) Zone Change TIA.
2. Background growth from the date the counts were taken until the day of opening and the 20 year planning horizon shall be consistent with the Bradley TIA.
3. The TIA shall assume that the proposed trip generations from the Timber Products approved zone change are in place as if they were existing conditions.
4. The TIA shall assume that the proposed trip generations from the Main Place Zone Change are in place as if they were existing conditions.

Intersection Analysis

Notes:

The City is currently making upgrades to the F St/Fire Mountain Way intersection to improve pedestrian safety. One of the mitigations that may be used is to add a 5-second all red phase

during the unprotected left turn. This will increase the overall cycle length of the intersection. The TIA shall assume that this phase is in place.

The following scope is focused on the intersection of F St/Fire Mountain Way. However, depending on the trip distribution, other intersections may become part of the study area as stated in Trip Generation, paragraph (2). If it is found that the study area encompasses other intersections, the same type of analysis will be required as they are on the F St/Fire Mountain Way intersection. If any subsequent intersections are found to be included in the study area that are under ODOT jurisdiction, they shall be also analyzed with ODOT's V/C ratio.

1. Determine the existing Level of Service (LOS).
2. Determine the LOS for the build year with the development in place.
3. Determine the LOS of the 20-year planning horizon with the development in place.
4. Provide a queing analysis for all approaches.
5. Provide a safety analysis based upon crash history.
6. Provide the discussion about capacity at the F St/ GP Parkway capacity as discussed in Mike Weishar's May 19th, 2009 letter to me. I would like this all in one report for the record and future reference.
7. Analyze operational characteristics of Fire Mountain Way for the existing conditions, existing zoning, and proposed zoning. This analysis shall also consider the build year and the 20-year planning horizon.

Mitigation

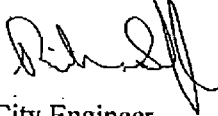
Provide proposed mitigation that deals with the proposed impact of the zone change.

Disclaimer

This scope is intended to evaluate the impacts of the proposed zone change of Industrial to Business Park on the 1.01 acre site only. It is not intended to evaluate the impacts of a future development on this site or any other adjacent sites. It is likely that at the time of application of the development of this site and any other adjacent sites, another TIA will be required to evaluate capacity at that time. With that said, if the site plan application on this lot has the same or less traffic impact as the zone change, another TIA would not be required or would be significantly reduced to include only access and on-site circulation issues. This waiver or reduced scope could be in effect for a reasonable time after the zone change if the zone change is approved.

I look forward to a successful completion of this TIA. If you have any questions, please call me at 541-474-6355 x 6415.

Rich Schaff, PE



City Engineer

CC: Mike Weishar
Chuck Wolfmueller
Stuart Freedman
Tax Lot File
Carla Angeli
Jim Huber
C/F

DEVELOPMENT AGREEMENTS

94.504 Development agreements; contents; duration; effect on affordable housing covenants. (1) A city or county may enter into a development agreement as provided in ORS 94.504 to 94.528 with any person having a legal or equitable interest in real property for the development of that property.

(2) A development agreement shall specify:

- (a) The duration of the agreement;
- (b) The permitted uses of the property;
- (c) The density or intensity of use;
- (d) The maximum height and size of proposed structures;
- (e) Provisions for reservation or dedication of land for public purposes;
- (f) A schedule of fees and charges;
- (g) A schedule and procedure for compliance review;
- (h) Responsibility for providing infrastructure and services;
- (i) The effect on the agreement when changes in regional policy or federal or state law or rules render compliance with the agreement impossible, unlawful or inconsistent with such laws, rules or policy;
- (j) Remedies available to the parties upon a breach of the agreement;
- (k) The extent to which the agreement is assignable; and
- (l) The effect on the applicability or implementation of the agreement when a city annexes all or part of the property subject to a development agreement.

(3) A development agreement shall set forth all future discretionary approvals required for the development specified in the agreement and shall specify the conditions, terms, restrictions and requirements for those discretionary approvals.

(4) A development agreement shall also provide that construction shall be commenced within a specified period of time and that the entire project or any phase of the project be completed by a specified time.

(5) A development agreement shall contain a provision that makes all city or county obligations to expend moneys under the development agreement contingent upon future appropriations as part of the local budget process. The development agreement shall further provide that nothing in the agreement requires a city or county to appropriate any such moneys.

(6) A development agreement must state the assumptions underlying the agreement that relate to the ability of the city or county to serve the development. The development agreement must also specify the procedures to be followed when there is a change in circumstances that affects compliance with the agreement.

(7) A development agreement is binding upon a city or county pursuant to its terms and for the duration specified in the agreement.

(8) The maximum duration of a development agreement entered into with:

- (a) A city is 15 years; and
- (b) A county is seven years.

(9) ORS 94.504 to 94.528 do not limit the authority of a city or county to take action pursuant to ORS 456.270 to 456.295. [1993 c.780 §1; 2005 c.315 §1; 2007 c.691 §7]

Exhibit 7

Note: 94.504 to 94.528 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 94 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

94.505 [Repealed by 1971 c.478 §1]

94.508 Approval by governing body; findings; adoption. (1) A development agreement shall not be approved by the governing body of a city or county unless the governing body finds that the agreement is consistent with local regulations then in place for the city or county.

(2) The governing body of a city or county shall approve a development agreement or amend a development agreement by adoption of an ordinance declaring approval or setting forth the amendments to the agreement. Notwithstanding ORS 197.015 (10)(b), the approval or amendment of a development agreement is a land use decision under ORS chapter 197. [1993 c.780 §2; 2005 c.22 §74; 2007 c.354 §27]

Note: See note under 94.504.

94.510 [Repealed by 1971 c.478 §1]

94.513 Procedures on consideration and approval. (1) A city or county may, by ordinance, establish procedures and requirements for the consideration of development agreements upon application by, or on behalf of, the owner of property on which development is sought or another person having a legal or equitable interest in that property.

(2) Approval of a development agreement requires compliance with local regulations and the approval of the city or county governing body after notice and hearing. The notice of the hearing shall, in addition to any other requirements, state the time and place of the public hearing and contain a brief statement of the major terms of the proposed development agreement, including a description of the area within the city or county that will be affected by the proposed development agreement. [1993 c.780 §3]

Note: See note under 94.504.

94.515 [Repealed by 1971 c.478 §1]

94.518 Application of local government law and policies to agreement. Unless otherwise provided by the development agreement, the comprehensive plan, zoning ordinances and other rules and policies of the jurisdiction governing permitted uses of land, density and design applicable to the development of the property subject to a development agreement shall be the comprehensive plan and those ordinances, rules and policies of the jurisdiction in effect at the time of approval of the development agreement. [1993 c.780 §4]

Note: See note under 94.504.

94.520 [Repealed by 1971 c.478 §1]

94.522 Amendment or cancellation of agreement; enforceability. (1) A development agreement may be amended or canceled by mutual consent of the parties to the agreement or their successors in interest. The governing body of a city or county shall amend or cancel a development agreement by adoption of an ordinance declaring cancellation of the agreement or setting forth the amendments to the agreement.

(2) Until a development agreement is canceled under this section, the terms of the development agreement are enforceable by any party to the agreement. [1993 c.780 §5]

Note: See note under 94.504.

94.525 [Repealed by 1971 c.478 §1]

94.528 Recording. Not later than 10 days after the execution of a development agreement under ORS 94.504 to 94.528, the governing body of the city or county shall cause the development agreement to be presented for recording in the office of the county clerk of the county in which the property subject to the agreement is situated. In addition to other provisions required by ORS 94.504 to 94.528, the development agreement shall contain a legal description of the property subject to the agreement. [1993 c.780 §6]

Note: See note under 94.504.

94.530 [Repealed by 1971 c.478 §1]

Lora Glover - ODOT comments: Fire Mtn. Gems Plan & Zone Map Amendments for Tax Lot 904 (file no. 09-40200002)

From: "PYLES David" <David.PYLES@odot.state.or.us>
To: "Lora Glover" <lglover@grantspassoregon.gov>
Date: 8/28/2009 3:19 PM
Subject: ODOT comments: Fire Mtn. Gems Plan & Zone Map Amendments for Tax Lot 904 (file no. 09-40200002)
CC: "Rich Schaff" <rschaff@grantspassoregon.gov>, "Chuck Wolfmueller" <WolfmuellerC@firemtn.com>, "ALLEMAND Roger B" <Roger.B.ALLEMAND@odot.state.or.us>, "STALLSWORTH Adam O" <Adam.O.STALLSWORTH@odot.state.or.us>, "WANG Wei * Michael" <Wei.WANG@odot.state.or.us>, "HUGHES Ronald H * Ron" <Ronald.H.HUGHES@odot.state.or.us>, "GUEVARA Thomas" <Thomas.GUEVARA@odot.state.or.us>

Lora:

The Oregon Department of Transportation's Rogue Valley Area Development Review Team has reviewed the application information for the proposed Fire Mountain Gems' Plan Amendment and Zone Change for an approximate 1.01-acre parcel described as Map 36-05-17-40, Tax Lot 904, located at 26 Fire Mountain Way in Grants Pass, OR. We understand the applicant, Freedman FMG Property, LLC, proposes a Comprehensive Plan Map Amendment and a Zone Map Amendment from Industrial (I) to Business Park (BP) designation and zone district. We understand access to serve Tax Lot 904 is available, or can be made available, from Fire Mountain Way, a city street.

This project has been coordinated with our Development Review staff since approximately February 2009. We have no Transportation Planning Rule "significant affect" concerns with the proposed land use amendments for Tax Lot 904, following the extensive traffic analysis and review of the prior Timber Products Zone Change / Home Depot Site Plan Review projects. We accepted at that time, the analysis showing approximately 2% reserve facility capacity at the Grants Pass Parkway (US-199) / F Street intersection. As an outcome of that effort, the ODOT has been involved with the City and FMG to address pedestrian safety issues at the public street crossing on F Street. We understand these pedestrian safety issues have been recently resolved.

As advisory comments to the applicant and City of Grants Pass, we request stakeholder coordination of traffic analysis, Goal 12 and Transportation Planning Rule (OAR 660-012-0060) issues as related to the latest Fire Mountain Gems / Freedman FMG Property, LLC proposal for plan and zone map amendments for the approximate 11.63 acre subject properties (i.e., Map 36S-5W-17D, Tax Lots 905 & 907). We understand these amendments are currently Grants Pass Pre-Application file number 09-00100018. We look forward to pre-application coordination of these proposed land use amendments, and the coordination of an adequate traffic study to support these subsequent amendments.

We appreciate this opportunity to provide development review assistance to the applicant and City of Grants Pass. Please include this correspondence in the #09-40200002 project record. Please copy me on the City's final decision, order and any conditions. We look forward to working with the applicant and City on future land use application projects.

Kind regards,

David J. Pyles | Development Review Planner III

The ODOT Region 3 / District 8 | 100 Antelope Rd. | White City, OR 97503

☎: (541) 774.6399 | 📠: (541) 774.6349 | ✉: David.Pyles@odot.state.or.us

EXHIBIT 8



Access Engineering LLC

134 E. 13th Ave. Suite 2
Eugene, Oregon 97401
Phone & Fax
541-485-3215
info@accesseng.com

Transportation Engineering
Traffic Design
Trip Generation
Access Management
Traffic Counts
Street Lighting

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SEP 02 2009

CITY OF GRANTS PASS

September 2, 2009

Carla Angeli Paladino, Senior Planner
Community Development Department
City of Grants Pass
101 NW "A" Street
Grants Pass, OR 97526

RE: Restaurant Data for Fire Mountain Gems Tax Lot 904 Zone Change

This letter is an addendum to the July 13, 2009 Fire Mountain Gems Tax Lot 904 Zone Change Traffic Impact Analysis (July TIA). The letter provides traffic data for two types of restaurants that are permitted uses in the current and proposed zoning. This data is to be added to the Trip Generation and Distribution data sections (C.2. and C.3.) of the July TIA.

Trip Generation

The Development Code permits a larger range of commercial land uses for the proposed BP zoning. One of the highest traffic generators are eating/drinking establishments. Traffic generated by restaurants depend on its type. The highest traffic generator is a fast-food restaurant with a drive-through window. Since this site is not on or visible from an arterial or collector street, it was not deemed as a reasonable development in the July TIA. We will include its trip generation here for comparison. For this size parcel, based on parking, circulation and setback requirements a 6,700 square foot building could be built. This is a very large fast-food restaurant with a drive-through window but will serve as a worst-case high traffic development.

We believe a more reasonable restaurant for this site is a high-turnover, sit-down type restaurant. This type of restaurant has the same parking requirements but without a drive-through window, will have a smaller circulation component allowing a larger building size. We calculate the maximum size of this type of a high-turnover, sit-down restaurant on the site to be 8,000 square feet.

The trip generation calculations are based on the Seventh Edition of the Institute of Transportation Engineers Trip Generation manual. Land Use Codes 932 - High-turnover, Sit-down Restaurant and 934 - Fast-food Restaurant with Drive-through Window were used. Table 1 on the following page lists the potential trip generation for each of these restaurants. For High-turnover, Sit-down Restaurants, 43% of the trips are assumed to be pass-by trips per the Trip Generation Handbook. For Fast-food Restaurant with Drive-through Window, 50% of the trips are assumed to be pass-by trips per the Handbook.

EXHIBIT 9

Table 2: Trip Generation BP Zoning

ITE Code	Size	Units	PM Peak Hour			
			Rate	Trips	Enter	Exit
932 - High-turnover, Sit-down Restaurant	8.0	1000 SF GFA	10.92	87	53	34
Less Pass-By Trips			0.43	38	23	15
Primary Trips				49	30	19
934 - Fast-food Restaurant w/ Drive-through Window	6.7	1000 SF GFA	34.64	232	121	111
Less Pass-By Trips			0.50	116	60	56
				116	60	56

Trip Distribution

The distribution of trips for both restaurant uses will be the same as the trip distribution used in the Don Bradley Zone Change TIA for the Home Depot site south and west of this parcel with some minor changes as was done in the July TIA. Since all access for tax lot 904 is on Fire Mountain Way, trips with origins and destinations to the south and southwest will be assigned to Grants Pass Pkwy. via "F" Street rather than to Mill Street as in the Don Bradley Zone Change TIA. Because of its location between Fire Mountain Gems site and the Home Depot site, we have assumed 10% of the trips will be to and from these sites using Fire Mountain Way exclusively. The remaining trips will enter and exit the street system at the "F" Street and Fire Mountain way intersection with 65% to and from the east and 25% to and from the west. Figure 3A, attached, shows the assignment of trips in the surrounding area.

The distribution of pass-by trips is based on the relative PM peak hour volumes (from the 2007 count data). As in the July TIA that distribution is:

<u>Arterial Street - direction</u>	<u>Volume</u>	<u>%</u>
"F" St. - westbound:	795	52%
"F" St. - eastbound:	725	48%

Figure 3A shows the diverted-linked trips at the "F" Street at Fire Mountain Way intersection.

Traffic Volumes & Operations - Year of Opening - 2010

By 2010 the site is assumed to be fully developed. Figure 6A attached shows the DHV at the study area intersections resulting from the adding the total site trips from each restaurant scenario to the background traffic levels shown in Figure 5 I the July TIA. Table 2 below shows the results of the intersection analysis for 2010 comparing traffic levels including the two restaurant scenarios to traffic conditions of the Current Zoning (Auto Parts & Service store from the July TIA). The peak hour factors and signal timings used are the same as those used in the July TIA. The Synchro Reports are attached. Intersection v/c and LOS results that exceed the mobility standards are shown in bold type.

Table 6: Year of Opening - 2010 Design Hour Operational Analysis Comparison

Intersection Critical Unsignalized Movement	Mob. Std.	Current Zoning			High-Turnover Restaurant			Fast-Food Rest. w/Drive-Through		
		V/C	Delay (Sec.)	LOS	V/C	Delay (Sec.)	LOS	V/C	Delay (Sec.)	LOS
Grants Pass Pkwy. @ "F" St.	0.70 / D	0.98	52.4	D	0.97	54.4	D	0.98	55.8	E
"F" Street @ Fire Mountain Way	D	0.76	27.5	C	0.76	28.0	C	0.76	29.5	C
Site Access @ Fire Mountain Way Eastbound Movements	D	0.05	10.5	B	0.07	10.8	B	0.11	11.1	B

The results of the operational analysis for the year of opening, 2010, show that the Grants Pass Pkwy. at "F" Street intersection will not meet the ODOT mobility standard under either zoning scenario, however the high-turnover restaurant does 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 Zoning must be no worse than the operation under the Current Zoning. In this case the v/c ratios are equal and the TPR rule is satisfied for both restaurant scenarios.

Very truly yours,



Renews: 6/30/10

Michael Weishar, PE
Access Engineering LLC

Figure 3A

XX - High-Turnover (sit-down) Restaurant
(XX) - Fast-Food W/Drive-Through Restaurant

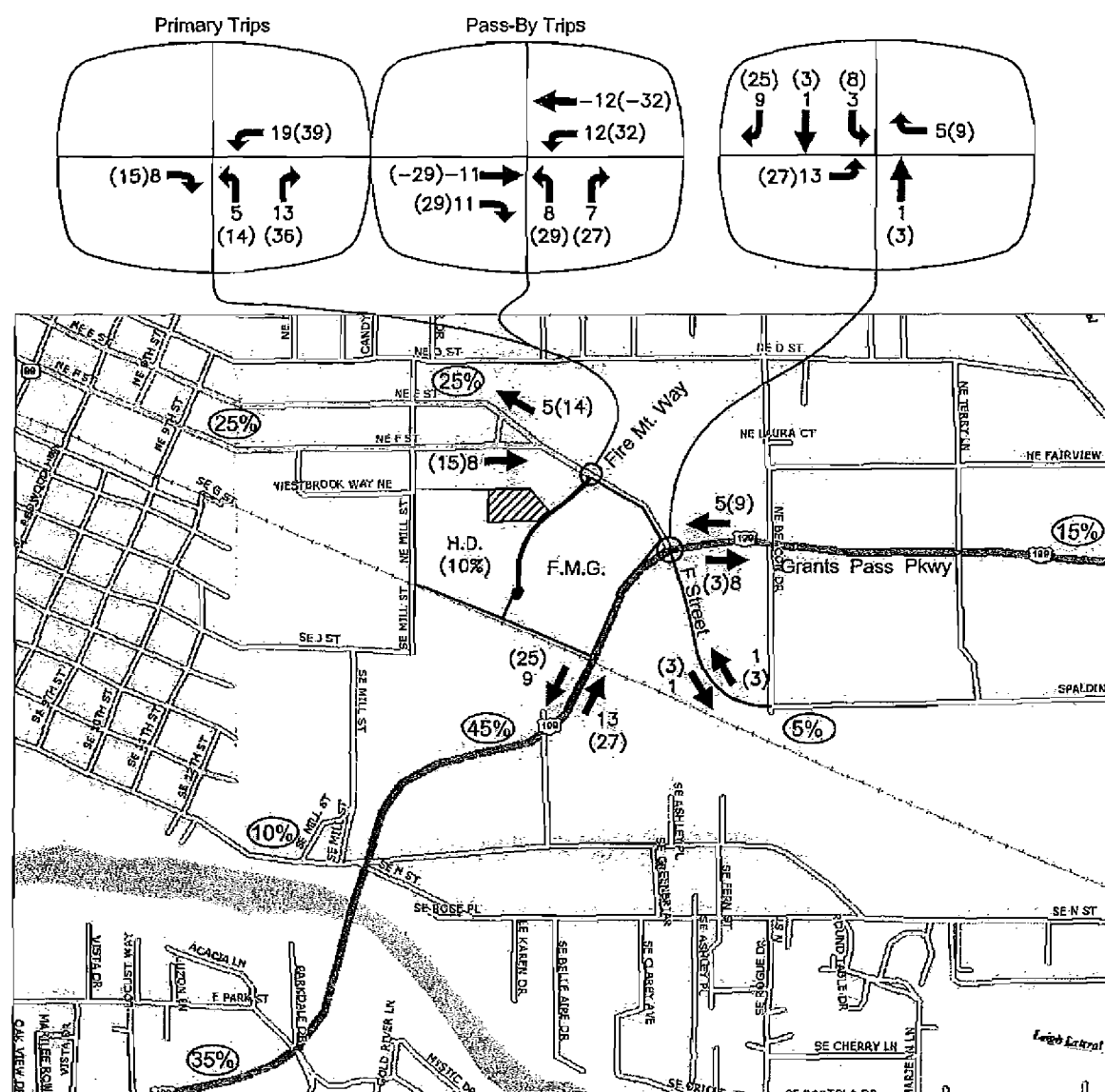
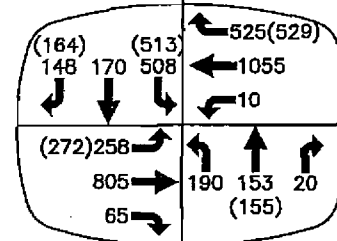
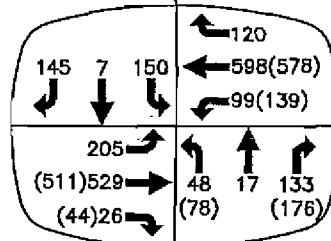
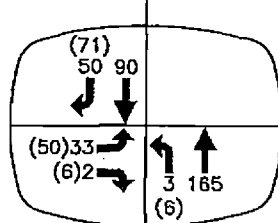
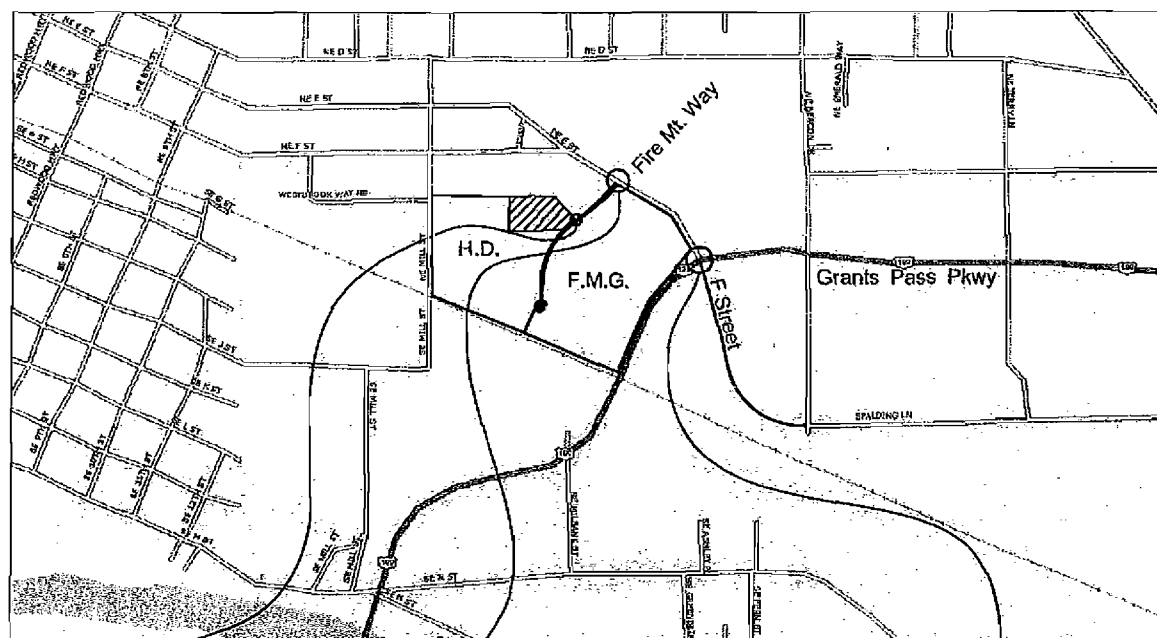


Figure 6A

F.M.G. TL 904 Zone Change Traffic Impact Study
2010 DHV
With Restaurant Developments



XX - High-Turnover (sit-down) Restaurant
 (XX) - Fast-Food W/Drive-Through Restaurant (where different)

1: F Street & Fire Mountain Way
HCM Signalized Intersection Capacity Analysis

Fire Mountain Gems TL 904 Zone Change
2010 DHV w/Fast-Food w/DT Rest. BP Zoning

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↰	↑↑	↱	↰	↑↑	↱	↰	↑	↱	↰	↑	↱
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	0.95		1.00	0.95		1.00	1.00		1.00	1.00	
Frt	1.00	0.99		1.00	0.97		1.00	0.86		1.00	0.86	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1710	3318		1710	3305		1613	1554		1676	1520	
Flt Permitted	0.95	1.00		0.95	1.00		0.58	1.00		0.50	1.00	
Satd. Flow (perm)	1710	3318		1710	3305		991	1554		885	1520	
Volume (vph)	205	511	44	139	578	120	78	17	176	150	7	145
Peak-hour factor, PHF	0.97	0.97	0.97	0.95	0.95	0.95	0.85	0.85	0.85	0.85	0.85	0.85
Adj. Flow (vph)	211	527	45	146	608	126	92	20	207	176	8	171
RTOR Reduction (vph)	0	7	0	0	19	0	0	152	0	0	125	0
Lane Group Flow (vph)	211	565	0	146	715	0	92	75	0	176	54	0
Heavy Vehicles (%)	0%	2%	0%	0%	1%	0%	6%	0%	0%	2%	33%	0%
Turn Type	Prot			Prot			Perm			Perm		
Protected Phases	5	2		1	6			8			8	
Permitted Phases							8			8		
Actuated Green, G (s)	11.6	21.2		8.5	18.1		19.1	19.1		19.1	19.1	
Effective Green, g (s)	11.6	21.2		8.5	18.1		19.1	19.1		19.1	19.1	
Actuated g/C Ratio	0.16	0.30		0.12	0.25		0.27	0.27		0.27	0.27	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	277	982		203	836		264	415		236	405	
v/s Ratio Prot	c0.12	c0.17		0.09	c0.22			0.05			0.04	
v/s Ratio Perm							0.09			c0.20		
v/c Ratio	0.76	0.58		0.72	0.86		0.35	0.18		0.75	0.13	
Uniform Delay, d1	28.7	21.4		30.4	25.5		21.2	20.2		24.0	20.0	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	11.7	0.8		11.5	8.6		0.8	0.2		12.1	0.1	
Delay (s)	40.4	22.2		41.9	34.1		22.0	20.4		36.1	20.1	
Level of Service	D	C		D	C		C	C		D	C	
Approach Delay (s)		27.1			35.4			20.9			28.0	
Approach LOS		C			D			C			C	
Intersection Summary												
HCM Average Control Delay		29.5					HCM Level of Service			C		
HCM Volume to Capacity ratio		0.84										
Actuated Cycle Length (s)		71.6					Sum of lost time (s)		26.8			
Intersection Capacity Utilization		67.4%					ICU Level of Service		C			
Analysis Period (min)		15										

c Critical Lane Group

1: F Street & Fire Mountain Way
HCM Signalized Intersection Capacity Analysis

Fire Mountain Gems TL 904 Zone Change
2010 DHV w/ High_Turnover Rest. BP Zoning

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	←	↑	→	←	↑	→	←	↑	→	←	↑	→
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	0.95		1.00	0.95		1.00	1.00		1.00	1.00	
Frt	1.00	0.99		1.00	0.97		1.00	0.87		1.00	0.86	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1710	3332		1710	3307		1613	1561		1676	1520	
Flt Permitted	0.95	1.00		0.95	1.00		0.58	1.00		0.58	1.00	
Satd. Flow (perm)	1710	3332		1710	3307		979	1561		1027	1520	
Volume (vph)	205	529	26	99	598	120	48	17	133	150	7	145
Peak-hour factor, PHF	0.97	0.97	0.97	0.95	0.95	0.95	0.85	0.85	0.85	0.85	0.85	0.85
Adj. Flow (vph)	211	545	27	104	629	126	56	20	156	176	8	171
RTOR Reduction (vph)	0	4	0	0	18	0	0	116	0	0	127	0
Lane Group Flow (vph)	211	568	0	104	737	0	56	60	0	176	52	0
Heavy Vehicles (%)	0%	2%	0%	0%	1%	0%	6%	0%	0%	2%	33%	0%
Turn Type	Prot			Prot			Perm			Perm		
Protected Phases	5	2		1	6			8			8	
Permitted Phases							8			8		
Actuated Green, G (s)	11.7	25.0		6.2	19.5		18.6	18.6		18.6	18.6	
Effective Green, g (s)	11.7	25.0		6.2	19.5		18.6	18.6		18.6	18.6	
Actuated g/C Ratio	0.16	0.34		0.09	0.27		0.26	0.26		0.26	0.26	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	276	1147		146	888		251	400		263	389	
v/s Ratio Prot	c0.12	0.17		0.06	c0.22			0.04			0.03	
v/s Ratio Perm							0.06			c0.17		
v/c Ratio	0.76	0.50		0.71	0.83		0.22	0.15		0.67	0.13	
Uniform Delay, d1	29.1	18.8		32.3	25.0		21.3	20.9		24.2	20.8	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	11.9	0.3		15.1	6.5		0.5	0.2		6.3	0.2	
Delay (s)	41.0	19.2		47.5	31.5		21.8	21.1		30.6	20.9	
Level of Service	D	B		D	C		C	C		C	C	
Approach Delay (s)		25.0			33.4			21.2			25.7	
Approach LOS		C			C			C			C	
Intersection Summary												
HCM Average Control Delay		28.0					HCM Level of Service			C		
HCM Volume to Capacity ratio		0.75										
Actuated Cycle Length (s)		72.6					Sum of lost time (s)		22.8			
Intersection Capacity Utilization		65.2%					ICU Level of Service		C			
Analysis Period (min)		15										

c Critical Lane Group

2: Grants Pass Pkwy & F St
 HCM Signalized Intersection Capacity Analysis

Fire Mountain Gems TL 904 Zone Change
 2010 DHV w/ High_Turnover Rest. BP Zoning

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0
Lane Util. Factor	1.00	0.95		1.00	0.95	1.00	1.00	1.00		0.95	0.95	1.00
Frt	1.00	0.99		1.00	1.00	0.85	1.00	0.98		1.00	1.00	0.85
Flt Protected	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.97	1.00
Satd. Flow (prot)	1676	3256		1710	3320	1500	1676	1754		1593	1642	1500
Flt Permitted	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.97	1.00
Satd. Flow (perm)	1676	3256		1710	3320	1500	1676	1754		1593	1642	1500
Volume (vph)	259	805	65	10	1055	525	190	153	20	508	168	148
Peak-hour factor, PHF	0.91	0.91	0.91	0.98	0.98	0.98	0.90	0.90	0.90	0.98	0.98	0.98
Adj. Flow (vph)	285	885	71	10	1077	536	211	170	22	518	171	151
RTOR Reduction (vph)	0	5	0	0	0	76	0	4	0	0	0	120
Lane Group Flow (vph)	285	951	0	10	1077	460	211	188	0	334	355	31
Heavy Vehicles (%)	2%	4%	2%	0%	3%	2%	2%	1%	0%	2%	1%	2%
Turn Type	Prot			Prot		pm+ov	Split			Split		Perm
Protected Phases	5	2		1	6	4	8	8		4	4	
Permitted Phases						6						4
Actuated Green, G (s)	19.0	59.4		0.6	41.0	65.0	16.0	16.0		24.0	24.0	24.0
Effective Green, g (s)	19.0	60.4		0.6	42.0	66.0	16.0	16.0		24.0	24.0	24.0
Actuated g/C Ratio	0.16	0.52		0.01	0.36	0.56	0.14	0.14		0.21	0.21	0.21
Clearance Time (s)	4.0	5.0		4.0	5.0	4.0	4.0	4.0		4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	272	1681		9	1192	897	229	240		327	337	308
v/s Ratio Prot	c0.17	0.29		0.01	c0.32	0.11	c0.13	0.11		0.21	c0.22	
v/s Ratio Perm						0.20						0.02
v/c Ratio	1.05	0.57		1.11	0.90	0.51	0.92	0.78		1.02	1.05	0.10
Uniform Delay, d1	49.0	19.3		58.2	35.6	15.6	49.9	48.8		46.5	46.5	37.7
Progression Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	67.6	0.4		942.2	9.7	0.5	38.5	15.2		55.3	63.8	0.1
Delay (s)	116.6	19.8		400.4	45.3	16.1	88.4	64.0		101.8	110.3	37.9
Level of Service	F	B		F	D	B	F	E		F	F	D
Approach Delay (s)		42.0			37.8			76.8			93.9	
Approach LOS		D			D			E			F	
Intersection Summary												
HCM Average Control Delay	54.4			HCM Level of Service			D					
HCM Volume to Capacity ratio	0.97											
Actuated Cycle Length (s)	117.0			Sum of lost time (s)			16.0					
Intersection Capacity Utilization	89.9%			ICU Level of Service			E					
Analysis Period (min)	15											
c Critical Lane Group												

2: Grants Pass Pkwy & F St
HCM Signalized Intersection Capacity Analysis

Fire Mountain Gems TL 904 Zone Change
2010 DHV w/Fast-Food w/DT Rest. BP Zoning



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	←	↑↓	→	←	↑↓	→	←	↑↓	→	←	↑↓	→
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)	4.0	4.0		4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0
Lane Util. Factor	1.00	0.95		1.00	0.95	1.00	1.00	1.00		0.95	0.95	1.00
Frt	1.00	0.99		1.00	1.00	0.85	1.00	0.98		1.00	1.00	0.85
Flt Protected	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.97	1.00
Satd. Flow (prot)	1676	3256		1710	3320	1500	1676	1754		1593	1641	1500
Flt Permitted	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	0.97	1.00
Satd. Flow (perm)	1676	3256		1710	3320	1500	1676	1754		1593	1641	1500
Volume (vph)	278	805	65	10	1055	531	190	156	20	515	168	169
Peak-hour factor, PHF	0.91	0.91	0.91	0.98	0.98	0.98	0.90	0.90	0.90	0.98	0.98	0.98
Adj. Flow (vph)	305	885	71	10	1077	542	211	173	22	526	171	172
RTOR Reduction (vph)	0	5	0	0	0	74	0	4	0	0	0	135
Lane Group Flow (vph)	305	951	0	10	1077	468	211	191	0	338	359	37
Heavy Vehicles (%)	2%	4%	2%	0%	3%	2%	2%	1%	0%	2%	1%	2%
Turn Type	Prot			Prot	pm+ov	Split				Split		Perm
Protected Phases	5	2		1	6	4	8	8		4	4	
Permitted Phases						6						4
Actuated Green, G (s)	20.0	59.1		0.6	39.7	64.7	16.1	16.1		25.0	25.0	25.0
Effective Green, g (s)	20.0	60.1		0.6	40.7	65.7	16.1	16.1		25.0	25.0	25.0
Actuated g/C Ratio	0.17	0.51		0.01	0.35	0.56	0.14	0.14		0.21	0.21	0.21
Clearance Time (s)	4.0	5.0		4.0	5.0	4.0	4.0	4.0		4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	285	1661		9	1147	898	229	240		338	348	318
v/s Ratio Prot	c0.18	0.29		0.01	c0.32	0.11	c0.13	0.11		0.21	c0.22	
v/s Ratio Perm						0.20						10.02
v/c Ratio	1.07	0.57		1.11	0.94	0.53	0.92	0.79		1.00	1.03	0.11
Uniform Delay, d1	48.9	20.0		58.6	37.9	16.3	50.2	49.2		46.4	46.4	37.5
Progression Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	73.2	0.5		342.2	14.2	0.6	38.5	16.4		49.0	56.6	0.2
Delay (s)	122.1	20.4		400.8	51.5	16.9	88.7	65.7		95.4	103.0	37.6
Level of Service	F	C		F	D	B	F	E		F	F	D
Approach Delay (s)		45.0			42.1			77.6			87.1	
Approach LOS		D			D			E			F	

Intersection Summary

HCM Average Control Delay	55.8	HCM Level of Service	E
HCM Volume to Capacity ratio	0.98		
Actuated Cycle Length (s)	117.8	Sum of lost time (s)	16.0
Intersection Capacity Utilization	91.2%	ICU Level of Service	F
Analysis Period (min)	15		
c Critical Lane Group			

3: TL 904 Access & Fire Mountain Way
 HCM Unsignalized Intersection Capacity Analysis

Fire Mountain Gems TL 904 Zone Change
 2010 DHV w/Fast-Food w/DT Rest. BP Zoning



Movement	EBL	EBR	NBL	NBT	SBT	SEB
Lane Configurations	W			W	W	
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Volume (veh/h)	50	6	6	165	90	71
Peak Hour Factor	0.75	0.75	0.85	0.85	0.85	0.85
Hourly flow rate (vph)	67	8	7	194	106	84
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh						
Upstream signal (ft)					388	
pX, platoon unblocked						
vC, conflicting volume	356	148	189			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	356	148	189			
IC, single (s)	6.4	6.2	4.1			
IC, 2 stage (s)						
IF (s)	9.5	3.9	2.2			
p0 queue free %	90	99	99			
cM capacity (veh/h)	643	905	1384			
EBL	EBR	NBL	NBT	SBT	SEB	
Volume Total	75	201	189			
Volume Left	67	7	0			
Volume Right	8	0	84			
cSH	664	1384	1700			
Volume to Capacity	0.11	0.01	0.11			
Queue Length 95th (ft)	9	0	0			
Control Delay (s)	11.1	0.3	0.0			
Lane LOS	B	A				
Approach Delay (s)	11.1	0.3	0.0			
Approach LOS	B					
Average Delay	1.9					
Intersection Capacity Utilization	24.3%					
ICU Level of Service	A					
Analysis Period (min)	15					

3: TL 904 Access & Fire Mountain Way
 HCM Unsignalized Intersection Capacity Analysis

Fire Mountain Gems TL 904 Zone Change
 2010 DHV w/ High_Turnover Rest. BP Zoning



Movement	EBL	EBR	NBL	NBT	SEB	SBR
Lane Configurations	T		T		T	
Sign Control	Stop		Free		Free	
Grade	0%		0%		0%	
Volume (veh/h)	33	2	3	165	90	50
Peak Hour Factor	0.75	0.75	0.85	0.85	0.85	0.85
Hourly flow rate (vph)	44	3	4	194	106	59
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage (veh)						
Upstream signal (ft)	388					
pX, platoon unblocked						
vC, conflicting volume	336	135	165			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	336	135	165			
IC, single (s)	6.4	6.2	4.1			
IC, 2 stage (s)						
IF (s)	3.5	3.3	2.2			
p0 queue free %	93	100	100			
cM Capacity (veh/h)	661	919	1414			
Direction	EB	NE	SB			
Volume Total	47	198	165			
Volume Left	44	4	0			
Volume Right	3	0	59			
cSH	672	1414	1700			
Volume to Capacity	0.07	0.00	0.10			
Queue Length 95th (ft)	6	0	0			
Control Delay (s)	10.8	0.2	0.0			
Lane LOS	B	A				
Approach Delay (s)	10.8	0.2	0.0			
Approach LOS	B					
Intersection Summary						
Average Delay	1.3					
Intersection Capacity Utilization	21.7%			ICU Level of Service	A	
Analysis Period (min)	15					

Exhibit 10

Chuck Wolfmueller

From: Brian Pike [bpik@grantspassoregon.gov]
Sent: Wednesday, September 09, 2009 1:19 PM
To: Chuck Wolfmueller
Subject: Re: Fire Flow Capacity for Tax Lot 904
Attachments: Brian Pike.vcf

Mr. Wolfmueller,

I did a flow test on all three hydrants along Fire Mountain Way yesterday so we have up to date information for you. To answer your question I would need some more information. The normal channel is to bring a proposal in to the City for a Pre-Application Review at which time we could see just what the project entails. Some of the issues which need to be addressed are:

How many stories will the building be?
How will it sit on the property?
What is the Fire Department access to all portions of the building?
What Type of construction are we looking at?
How is the building divided up?
Are there fire separations within the building?

Maybe the best approach would be for you to contact a Fire Protection Engineer or a Fire Sprinkler Installer, show them your plan and have them figure the requirements for fire flow and then modify the plan if needed.

I'm sorry I can't answer your question directly, but we really do need more information so I can give you accurate information.

Brian Pike
Fire Marshal
Grants Pass Department of Public Safety
101 NW "A" Street
Grants Pass, OR 97526
Office 541-450-6203
FAX 541-476-1929

>>> "Chuck Wolfmueller" <WolfmuellerC@firemtn.com> 9/8/2009 2:22 PM >>>
Dear Fire Marshal Pike,

Thank you for faxing us the fire hydrant information for Grants Pass Department of Public Safety hydrant number 1234 this morning. With this hydrant information can you tell us if there is enough fire flow capacity to build 15,000 sq. ft. of specialty retail space on Tax Lot 904, 26 Fire Mountain Way?

We are looking forward to hearing from you.

Best regards,
Chuck Wolfmueller
Fire Mountain Gems and Beads
1 Fire Mountain Way
Grants Pass, Oregon 97526
541-956-7793

9/9/2009

EXHIBIT 10

Exhibit 11

LOCKWOOD ENGINEERING LLC
FIRE PROTECTION ENGINEERING SERVICES

10149A SW Barbur Blvd. Portland, Oregon 97219
PH: 503/546-0628 Fax: 503/445-6388 Cell: 503/805-6857

September 9, 2009

Chuck Wolfmuehler
Fire Mountain Gems and Beads
1 Fire Mountain Way
Grants Pass, OR 97526

RE: Required Fire Flow
Tax Lot #904
26 Fire Mountain Way
Grants Pass, OR 97526
Project No. 2009-286

Dear Chuck:

The available public water supplies meet the minimum requirements of the Oregon Fire Code, Appendix B, for the construction of a 15,000 ft² specialty retail building of Type VB construction. The following are also required:

- Automatic Fire Sprinklers
- Three (3) hydrants are required to be available to the project site.

The required fire flow is calculated to be a minimum of 1,500-g.p.m. at a residual pressure of 20-psig. The fire flow available at hydrant #1234 located at the NE corner of the lot is 4,780-g.p.m. at a residual pressure of 20-psig. Work sheets and flow test information are attached. Please note the test result sheet prepared by Grants Pass Department of Public Safety reports an available fire flow of 2,883-g.p.m. at a residual pressure of 20-psig. The test report indicates two hydrant ports were flowed— a 2 ½-inch and a 4-inch. The reported flow rates cannot be confirmed. A new flow test is suggested.

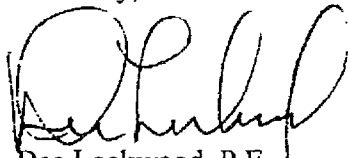
The installation of automatic fire sprinklers will be required if Type VB construction is used due to area limits of the Oregon Structural Specialty Code, Table 503. Type I, IIA and IV may not require sprinklers. Other site conditions such as set-backs, side-yards, adjacent properties, etc. may have an influence on permitted building size and construction type.

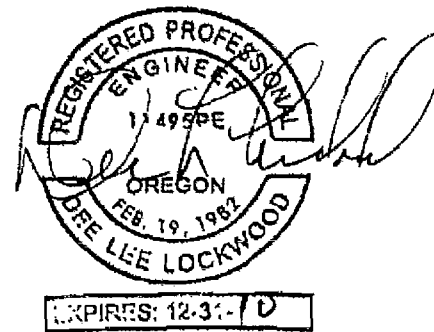
EXHIBIT 11

The actual number of hydrants should be negotiated with the local fire marshal. They may require fewer hydrants. The number required will depend on local fire emergency response equipment and location of existing hydrants.

Please call if there are questions.

Sincerely,


Dee Lockwood, P.E.
Fire Protection Engineer



LOCKWOOD ENGINEERING LLC

10149A SW Barbur Blvd.

Portland, OR 97219

Phone - 503.546.0628 Fax - 503.445.6388

Based on TVF&R FORM and 2007 Oregon Fire Code

Fire Flow and Hydrant Worksheet

This worksheet is required to be submitted to and approved by the Authority Having Jurisdiction (AHJ) before any permits for new building construction, building expansion or fire hydrants will be issued by any building department within the TVF&R District. See the instructions for assistance completing this form or call one of the above numbers.

Preparer Information

Preparer Name: Date:

Phone: Fax:

Architect / Engineer of Record:

Phone: Fax:

General Building Information

Project Name:

Project Address:

City:

County:

Zip:

Construction Type: Click Box to choose construction type from dropdown menu

Total Bldg Area: sqft (as defined by the OSSC)

Total Fire Area: sqft (fire flow calculation area as defined by the OFC)

Bldg Fire Flow: Gallons Per Minute (base amount w/o hazard class modifier or reductions)

Describe Fire Area: (if more than one fire area, include an 8 1/2 x 11 or 11 x 17 drawing indicating the various fire areas)

Type of Occupancy or Use of Building:

A. Occupancy Hazard**A1 Determine percent of each occupancy hazard in the fire area.**

Occupancy Hazard Class	Fire Area	Total Fire Area	Percent of Fire Area
Light Hazard	0 SF	15,000 SF	0 %
Ordinary Hazard Grp 1	0 SF	15,000 SF	0 %
Ordinary Hazard Grp 2 (HPCS I & II)	15000 SF	15,000 SF	100 %
Extra Hazard Grp 1 (HPCS III)	0 SF	15,000 SF	0 %
Extra Hazard Grp 2 (HPCS IV & HH)	0 SF	15,000 SF	0 %

Total Must equal 100%

100 %

A2 Calculated Fire Flow

Occupancy Hazard Class	Factor	Fire Area	Fire Flow	Bldg Fire Flow
Light Hazard	0.75	0 %	3250 GPM	0 GPM
Ordinary Hazard Grp 1	0.85	0 %	3250 GPM	0 GPM
Ordinary Hazard Grp 2	1	100 %	3250 GPM	3250 GPM
Extra Hazard Grp 1	1.15	0 %	3250 GPM	0 GPM
Extra Hazard Grp 2	1.25	0 %	3250 GPM	0 GPM

A3 Required Fire Flow with Occupancy Hazard Adjustment

3250 GPM

B. Minimum Number of Fire Hydrants Required

Required Fire Flow 3250 = 3 No. of Hydrants Required

C. Reduction of Fire Flow - Reductions are based on the following:

C1 - Reduced by 25% for a NFPA 72 Fire Alarm System (multiply by .75)

C2 - Reduced by 75% for NFPA 13 Automatic Sprinklers (multiply by .25)

D. Required Fire Flow

D1 - Fire Flow 3250 GPM x 0.25 = 1500 GPM (Max. 3000 - Min. 1500 gpm)

E. Available Fire Flow to the Building

Test Results: 4780 GPM

Manually enter available fire flow here. Please attach documentation of the flow test that was made. It shall include date, time, location of static/residual and flow hydrants, and the tester's name, phone number and address.

APPENDIX B

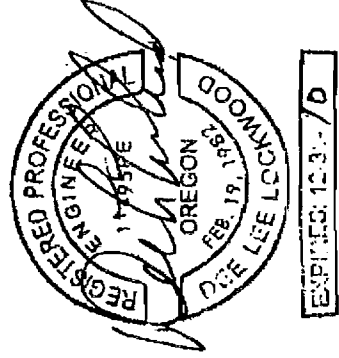
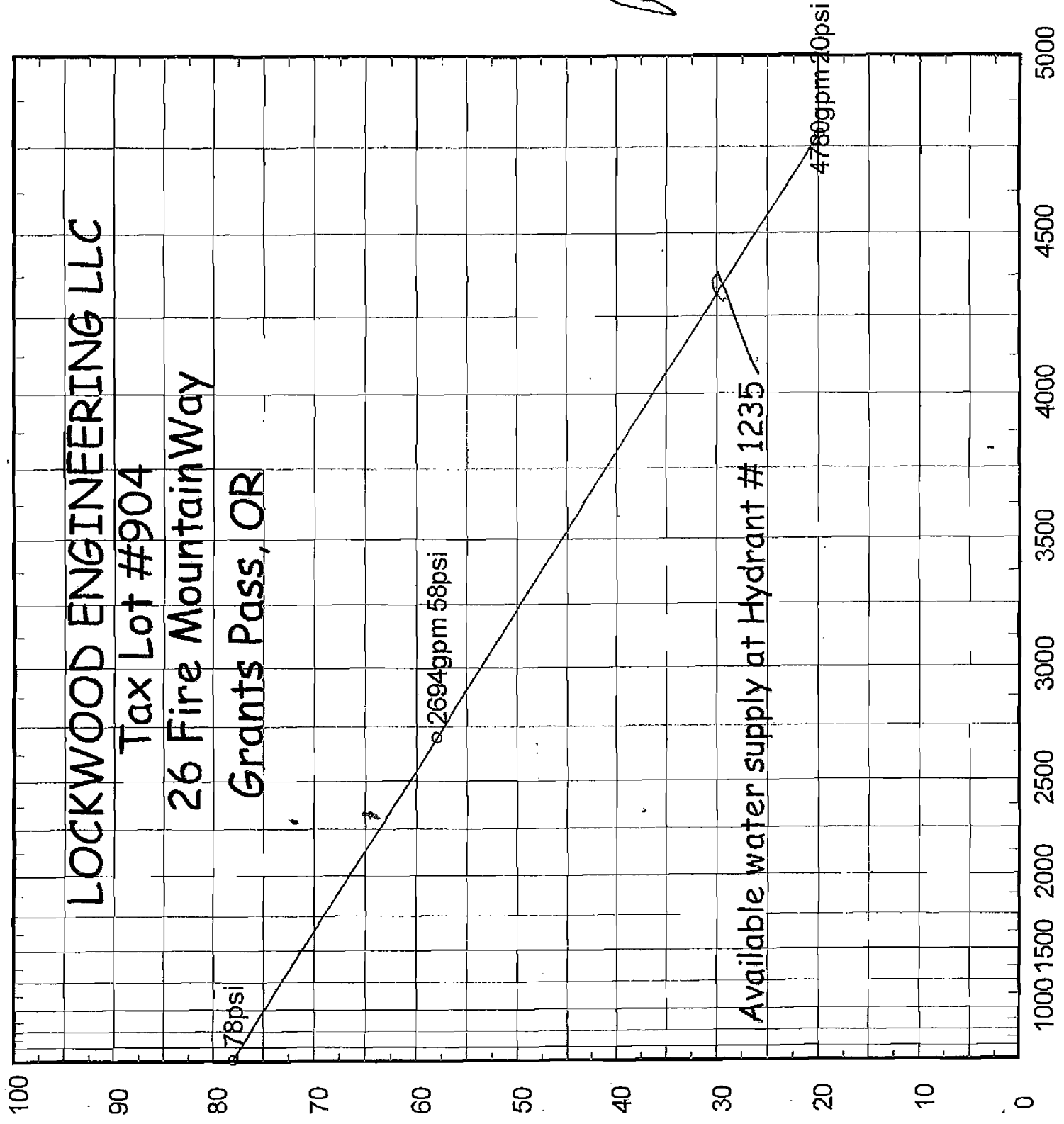
TABLE B105.1
MINIMUM REQUIRED FIRE-FLOW AND FLOW DURATION FOR BUILDINGS^a

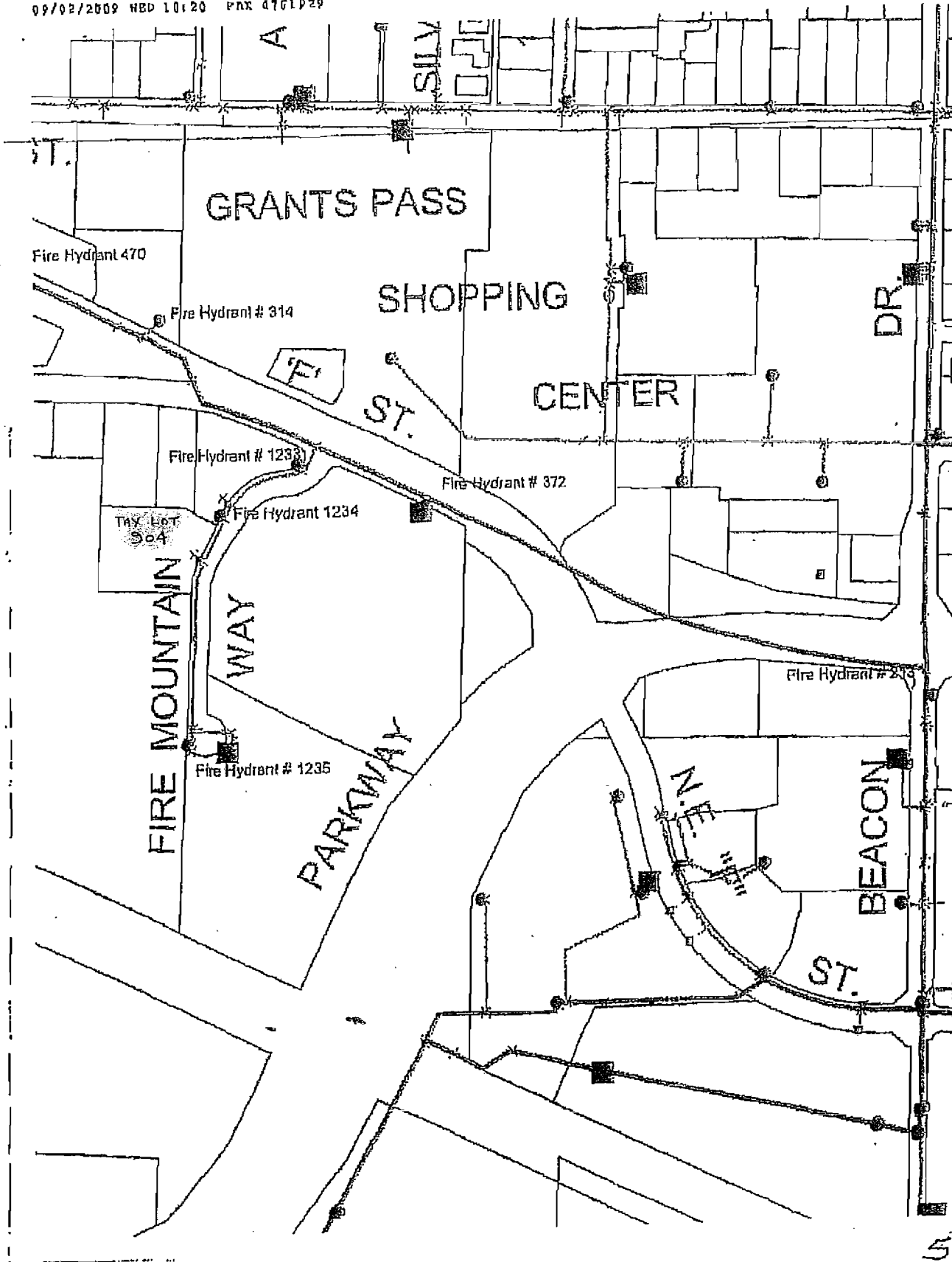
FIRE-FLOW CALCULATION AREA (square feet)					FIRE-FLOW (gallons per minute) ^c	FLOW DURATION (hours)
Type IA and IB ^b	Type IIA and IIIA ^b	Type IV and V-A ^b	Type IIB and IIIB ^b	Type V-B ^b		
0-22,700	0-12,700	0-8,200	0-5,900	0-3,600	1,500	
22,701-30,200	12,701-17,000	8,201-10,900	5,901-7,900	3,601-4,800	1,750	
30,201-38,700	17,001-21,800	10,901-12,900	7,901-9,800	4,801-6,200	2,000	2
38,701-48,300	21,801-24,200	12,901-17,400	9,801-12,600	6,201-7,700	2,250	
48,301-59,000	24,201-33,200	17,401-21,300	12,601-15,400	7,701-9,400	2,500	
59,001-70,900	33,201-39,700	21,301-25,500	15,401-18,400	9,401-11,300	2,750	
70,901-83,700	39,701-47,100	25,501-30,100	18,401-21,800	11,301-13,400	3,000	
83,701-97,700	47,101-54,900	30,101-35,200	21,801-25,900	13,401-15,600	3,250	3
97,701-112,700	54,901-63,400	35,201-40,600	25,901-29,300	15,601-18,000	3,500	
112,701-128,700	63,401-72,400	40,601-46,400	29,301-33,500	18,001-20,600	3,750	
128,701-145,900	72,401-82,100	46,401-52,500	33,501-37,900	20,601-23,300	4,000	
145,901-164,200	82,101-92,400	52,501-59,100	37,901-42,700	23,301-26,300	4,250	
164,201-183,400	92,401-103,100	59,101-66,000	42,701-47,700	26,301-29,300	4,500	
183,401-203,700	103,101-114,600	66,001-73,300	47,701-53,000	29,301-32,600	4,750	
203,701-225,200	114,601-126,700	73,301-81,100	53,001-58,600	32,601-36,000	5,000	
225,201-247,700	126,701-139,400	81,101-89,200	58,601-65,400	36,001-39,600	5,250	
247,701-271,200	139,401-152,600	89,201-97,700	65,401-70,600	39,601-43,400	5,500	
271,201-295,900	152,601-166,500	97,701-106,500	70,601-77,000	43,401-47,400	5,750	
295,901-Greater	166,501-Greater	106,501-115,800	77,001-83,700	47,401-51,500	6,000	4
—	—	115,801-125,500	83,701-90,600	51,501-55,700	6,250	
—	—	125,501-135,500	90,601-97,900	55,701-60,200	6,500	
—	—	135,501-145,800	97,901-106,800	60,201-64,800	6,750	
—	—	145,801-156,700	106,801-113,200	64,801-69,600	7,000	
—	—	156,701-167,900	113,201-121,300	69,601-74,600	7,250	
—	—	167,901-179,400	121,301-129,600	74,601-79,800	7,500	
—	—	179,401-191,400	129,601-138,300	79,801-85,100	7,750	
—	—	191,401-Greater	138,301-Greater	85,101-Greater	8,000	

For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m, 1 pound per square inch = 6.895 kPa.

a. Types of construction are based on the *International Building Code*.

b. Measured at 20 psi.





GRANTS PASS DEPARTMENT OF
PUBLIC SAFETYHydrant Information
DatabaseHYDRANT NUMBER
1234DATE INSTALLED
1/1/2004

LOCATION

NE FIRE MOUNTAIN WAY 200' SO. OF NE F ST.

HYDRANT SPECIFICATIONS:

OUTLETS
2 X 2.5", 1 X 4"BARREL SIZE (INCHES)
6HUB OPENING (INCHES)
0MAIN SIZE (INCHES)
12

MAIN LOCATION

BRANCH VALVE SIZE (INCHES)
0

BRANCH VALVE LOCATION

STREET REFLECTOR
NOID # VISIBLE
NOFOUNDATION CONSTRUCTION
CONCRETEOPERATION
EASYCLEARANCE
CLEAR

TEST DATA

DATE OF TEST
3/2/2004TIME
22:20TESTED BY
WILLIAMSSTATIC PRESSURE
78RESIDUAL PRESSURE
58PUMPS ON ?
NOFLOW HYDRANT #1
1235PITOTS #1: 2 1/2"
12#1: 2 1/2"
12#1: 4"
15OBSERVED FLOW FOR #1 (GPM)
2694FLOW HYDRANT #2
0PITOTS #2: 2 1/2"
0#2: 2 1/2"
0#2: 4"
0OBSERVED FLOW FOR #2 (GPM)
0

TOTAL OBSERVED FLOW

2694

GPM AT 20 PSI RESIDUAL

2883

2,883

Notes:

GENERAL BUILDING HEIGHTS AND AREAS

TABLE 503
ALLOWABLE HEIGHT AND BUILDING AREAS^a
Height limitations shown as stories and feet above grade plane.
Area limitations as determined by the definition of "Area, building," per story

		TYPE OF CONSTRUCTION									
		TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V		
		A	B	A	B	A	B	HT	A	B	
HGT(feet)	HGT(S)	UL	160	65	55	65	55	65	50	40	
A-1	S	UL	5	3	2	3	2	3	2	1	
	A	UL	UL	15,500	8,500	14,000	8,500	15,000	11,500	5,500	
A-2	S	UL	11	3	2	3	2	3	2	1	
	A	UL	UL	15,500	9,500	14,000	9,500	15,000	11,500	6,000	
A-3	S	UL	11	3	2	3	2	3	2	1	
	A	UL	UL	15,500	9,500	14,000	9,500	15,000	11,500	6,000	
A-4	S	UL	11	3	2	3	2	3	2	1	
	A	UL	UL	15,500	9,500	14,000	9,500	15,000	11,500	6,000	
A-5	S	UL	UL	UL	UL	UL	UL	UL	UL	UL	
	A	UL	UL	UL	UL	UL	UL	UL	UL	UL	
B	S	UL	11	5	4	5	4	5	3	2	
	A	UL	UL	37,500	23,000	28,500	19,000	36,000	18,000	9,000	
E	S	UL	5	3	2	3	2	3	1	1	
	A	UL	UL	26,500	14,500	23,500	14,500	25,500	18,500	9,500	
F-1	S	UL	11	4	2	3	2	4	2	1	
	A	UL	UL	25,000	15,500	19,000	12,000	33,500	14,000	8,500	
F-2	S	UL	11	5	3	4	3	5	3	2	
	A	UL	UL	37,500	23,000	28,500	18,000	50,500	21,000	13,000	
H-1	S	1	1	1	1	1	1	1	NP	NP	
	A	21,000	16,500	11,000	7,000	9,500	7,000	10,500	7,500	NP	
H-2 ^d	S	UL	3	2	1	2	1	2	1	1	
	A	21,000	16,500	11,000	7,000	9,500	7,000	10,500	7,500	3,000	
H-3 ^d	S	UL	6	4	2	4	2	4	2	1	
	A	UL	60,000	26,500	14,000	17,500	13,000	25,500	10,000	5,000	
H-4	S	UL	7	5	3	5	3	5	3	2	
	A	UL	UL	37,500	17,500	28,500	17,500	36,000	18,000	6,500	
H-5	S	4	4	3	3	3	3	3	3	2	
	A	UL	UL	37,500	23,000	28,500	19,000	36,000	18,000	9,000	
I-1	S	UL	9	4	3	4	3	4	3	2	
	A	UL	55,000	19,000	10,000	16,500	10,000	18,000	10,500	4,500	
I-2	S	UL	4	2	1	1	NP	1	1	NP	
	A	UL	UL	15,000	11,000	12,000	NP	12,000	9,500	NP	
I-3	S	UL	4	2	1	2	1	2	2	1	
	A	UL	UL	15,000	10,000	10,500	7,500	12,000	7,500	5,000	
I-4	S	UL	5	3	2	3	2	3	1	1	
	A	UL	60,500	26,500	13,000	23,500	13,000	25,500	18,500	9,000	
M	S	UL	11	4	4	4	4	4	3	1	
	A	UL	UL	21,500	12,500	18,500	12,500	20,500	14,000	9,000	
R-1	S	UL	11	4	4	4	4	4	3	2	
	A	UL	UL	24,000	16,000	24,000	16,000	20,500	12,000	7,000	
R-2	S	UL	11	4	4	4	4	4	3	2	
	A	UL	UL	24,000	16,000	24,000	16,000	20,500	12,000	7,000	
R-3	S	UL	11	4	4	4	4	4	3	3	
	A	UL	UL	UL	UL	UL	UL	UL	UL	UL	
R-4	S	UL	11	4	4	4	4	4	3	2	
	A	UL	UL	24,000	16,000	24,000	16,000	20,500	12,000	7,000	
S-1	S	UL	11	4	3	3	3	4	3	1	
	A	UL	48,000	26,000	17,500	26,000	17,500	25,500	14,000	9,000	
S-2 ^{b,c}	S	UL	11	5	4	4	4	5	4	2	
	A	UL	79,000	29,000	26,000	39,000	26,000	38,500	21,000	13,500	
U ^c	S	UL	5	4	2	3	2	4	2	1	
	A	UL	35,500	19,000	8,500	14,000	8,500	18,000	9,000	5,500	

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m².

UL = Unlimited, NP = Not permitted.

a. See the following sections for general exceptions to Table 503:

1. Section 504.2, Allowable height increase due to automatic sprinkler system installation.
2. Section 506.2, Allowable area increase due to street frontage.
3. Section 506.3, Allowable area increase due to automatic sprinkler system installation.
4. Section 507, Unlimited area buildings.

b. For open parking structures, see Section 406.3.

c. For private garages, see Section 406.1.

d. See Section 415.5 for limitations.



Access Engineering LLC

September 9, 2009

Grants Pass Planning Commission
c/o Carla Angeli Paladino, Community Development Department
City of Grants Pass
101 NW "A" Street
Grants Pass, OR 97526

134 E. 13th Ave. Suite 2

Eugene, Oregon 97401

Phone & Fax

541-485-3215

info@accesseng.com

RE: Land Use Comparison; Fire Mountain Gems Tax Lot 904 Zone Change

City Staff's response to the September 2, 2009 letter addendum noted that the typical size for a sit-down restaurant is 5,000 square feet and a fast food is 2,000 square feet. Our September 2 letter simply looked at the maximum possible square footage that could be potentially built as restaurant on the site once the setback, parking, circulation and landscaping area was deducted. We agree that these are reasonable and typical building sizes for restaurants on one-acre properties in Grants Pass.

Trip Generation Comparison

The table on the following page shows a comparison of the trips generated by the land uses used in the July 13 TIA and City Staff's typical sizes for restaurant uses based on the 7th Edition of the ITE Trip Generation manual and pass-by trips from the Trip Generation Handbook. The table shows that the Pharmacy without a drive-through (which was the basis of the July 13 TIA) actually generates the highest number of new trips in the area.

Transportation Engineering

Traffic Design

Trip Generation

Access Management

Traffic Counts

Street Lighting

Very truly yours,



Renews: 6/30/10

Michael Weishar, PE
Access Engineering LLC

EXHIBIT 12

Ex H.B. 6
12

Trip Generation Comparison of Reasonable Worst Case Land Uses

Land Use	Zones Allowed	Size (SF)	Trip Rate	Total Trips	% Pass-by	New Trips
High-Turnover Sit Down Restaurant	I, BP	5,000	10.92	55	43%	31
Fast Food with Drive-Through	I, BP	2,000	34.64	69	50%	35
Auto Parts and Service	I	12,250	4.46	55	28%	39
Pharmacy with No Drive -Through	BP	10,900	8.42	92	50%	46

URBAN AREA PLANNING COMMISSION
September 9, 2009
6:00 P.M. MEETING
City Council Chambers

1. ROLL CALL

The Urban Area Planning Commission met in regular session on the above date with Chair Berlant presiding. Commissioners Arthur, Kellenbeck, Fowler, Fitzgerald, and Richardson were present. Absent was Commissioner Fedosky with one seat vacant. Also present and representing the City was Principal Planner Angeli-Paladino, Associate Planner Glover, and City Engineer Schaff.

2. ITEMS FROM PUBLIC: None.

3. CONSENT AGENDA

a. MINUTES

i. August 26, 2009

Chair Berlant called for the Consent Agenda and Findings of Fact of Avista Hillcrest fire station and Tussing Park major site plan. Chair Berlant asked, are any of those items being requested to be removed from the Consent Agenda? No. Then I'll entertain a motion on the Consent Agenda.

Commissioner Kellenbeck stated, I have a couple of changes. On page one of the minutes, it starts out by saying Chair Kellenbeck and then the rest of the minutes say Vice Chair. So it should be Vice Chair. The page number is 481 of the packet. And then page 41 of the minutes, page 521 of the packet, about halfway down the page it says Mr. Eastman stated and I believe that should say Mr. Eastwood unless we also have an Eastman on the Steering Committee for the UGB. I think it was Eastwood. That's all I had.

EXHIBIT B

TO UAPC FINDINGS

iii. 09-40200002: Freedman FMG Properties LLC – Comprehensive Plan Amendment, Zoning Map Amendment and Development Agreement.

Proposal: Comprehensive Plan Map Amendment & Zoning Map Amendment from Industrial to Business Park and a Zoning Map Amendment from (I) to (BP) for a one (1) acre property. The Applicant also proposes a Development Agreement to be recorded with the property.

Address: 26 Fire Mountain Way

Owner/Applicant: Freedman FMG Property LLC

Representative: CSA Planning, Ltd. c/o Craig Stone

Planner: Lora Glover

Chair Berlant stated, at this time we will begin the hearing with a Staff Report followed by a presentation by the applicant, statements from persons in favor of the applicant, statements by persons in opposition to the application, and an opportunity for additional comments by the applicant and staff. Once that has occurred, the public comment portion will be closed and the matter will be discussed and acted upon by the Commission. Chair Berlant asks if there was anyone present who wished to challenge the authority of the Council to hear this matter. Seeing none, Chair Berlant asked if there were any Commissioners who wished to abstain from participating in the hearing or declare a conflict or a potential conflict of interest. Seeing none, he asked are there any Commissioners who wish to disclose discussions, contacts, or other ex parte information they have received prior to this meeting regarding the application.

Commissioner Richardson stated, I have not received any information specific to this application but I was on the Council during which the whole issue of Home Depot and the availability of these other units was discussed. So I don't know if that means I have information but I just need to disclose that it was there. I don't think it would cause me to be biased in anyway.

Chair Berlant stated, most of all of the Planning Commissioners were part of those discussions and all too. Anything else from any other Commissioners? Seeing none, Chair Berlant stated that in this hearing the decision of the Commission will be based upon specific criteria which are set forth in the Development Code, all testimony and evidence must be directed toward the criteria given which apply in this case are noted in the Staff Report. If anyone would like a copy of the Staff Report, please write that in a note to me and one will be provided to you. It is important to remember that if you fail to raise an issue with enough detail to afford the Commission and the parties an opportunity to respond to the issue, you will not be able to appeal to the Land Use Board of Appeals (LUBA) based on that issue. Chair Berlant states the hearing will now proceed with a report from Staff.

Associate Planner Glover stated, as you noted tonight's application before us is a comprehensive plan and zone map amendment. There is a Development Agreement in the packet also and we will discuss that part of it briefly. The property... one of the additional lots is under common ownership of Freedman FMG Property Inc., it is tax lot 904 which is just west of the Fire Mountain Gem complex. The request is to change the comprehensive plan and zoning from industrial to business park. The Development Agreement included in the Staff Report for the application is for a 35,000 square foot complex consisting of specialty retail. This would be overflowing into adjacent lots that the applicant owns. The parcel that we are discussing tonight is so .94 acres in size. Its access is off Fire Mountain Way which is a local access cul-de-sac. It is currently vacant and, again, the proposed use is specialty retail. This is tax lot 904 bolded in the dark line. The Home Depot site is to the west and south. Fire Mountain Gems complex is on the eastside, and then additional properties to the north abutting this parcel are also owned by Fire Mountain Gems and that was where their proposed complex or shopping center type of strip mall facility would be located. That use on those properties is not actually reviewed in this analysis today. It is mentioned in the Development Agreement and we will get into that a little bit further, but it was not included in the traffic analysis for this zone change. Here is an aerial shot that shows an overview. We have the Grants Pass Shopping Center to the north across F Street, some commercial uses also along the north and then the vacant Home Depot site, with the Fire Mountain Gems site to the east.

The purpose of the business park district is to provide for mixed-use light industrial and commercial retail. Retail trade is permitted as an accessory use when determined to be compatible with adjoining uses. For that, we also have performance standards to ensure that compatibility. Due to the pending development of the Home Depot site and the surrounding uses, the proposed request does lend itself to the business park zoning. The demand for commercial land is driven by the expansion and relocation of existing businesses. In our economic development of the comprehensive plan indicates that employment projections from the service sector will increase from 21% to 42% share of the employment base. As noted, the business park zone does provide for a wide range of mixed uses under schedule 12.2 of the Code. During the discussion on the application, the traffic analysis is part of the key issue of this zone change. Again, it is for tax lot 904 and incorporates data and future litigation approved under the Home Depot site. The City scoping letter requested that the applicant estimate a reasonable worst-case scenario of the potential use for both zones... the existing industrial and the proposed business park. When the TIA came in, Staff disagreed with the applicant's choice of worst-case scenario and asked that they go back and review that, and they did come in with a supplemental report on September 2, 2009, but that was also the day that we were publishing our Staff Report out to

you so we didn't have time to do a thorough analysis and rewrite the report. It was included in your packet. Staff contended that eating and drinking establishments is the worst-case scenario for the property and the use is allowed in both the industrial and business park zones. The initial TIA based the worst-case scenario on the industrial as an automobile service center, and for the business park for a pharmacy without a drive through window. Trip rates for the eating and drinking establishments are much higher than those two uses. The applicant contended the parcel was too large and did not have adequate visibility for a restaurant. Here is a photo of the property at the Fire Mountain Gem cul-de-sac going into it. Staff contended that the parcel was large enough to support a restaurant and in the Staff Report we provided several local restaurants in the community that are the same size or are adjacent to with overflow traffic. Though the property is probably not clearly visible coming up on the Parkway, I think appropriate signage along the Parkway would attract a restaurant, coming down F Street off the Parkway you would be able to see the property clearly in this direction, and this is the intersection coming out of the shopping center. So I still think the property would have adequate visibility and so Staff felt it was a reasonable request for a worst-case scenario study. This is the site looking west along some of the commercial properties. You can see the adjoining parcel immediately to the west has a rental car facility, and then a little coffee stand is in that little V vortex between E and F Streets, and this is looking down Fire Mountain Way. So in this shot of the aerial; if you're heading E off the Parkway, the Fire Mountain Gem complex provides quite a bit of blocking of the actual site, though I think if you had a sign, a standard restaurant sign, it would be up higher and it would draw attraction that way. Then coming down off the Parkway onto F Street, there is visual clearance there for the property.

Back to the TIA -- it discusses that there is minimal change between the existing conditions for as-is now current and proposed zoning volume to capacity and level of service. Those are all very similar. And this information from this table is taken from the initial TIA of July. The addendum of September 2 analyzes a high turnover restaurant and fast food restaurant with a drive-through window, which also reflects a difference between the current and worst-case scenarios. The LOS v/c ratio is 0.98. The high turnover restaurant drops down to 0.97 and the Staff feels that there might be some... that information needed to be reviewed because the trips are quite a bit higher than the fast food restaurant. Under the fast food restaurant, level of service, you will notice that drops down to an E, and that is below our minimum capacity.

The applicant is also proposing a Development Agreement, similar to those we've recently entered into with the Home Depot and Main Place. The applicant is requesting to include additional lots

in the Development Agreement which have not been analyzed and are not part of this application review. The proposed development does not contain a concept plan, traffic analysis, and/or mitigation measures for those proposed uses. Staff feels it is premature to review that request at this time, and the proposed Development Agreement is not in conformance with ORS, and a copy of that is attached to your Staff Report. The ORS does require specific items and time frames and development mechanisms and mitigations to be included in that development agreement; that way both parties know what they are clearly entering into.

Conformance with applicable criteria -- this verse is out of the comprehensive plan. I am highlighting the policies that are not consistent. Under Criterion A, "Consistency with other findings, goals, and policies," it is not satisfied. Element 10 includes public facilities and services. We have information from our Public Safety and Utility departments that we do not have adequate water flow for fire protection on the facility. This application would be tied into the Home Depot project which proposes to loop a line around now, but as existing it is not adequate. Then under Goal 11 public facilities, we get back to the fire protection and the transportation so both of those issues are wrapped up together. Criterion C is continued under transportation -- the applicant has failed to thoroughly analyze and provide any mitigation measures. The applicant's TIA has not provided mitigation for impacts or to prove that the request will not cause a change in functional classification of the existing transportation facilities. The Comprehensive Plan and the Code require that we look at both proposed and existing facilities when we do a zone change. The Staff does agree that there is minimal difference between the two zones. It's at time of development that will trigger our capacity issues and we just wanted to make sure that we bring that issue forward for your review.

Under subsection 4.033 of the Development Code for zone map amendments, again criterion 3 gets back to existing or proposed services are adequate. The applicant has not proved that existing water and transportation facilities are adequate to accommodate impacts for uses. The water, they could address that and I believe the applicant may have some information concerning an engineer's report for fire mitigation to see if there are adequate flows. But that information was not available at the time of the report. And again under criterion 4 for the Master Transportation Plan, in addition to the other traffic issues the TIA also reflects the queuing problems on the Grants Pass Parkway and F Street which are beyond the existing available storage. For the movements that we have, the east and left turn movement, the west through, and the west right are lane storages as you can see are at 215, 560, and 350 and then they exceed it substantially in all situations, existing, and current proposed zoning. The

storage capacity issues impacts the intersections of Grants Pass Parkway and at Beacon. The applicant, though he notes the deficiency, has not provided mitigation or additional analysis. Therefore, it is recommended that the Planning Commission in their decision recommends a denial of the comprehensive plan to the City Council from industrial to Business Park. It is also recommended that you recommend denial on the proposed Development Agreement. Our City Engineer is here this evening to help assist with technical questions that you may have concerning the traffic analysis. If you have any questions for me at this point, I'll take those.

Chair Berlant stated, seeing none. Thank you Associate Planner Glover. Would the applicant care to make a presentation?

Craig Stone stated, I am here appearing on behalf of applicant Freedman FMG Property LLC and its owners, Stewart and Christine Freedman. They were unable to be here tonight. In their stead is Chuck Wolfmueller, an employee of Fire Mountain Gems. You've had a chance to read the Staff Report? You've heard the oral presentation on it. As I boiled it down there are five issues and I'd like to address those individually and I'll just go through them. The first is traffic and the impacts that it might produce. As key background, our client owns a couple, or three, other parcels immediately north of this. They have contemplated all along to develop those properties as a comprehensive development plan and, at some point in the future they will be coming forward with those plans in place before the Planning Commission for your consideration. At this point, this application deals with only a single parcel. It is less than an acre. It is surrounded by other lands that are zoned commercial and business park. This exists, I believe, as the only industrial parcel, kind of a postage stamp, in the center of a larger BP/commercial area. When we began the process of just looking into this, we had a couple or three discussions with the Planning Department and the other municipal staff, because we didn't think that we should even be made to do a traffic impact study. There were extensive studies done at the time and in conjunction with the Home Depot application. As a matter-of-fact, we had raised some traffic concerns of our own, and their engineer had undertaken a traffic analysis that showed impacts of related to the Freedman owned properties, including this property, and showed at that time that there was adequate capacity to accommodate them and that, in part, assuaged our misgivings about the Home Depot application. Nevertheless, we were told "No, you need to go and get a scoping letter from the City Engineer and do a traffic impact study." So we engaged Home Depot's traffic engineer because that

person and his firm have probably more knowledge about the traffic conditions in this part of Grants Pass than just about anyone, save perhaps City employees. We agreed to do a traffic impact study and we scoped it, and when I say scoped it, what I mean is our traffic engineer sat down with the City Engineer and decided how the study would be undertaken, how big an area we would need to study, and the extent of the study. He then carried that out. The Planning Department in the early stages didn't really want to have much involvement with the issue of traffic. That was something that was between the City Engineer and our own traffic engineer so we were content to proceed on that basis. We did. He conducted traffic impact study. He determined that the worst case, the reasonable worst-case users, were an auto service center in the existing industrial zone and a pharmacy without a drive up window in the proposed BP zone. Notwithstanding our earlier coordination with City Staff, the report, that is the Staff Report, takes the position that neither the pharmacy nor the auto service center is the worst case reasonable worst-case alternative, that it would be fast food or some other form of restaurant. Just over the telephone, we sort of discussed this and came to the conclusion that we just flat don't agree. We don't agree, not because a restaurant isn't a potential traffic generator that could produce on the order of highest magnitude impacts, but because a restaurant is permitted in both the zone that we're in, the industrial zone, as well as the BP zone that my client seeks. The purpose of a traffic impact study is to ascertain what are the impacts going from one zone to the other? In selecting a use that is permitted in both zones, it doesn't let you get your arms around that. That is why we didn't study it that way; that, and the fact that restaurants do not produce as high an impact as the uses that we did select. Mr. Weishar from Access Engineering is here to testify and he will probably go into that issue in greater detail, but we analyzed it. We analyzed restaurants just so we could your arms around that, and what we found is that if you did a 5000 square foot sit down restaurant and a 2000 square foot fast food restaurant, that it would produce a lesser impact than either a pharmacy or an auto parts center. So, in fact, we did study the worst-case and it shows that the traffic impacts are not substantial enough to exceed the City service level D threshold. We did this straight up. We didn't think we should even have to do it, but we did a traffic study; very expensive. The results show what they show. The Planning Department did not seek to be involved in that and as a matter-of-fact not the did not want to be involved in any aspect of the traffic study until a couple of days...just a short few days ago, when the Staff Report was due and then they wanted us to examine restaurants. Well we did, and restaurants create a lesser impact. The only way that you can argue that a restaurant creates a greater impact, and an impact that exceeds the City's level of service D standard, is if we had proposed an 8000 square foot fast food restaurant. Those don't exist. I mean, this is a matter of common knowledge. We all know fast food restaurants... they are 1000 or 2000 square feet. They don't make 8000 square foot fast food restaurants and, even if they did,

while the Staff Report argues "Well perhaps it has enough visibility for a restaurant." You certainly wouldn't build a fast food restaurant, and certainly not an 8000 square foot one -- if anyone was even of a mind to do. So we think we have analyzed the worst-case. We have analyzed restaurants, at least reasonable restaurant scenarios, and it shows that the traffic impacts are not greater than the City's established level of service D threshold.

The final point I want to make on traffic is -- this isn't the last time that we will have to prove up on traffic. Right now we are required to use theoretical land uses -- restaurants, auto parts stores, pharmacies -- because we don't know exactly what's going to go in this property. At the time of site plan review, we will have a site plan. We will know square footages and we will have a fairly good handle on the kinds of uses that might go into the facility and, at that point, we will be able to assess traffic impacts based upon actuals and not theoretical uses. The point I want to leave you with -- with traffic -- is whether it is theoretical or actual uses, no matter what it is, short of an 8000 square-foot fast food restaurant, it stays within the limits of the City of Grants Pass. That's issue one...traffic.

The second issue is water and fire flow. The Staff Report indicates that, while water is available to the property, it probably doesn't have fire flow capability. We are not sure where that conclusion originated within City Staff. When we talked to the fire marshal, he did some fire flow tests. He couldn't come to any real conclusions on it, and so what he suggested -- and I have some e-mail correspondence that says, "Maybe the best approach would be for you to contact a fire protection engineer or a fire sprinkler installer..." -- there are only a couple of fire protection engineers in the State of Oregon. We contacted one of them, that would be Lockwood Engineering in Portland -- "and have them assess the fire flow capabilities." What they found is there sufficient fire flow right now to accommodate a 15,000 square foot conventional construction building right now. I'd like to offer both the e-mail correspondence and the brief report from Lockwood Engineering into evidence.

Chair Berlant noted those will be marked as exhibits...

Commissioner Richardson asked, excuse me, when you said conventional building are you talking about commercially sprinklered building?

Mr. Stone stated, yes. He suggested that we do sprinklers...and that would be a matter to deal with at the time of either site plan review or building permits. We don't have any objection to that. My client is even willing to go further by agreeing tonight to stipulate that that they will not construct anything on this property until such time that improvements are made to the water system, notwithstanding the fact that we can build a larger building than this property can accommodate right now without threatening the fire flow standards of the City.

Commissioner Berlant stated, hold on Craig. So those exhibit numbers were?

Associate planner Glover stated, next available, exhibits number 10. I'm not sure how many... two items are 10 and 11.

Commissioner Berlant stated, okay, so I'm marking the e-mail as 10 and the other from the engineer as 11. I am going to pass around his e-mail but please note this is the only copy so make sure I get that back for the record.

Mr. Stone stated, one final point on fire flow, and it goes back to the Home Depot application that Commissioner Richardson declared a potential conflict on -- I think you've all have a hand in that if you've been on the Commission for the past few months -- but as part of that approval, Home Depot was required to extend the 20 inch water main from Mill Street through its property and to connect with the water main that exists within Fire Mountain Way. That will create a looped water system and, by anyone's, estimations that will enhance pressure and fire flow. The Commission is probably aware from your past work that looped water systems are the preferable way to do things and they enhance pressure, supply, and so forth. Those are my points on water and fire flow. It is adequate now. It will be made more than adequate in the future with a 20 inch main. If the Commission is not comfortable with taking the opinion of expert engineer Lockwood that it is adequate for a 15,000 foot building that really cannot be built on this property, then we are willing to stipulate that we won't build anything until the water line is looped. We don't think you have to accept that stipulation and make it a condition. If it gives you additional comfort that you are not exceeding fire flow capabilities, we are willing to live with that,

but we think the evidence is pretty plain that fire flow is available for any building the size of which this property can accommodate.

The third issue goes to comprehensive plan goals and policies, and the Staff Report suggests, "Well, you've not complied with this element and you haven't complied with that element, and they are public facilities and transportation..." for the reasons that I just talked about, fire flow and traffic. But the elements themselves, as a whole, are not things that have to be complied with. It is the goals and policies of the comprehensive plan, and when we do an application we go through the plan one goal and one policy at a time. We look at every one of them, and we make a determination, "Was this intended to function as an approval standard for the application that we are going to place before the City?" And if it was not, it is not an approval standard and we don't address it. That is well-founded in Oregon case law, which says when you have a standard that requires compliance with the plans, goals, and policies, it doesn't automatically transform all goals and policies into approval standards. This is from Bennett versus the City of Dallas; an appellate court case that's been around for years and years. It says, "In order for a goal or policy to operate as an approval standard, the language in it and its context must indicate that it was intended to function that way." We have addressed all of those that were intended to function as approval standards for plan amendments and zone changes. Those are addressed.

One last point, and it's kind of along the same lines, it's similar, and it has to do with goals and policies that operate as aspirational statements. I can't tell you how many comprehensive plans I've gone through, but most goals and policies are kind of aspirational in nature. What they say are things like, you know, "adopt standards for this." They aspire. They are things that point the City in the right direction. Those aren't approval standards by a whole other body of well established case law that includes Ellison versus Clackamas County, _____ versus the City of Salem, and Stewart versus the City of Brookings, among a whole host of other cases.

We have addressed the relevant comprehensive plan policies to the extent necessary to deal with transportation and public facilities. My earlier testimony to you does that. Traffic is adequate. The system is adequate to accommodate this plan amendment, and zone change. Fire flow is adequate to accommodate a building on this property and will only be more enhanced in the future by the improvements required of Home Depot forward.

Fourth -- some issue was made in the Staff Report for inconsistencies with statewide planning goals deal that deal with public facilities, transportation, and energy. The first two, we dealt with. We

dealt with the evidence in our application submittal, in the evidence that I presented tonight, and in the evidence that Mr. Weishar will be presenting to you as his expert oral testimony. But there is a more fundamental question when it comes to statewide planning goals, they don't operate as approval standards. They simply don't. If you have a Comprehensive Plan it is subject to being approved by the State. It's called acknowledgment. Once you have an acknowledged Comprehensive Plan, what you have to prove up with, is the Comprehensive Plan, not to Statewide planning goals, unless -- which isn't the case here -- you are suggesting an amendment to the Comprehensive Plan that might somehow threaten compliance with those. But they don't operate either as independent approval standards. There was one kind of additional objection raised in the Staff Report that went to State Planning Goal 13, which is energy conservation, and we were faulted by not addressing that. Even by saying, "Well, when we get around to building buildings they will observe energy conservation elements." Well, I'm sure we will. But this is a plan amendment and a zone change, and energy conservation just really doesn't weigh into this in any way that I can see. If I'm missing something, it will be explained and perhaps I can address it but, I'm really at a loss to go any further. First of all, it's not an approval standard. Secondly, to make some statement that when we build buildings they will have energy-saving features. I mean, I can say that because it will happen, and it will happen because it makes economic sense to do that. But I can't go much further with it this evening. That was the fourth issue.

Finally is the Development Agreement. We offered a Development Agreement because we understood that that was kind of the protocol that Grants Pass liked to do. There was a Development Agreement for Home Depot and one for a shopping center that was approved across the street. So we took Home Depot's Development Agreement and turned it over to our attorneys and said, "Would you put a development agreement together, leave it open so if there are requirements, performance conditions, they can be inserted into the Development Agreement." We probably don't even have to do a Development Agreement. I'm not sure what conditions you might impose. I'm not sure why it's being indicated that it doesn't comply with State law because it's along the same lines that you dealt with in your other applications. A site plan is not a requirement of State law and, while we've done a little bit of site planning, we didn't make it a part of the Development Agreement so you are just going to have to tell us what we might need to do, or if we need to do anything at all on the Development Agreement. But having said that, I think the point is also worth making that it's probably not the Planning Commission's purview to go through Development Agreements. The Planning Commission can't bind the City, and typically those are the purview of the City Council. But having said that, we are flexible on this Development Agreement if that's the method that you'd like us to do business with, we are prepared to

do it. We offered it is a draft. It was never a take it or leave it proposition. So if it has some deficiencies in it, we are happy to make changes in order for the Commission to impose whatever standards and conditions that you think are worthwhile.

Commissioners, those are my remarks. If you have questions of me, I'll try to answer them. Otherwise I would like Mr. Weishar to testify.

Commissioner Kellenbeck stated, just a clarification on the Development Agreement, section B. It says, "Owners intended use of the property is for approximately 35,000 square feet of specialty retail." Could you comment on that intended use with this limitation of 15,000 square feet of specialty retail?

Mr. Stone stated, I sure can. The 35,000 square feet was to be on all of the Freedman property, that I think together is about 3 acres. This is only 1, so the 15,000 square feet of building and the fire flow discussion was just for the single 0.94 acre parcel whereas the Development Agreement was contemplated over the entire Freedman ownership that we thought the City might want to get a handle on in more comprehensive terms. If it needs to be rewritten so it's just this parcel, we are fine with that. Thanks for your attention.

Michael Weishar, 134 E 13th Avenue, Eugene, Oregon. I am the traffic engineer with Access Engineering. First, I'd like to reiterate what Mr. Stone has said about the transportation impact study. It is intended to address the Transportation Planning Rule requirements for plan amendments and zone changes, it's not intended to analyze any proposed development plan; although it could, in this case isn't going to. Now the Transportation Planning Rule requires that the reasonable highest use land-use for each of the current zone and the proposed zone be compared, the traffic impacts of those zones be compared, and if the proposed zone creates greater impacts than the current zone and the mobility standards of either the City or the State are exceeded, then mitigation is required. The City did provide us with a scope of work. The City Engineer rightly had us include the Home Depot development and another development further to the east on Grants Pass Parkway, I think it is Main Place, so the traffic from those developments are included in the analysis as well. Now we found... well, first of all, our choice of the reasonable highest use development for these zones was an auto parts and service store for the industrial zone and a pharmacy without a drive through for the business park zone. When we did

the analysis of those zones, we found that there was no essential difference...well, you saw the results on the screen. The v/c ratios were the same and the level of service was the same D level for both of the zones. Now the City didn't agree with our choice of the reasonable highest use and so they wanted us to look at restaurants as a high use. We did that. What we did was to look at the absolute worst-case development for those uses on that less than 1 acre site. For a fast food restaurant, given that there is very little... well, the coverage is almost complete except for some setbacks, the parking and the landscape requirements, and circulation requirements... taking those things into account, we found that the fast food restaurant could be as large as... actually it was 6700 square feet, not 8000. A high turnover restaurant, however, could be as high as 8000 square feet. There is not as much circulation required in that case. That was our September 2, 2009, addendum letter that you have in your packet. And what we found in that case was that the high turnover restaurant, even at 8000 square feet, still kept the level of service that Grants Pass Parkway and F Street at level of service D. However, a huge fast food restaurant, of course, generates too many trips and it goes to level of service E which would not work.

Subsequently, the City, and rightfully so, has given us some more typical sizes for these types of restaurants, 5000 square feet for the sit down high turnover restaurant, and a fast food restaurant at 2000 square feet. When we use those square footages, we find that the trips generated by those uses are not as high as even the pharmacy. I have a handout for you here that will address that.

Chair Berlant stated, which we will mark as exhibit 12.

Commissioner Richardson asked, can I ask a question? Associate Planner Glover, you had a chart where you showed three volume-to-capacity ratios and one of them was 0.98, then 0.97 and 0.98. I believe two of them were level of service D and the bottom one with the 0.98 volume to capacity was a level of service E. How did that happen? How did we get from basically a gnat's eyelash difference in volume to capacity on all three of those indicators and yet the fast food became a level of service E? This is obviously the right man to explain that.

Mr. Weishar are stated, well, I'll attempt to explain that. Level of service is based on delay at the intersection. Volume to capacity is the ratio of the amount of the actual count of traffic divided by what the intersection can maintain. There is a wider range actually in the v/c ratio than there is in the average delay. That is to say, you can have.... at a signalized intersection, the delay is basically determined by how the signal is timed and how many phases there are in the signal and how much green time goes to

each of those phases. So if you add trips to the heavy side of the intersection that doesn't get a whole lot of time, then it's going to raise the delay more than if you added trips to a movement that has greater time. Now the signal will try to balance this out because it's actuated by loops in the street, but I don't think... I don't know if this is really explaining it to you or not. It's pretty technical. We have programs that analyze this and do the optimization for us. But in this case, more traffic was actually created by the fast food restaurant than by the high turnover restaurant and that traffic caused the delay to be high enough to reach the level of service E, which is a range over I think 55 seconds on the average.

Councilor Richardson asked, is that just over one of the turns?

Mr. Weishar stated, that is over the entire intersection as a whole... the average of all of the movements through the intersection. But what it comes right down to is, there was more traffic generated by the fast food restaurant -- that large fast food restaurant -- then by the large high turnover restaurant. It didn't reach the level of delay that would cause it to go to E. There is a table attached to the letter, the second page, and it shows a comparison of the new trips that are created by each of the more likely sized restaurants, the 5000 square foot high turnover restaurant, and the 2000 square foot fast food with the drive-through. It also compares them to the two land uses that we selected in the traffic impact study, the auto parts service and the pharmacy with no drive-through. You can see the last column on the right are the new trips after you have subtracted out the passed by trips for each of the uses. You see that the pharmacy actually is the highest trip generator of those potential land uses. Now, given that the pharmacy is the highest, the traffic impact study found that that pharmacy trips would not lower the level of service beyond D and, therefore, the Transportation Planning Rule and the City's mobility standard are met. So it is our opinion that the zone change should be approved without any mitigation necessary. I would be happy to answer any other questions you may have.

Chair Berlant asked if anyone else would like to speak in favor of the application. Seeing none, he asked if anyone would like to speak in opposition to the application. Seeing none, he asked if the applicant had any final comments. Seeing none, he closed the public hearing portion and turned it over to the Commissioners for deliberation and decision.

Commissioner Fitzgerald stated, we have had these discussions before about v/c and LOS and I think it's particularly interesting, I see that Mr. Weishar did stamp this so it's his reputation that's on the line. I don't see how you can refute the study. Does Staff have any comment on this at all? Mr. Schaff?

City Engineer Schaff stated, yes, I do have a comment on it if I may. I don't dispute any of the information contained within the studies. Mike has done a wonderful job with analyzing the different uses that could be on it. My contention with it is that, according to our Comprehensive Plan, we cannot allow a zone change with infrastructure with inadequate capacity. As you can see on there, there are a couple of the VOC ratios there that are in excess of 0.7, which is the standard for this area. The City of Grants Pass has adopted the State standard as if it were ours, in addition to our LOS -- that is the issue. Not whether or not one use is higher than the other use or the differential between them. That is the bone of contention, the fact that the intersection does not have adequate capacity to allow the zone change.

Commissioner Fitzgerald asked, what about the applicant's discussion of the Home Depot TIA and that whole situation between the TIAs that were done for that and this? How did that look? Obviously that was approvable, so how is that not approvable now?

Associate Planner Glover stated, Home Depot came in earlier as the rules had changed, I believe, at the State level also. So we are having to deal with our Development Code and Comprehensive Plan, and then also the State Planning Rule, and this particular parcel meets the State Planning Rule because the existing zoning and the proposed zoning doesn't change their capacity. We are already beyond their capacity issues. So that is why the State's ODOT comments attached to it don't have an issue on this particular lot. It is the larger project that will be coming down the line that they do. But our capacity... what we are concerned with, and acknowledge, we feel that... we are concerned that we are at capacity and that if we even go through with a zone change, we are setting the applicant up possibly for not being able to do the proposal he wants to do in the future. So that is our main concern. Staff is concerned that we are at capacity now as it is, changed or not changed from the zone. So that is why we are trying to get more information of which is the worst case scenario on the development and providing that information from the applicant. And that's our problem. It's the conflict between our v/c ratios which is 1.0, and they are still under that at .98, but they are exceeding the State. They are allowed to exceed that States because they're not making the State's capacity worse. We're just concerned when he comes in with a viable development proposal, a revised TIA for that proposal, he may not be able to mitigate his impacts. That is the concern we're trying to express to you right now.

Counsel Fitzgerald asked, could you elaborate just a tad on what changed? You said that Home Depot came in under the other and we now have some new standards. Could you elaborate on what those standards changes were?

Associate Planner Glover stated, part of that, I believe also, beside the State's Transportation Planning Rule is our Article 27 where we changed our access requirements. I have that as part of the Staff Report for you. Principal Planner Angeli-Paladino is going to point out the section in Article 27. We talk about our LOS standards and also our v/c standards.

Chair Berlant stated, I want to remind you that I need that e-mail back, that exhibit 10, if that can be passed back up here. I had an incident where one of those got lost one day and that was the only example. I have a question for City Engineer Schaff. Do you have any comment or review on the issue of the fire flow in what was presented regarding that?

City Engineer Schaff stated, yes, we found some problems obtaining fire flows to the Fire Mountain Gems expansion here a couple of years ago. While we were testing the fire device, we found some issues. We were trying to get the flow that was indicated by their fire flow engineer. We eventually got it but we also found that the fire flow in that area is not as it is in normal parts of the City. So, it was unknown as to what the fire flow would be, and it is also unknown as to how big the building would be in the future located on the site. But we knew that it was something that we needed to look at. I haven't seen the report from the engineer, the fire flow engineer, but I've got to assume that there probably is if 15,000 square foot building... those are the experts on it.

Commissioner Richardson stated, I want to note that Lockwood Engineering did comment that reported flow rates could not be confirmed and, therefore, they recommended flow testing. That if you are actually going to do this thing, you had better test the flows. I think that confirms that it makes good sense to wait for that loop to be completed or do the flows, because you run the risk of having inadequate flows. So I think the fire protection engineers were fairly clear on this. But I want to go and ask a question...when Home Depot came to us, they came to us as a set. They wanted to change the industrial zoning to business park and, "oh, by the way..." it was a very poorly concealed secret that Home Depot was wanting that area specifically. We indeed saw the design. I believe, didn't we also include as part of the Development Agreement limitation on some of their auxiliary uses? Because typically Home Depot owns the site but there are also some specialty retailers that are traditionally

associated. I believe, at that time, did we not say specifically that it could not be anything of a fast food nature or something with a drive through because we were concerned about that?

Principal Planner Angeli-Paladino stated, yes, I believe that's correct.

Commissioner Richardson stated, okay, my question for Staff is -- knowing that we sit at level of service D, and knowing that the issue of the fire flows exists, we have now raised both of those, but the fundamental fairness of changing the rest of that industrial zone to business park doesn't go away. It falls to the person who decides to build on it, regardless of what you zone it, to make sure there is adequate fire flow and adequate transportation. I don't think we can save them from themselves. You have expressed your concerns. The zoning change, in and of itself, doesn't alter that. It's making it consistent with everything that's around it. I mean, because they have already said they are willing to wait until the fire flows are in there. I think that there also are some mitigations that Home Depot is required to do which alters some things around there. I don't see how we can say we are going to save you and not let you have this zone change when they still have to come back before this body and before the Council with any attempt to construct anything on it for approvals.

Commissioner Kellenbeck stated, I was just going to add that in a lot of ways I agree with Commissioner Richardson and it's not typically in the Planning Commission's role to get involved in development agreements, but like you mentioned, Main Place is another example of a Development Agreement that put a cap and specifically excluded the possibility of a fast food restaurant. So being that the applicant is willing to work on that... like I said we don't usually get into development agreements and start making recommendations on it, and I would hope that if this was going to move forward that our recommendation would simply be that, before it goes to Council, it forwards not as a draft but as a proposed Development Agreement so the Council really knows what they are looking at and then that would be reviewed by the City Attorney and Staff along with the applicant to make sure that everybody has got their needs met before that review happens.

Associate Planner Glover stated, excuse me, I'm sorry. I would like to interject that we really just don't need a Development Agreement at this point. We don't have the analysis to list proposed mitigations, which both Home Depot and Main Place did, they had specific details that they had to meet, and uses, and trip count. So at this point, I just think the Development Agreement is premature. You saw pretty much the final version, and recommended the final version that the City then entered into, so the draft

concept, or not having those items listed out... I don't think it's a safe situation for the City or the applicant to be put into because then they are bound to something that they don't know they're agreeing to. So at this point we just recommend the Development Agreement go away until at some point maybe when they come up with a proposed site plan.

Commissioner Richardson stated, I can see postponing the Development Agreement because nobody knows what they plan to develop. I don't see that you would have to have that for this zoning change. We are kind of mixing apples and oranges. Is it reasonable and prudent given that there is general, commercial, and industrial, all around... general commercial and business park on what, 3-1/2 sides, basically of this? Is it a reasonable and prudent request to go ahead and change that one to business park? That seems to be a very simple, very different question, and that all the rest of this should be argued when there is in fact a proposal on what to do with this specialty retail.

Commissioner Fowler stated, I do agree with you Commissioner Richardson that the applicant has met the burden of proof that pertains to this particular piece of property and all he is asking for is the zone change, and I don't think we can look to far in the future and try and guess what might come next because those things will come before the City and be dealt with on their own. So based on this small piece of property, I think we should allow the zone change.

Chair Berlant stated, but then technically they have asked for the approval of the Development Agreement, so we can't say they haven't, but they have been trying to cover all bases.

Commissioner Kellenbeck stated, I think for me if we're looking to make a different recommendation to the Council than the Staff has made us then we go back to addressing the criteria very specifically so that we don't leave Staff with the hard job of trying to change their own mind if we are going to change it for them. This gets to the point where suddenly I feel like maybe the Development Agreement is necessary because part of that burden of proof that I do agree, I feel that they have met, have been met by things like the Lockwood Engineering study where you can't condition a zone change, but we are saying we feel like utilities are adequate if they adhere to this recommendation or they wait for the water looping. I don't think we can just simply say they are adequate. In that case, it would still be not be satisfied. So that to me gets back to this idea the development agreement where we would be inserting these ways of finding those conditions satisfied and they would take care of that via some sort of development agreement that would, to me, still need to go to the Council as proposed, not as draft.

Chair Berlant stated, on the other hand, what about the situation that all of this is predicated in some degree on the approval of Home Depot. On the other hand, there is no guarantee that that will happen. I hesitate to put in Development Agreement standards also predicated on that. I mean, if the change is saying that IP is the correct zoning for them then that should stand alone also, if they can meet all of the conditions for development with a site plan review, even if Home Depot doesn't come in and doesn't do all the mitigation that they proposed, that still this applicant would have to meet all of the present conditions.

Commissioner Fitzgerald stated, I think they are two separate things. Again, all of that has to come forward and see what they can do. Just because the property is zoned that, it doesn't mean you get it. It's not a slam dunk. It's not a carte blanche. You still have to go through all of hoops to see what you can develop it into. So, at that point, I think those things would happen. But I think that Commissioner Kellenbeck has a legitimate point. When we talk about how you condition any such approval on the zone change without touching Mr. Weishar's and Lockwood... I don't know of another vehicle except some kind of a Development Agreement that kind of harnesses those and puts them on paper. Otherwise, they become parenthetical and we start all over again.

Commissioner Richardson stated, go back to... it's currently zoned industrial. In an industrial zone you can have a fast food restaurant. He doesn't have to ask for a zone change to put a fast food restaurant in. The same problems would exist with it being zoned industrial. There would still be issues of fire protection. There would still be issues of transportation mitigation. So it's kind of difficult to tie those to a fundamental zone change if it is "I want to change it to business park." We spent a lot of time working in the past over what is available in industrial versus what you can do with business park. To me that's still a fundamental question and some of these things that have been presented to us aren't really germane to the issue of can I rezone this business park? If that had been the only request... I'm leaning towards creating some sort of a specialty retail, in order to do that I can come to you with a grand master plan that changes the zoning on everything or I can say I want to change this zoning. Not tell you what you're going to do with it other than I'd like to change the zoning. The real question for us is... this is an acre zoned industrial. Given that we have excess capacity in industrial or we don't have excess capacity based on the State's criteria for 20 years of industrial land, should this be zoned industrial or should it be allowed to be rezoned as business park? That is the basic question in all of this.

Commissioner Fitzgerald stated, to me, the size of this particular parcel is too small to be doing anything in an industrial zone anyway. I don't know that you could... and since it's on the other side of Fire Mountain Way, it would seem highly unlikely that you would tie it to the larger Fire Mountain Gems site some way. So, it would seem to me that it is logical that it would be business park. It would still retain its flavor of industrial from the business park category, one of three, without having to be solely restrained to industrial. I don't think it's large enough really to carry much as far as 1 acre in an industrial site. I don't think it would do any good. So I agree with the fact that it is a zoning question and the only thing that I suppose you can say to it is, if you take it based upon what Councilor Richardson talks about -- and that is the fact that either it is or is not standing on its own in a zone change -- and then everything is back to square one and TIAs and Mr. Lockwood makes more money, and Mr. Weishar makes more money, and you guys can come all back with fat and sassy reports. So, I guess if that's what you want to do and you leave the agreement out, and you do the zone change, and you start all over at square one. There are no easy way outs.

Commissioner Kellenbeck stated, I was just going to slightly amend what I said. I'm looking at the criterion that were found not satisfied and they are typically the same language. It basically says, as discussed, "The applicant has failed to prove that the existing water and transportation facilities are adequate." I think that what I'm hearing is that we are finding that they have proven... and that would be attached as exhibits 10, 11, and 12 that will be contained in the record forever and I would be looking at waiving the Development Agreement at this time.

Commissioner Richardson stated, I'm not necessarily saying we should approve the Development Agreement. What I'm saying is this comes in two parts. I believe we can recommend the zoning map change, that it is reasonable and prudent to change that 1 acre based on what is zoned around it for all intents and purposes to business park, that makes it consistent with the larger area and compatible with general commercial, and still turn around and deny the proposed Development Agreement because it's not sufficiently fleshed out. We demanded a great deal of Home Depot and they did everything that was asked of them in terms of studies and development. I think the beginnings of all of that are here and have been presented to us but now is the time for them, if they get their zoning change, to go and sit down with everybody and say, "Here is our concept. Here is how we are going to manage getting adequate water. Here is how we are going to manage the entire flow of traffic through this whole specialty retail." Not just this one element. I think we can accept half of it and reject the other half and still accomplish a positive.

Chair Berlant stated, I think we are really saying the same thing, which was that we are... or at least it sounds like the trend is to approve the zone change and comp plan but essentially deny the Development Agreement because we don't want to attach anything at this point.

Commissioner Fitzgerald asked, are we not back to one of those situations where we have to do a postponement in order to get something as far as conditions, because we don't have anything? Because before we have done that...so we are just doing a recommendation?

Commissioner Kellenbeck stated, I will make a motion that we recommend that the City Council approve the proposed comprehensive plan map amendment and zoning map amendment from industrial to business park and that the criterion previously found not satisfied, be found satisfied for the reasons presented by the applicant in their presentation and additional exhibits presented this evening attached as exhibit 10, 11, and 12, and with that, we recommend denial to the City Council of the proposed Development Agreement.

Commissioner Fitzgerald seconded the motion.

Chair Berlant asked for discussion. Seeing none, he called for the vote.

MOTION

Commissioner Kellenbeck moved and Commissioner Fitzgerald seconded the motion to recommend the City Council approve the proposed comprehensive plan map amendment and zoning map amendment from industrial to business park, noting that criterion previously found not satisfied, be found satisfied for the reasons presented by the applicant in their presentation and additional information attached as exhibit 10, 11, and 12, and to recommend the City Council deny the proposed Development Agreement. The vote resulted as follows: AYES": Berlant, Arthur, Kellenbeck, Fowler, and Richardson. "NAYS": None. Abstain: None. Absent: Fedosky. The motion carries.

iv. ~~09-10500001 & 09-30100005~~: Twisted Pines Phase 3 Planned Unit Development and Major Variance

Proposal: Twenty-four (lot) Planned Unit Development and Major Variance to cul-de-sac length, perimeter block length, and street cross section design
Address: 239 Twisted Pine Drive and 3523 Williams Highway

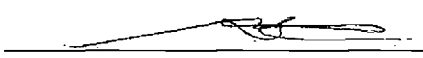
Principal Planner Angeli Paladino stated, it is a Type IV hearing. There are 2 notices on that same one. It says September 23 and November 4. We are required by the State and Federal to adopt the new Federal Insurance Rate Maps and the Flood Insurance Study by December of this year. If not, the City is in jeopardy of losing its status in the National Flood Insurance program which affects your insurance rates.

Chair Berlant asked, but the September 23 meeting is a Planning Commission meeting right? Okay, so if Commissioner Arthur received that notice and I received that notice that we may be affected property owners, does that prevent us from hearing it? It says that there may be an impact.

Principal Planner Angeli Paladino stated, I will talk to the City Attorney about that.

8. ADJOURNMENT:

There being no further business to come before the Commission, Chair Berlant adjourned the meeting at 9:35 p.m.



Gary Berlant, Chair
Urban Area Planning Commission

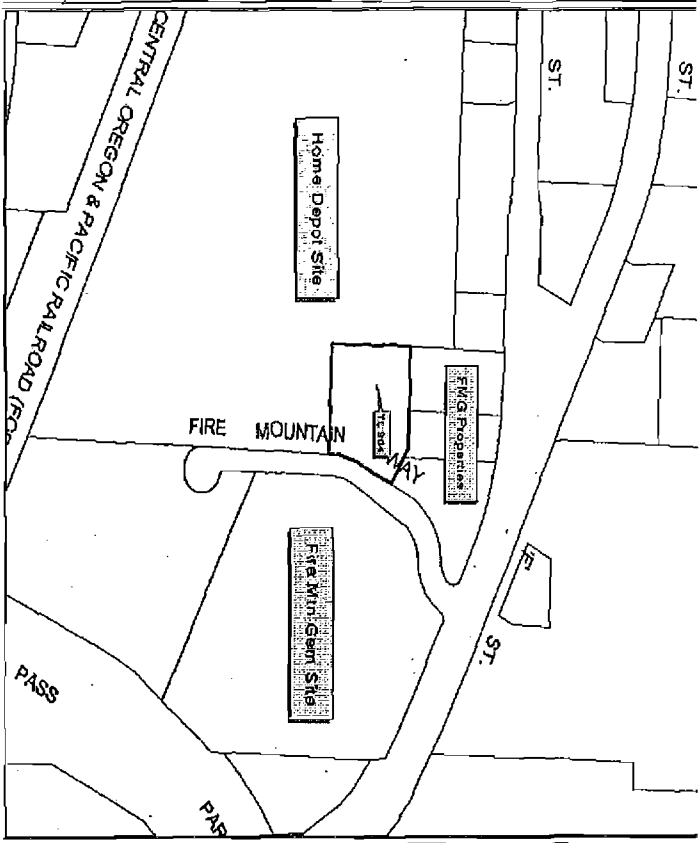
9/23/09

Date

These minutes were prepared by contracted minute taker, Wendy Hain.

**FREEDMAN FMG PROPERTY LLC
COMPREHENSIVE PLAN MAP AMENDMENT,
ZONING MAP AMENDMENT,
AND DEVELOPMENT AGREEMENT**

- ☐ Owner: Freedman FMG Property LLC
- ☐ Applicant: Same
- ☐ Representative: CSA Planning Ltd.
- ☐ Map/Tax Lot: 36-05-17-40, TL 904
- ☐ Project No.: 09-40200002
- ☐ Planner: Lora Glover
- ☐ UAPC Hearing: September 9, 2009



Proposal & Property Characteristics:

- Request is for a Comprehensive Plan Map Amendment from Industrial to Business Park.
- Zoning Map Amendment from (I) to (BP); and
- Development Agreement for 35,000 sq. ft. specialty retail
 - ☐ Size ~ 0.94 total acres
 - ☐ Access ~ Fire Mountain Way (Local Access Cul-de-sac)
 - ☐ Existing Land Use ~ Vacant
 - ☐ Proposed ~ Specialty Retail

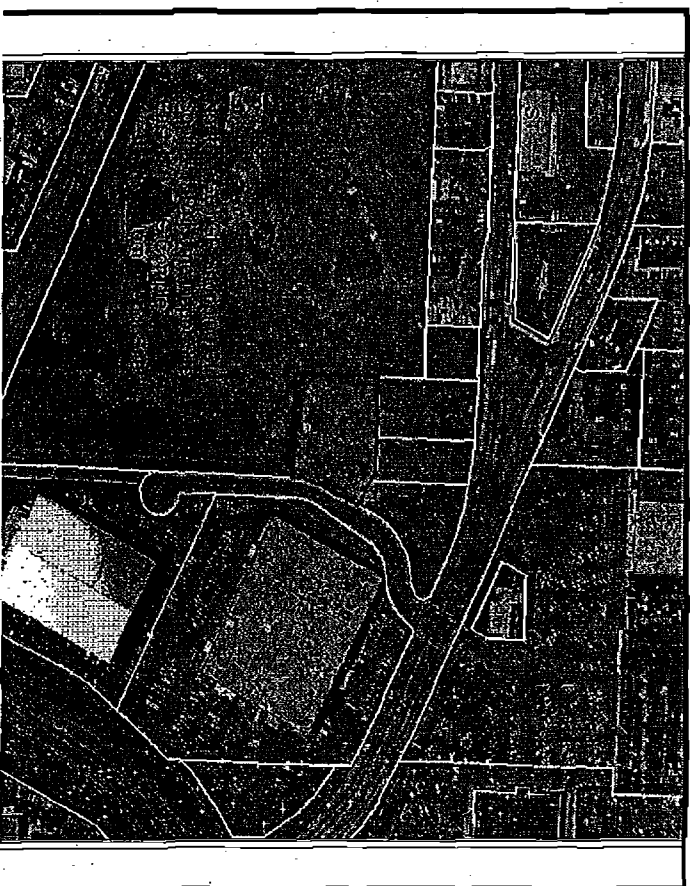


EXHIBIT C
TO UAPC. ENHANCE

Discussion

- Purpose of the BP district is to provide:
 - Mixed use zone for light industrial and commercial retail;
 - Retail trade is permitted as an accessory use or when determined to be compatible;
 - Performance standards are used to ensure compatibility with adjacent commercial and residential properties.
- 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.

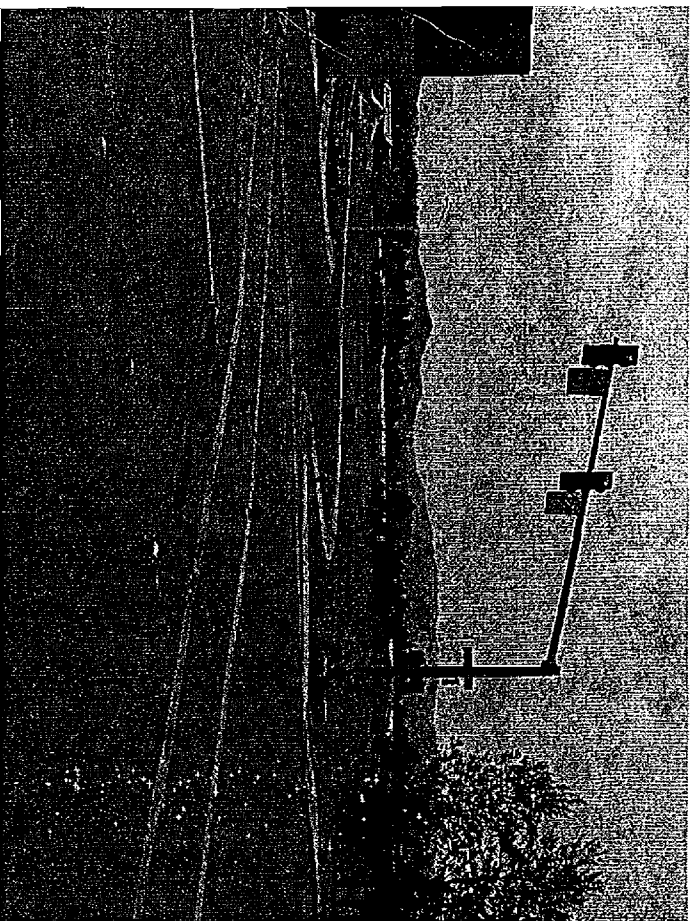
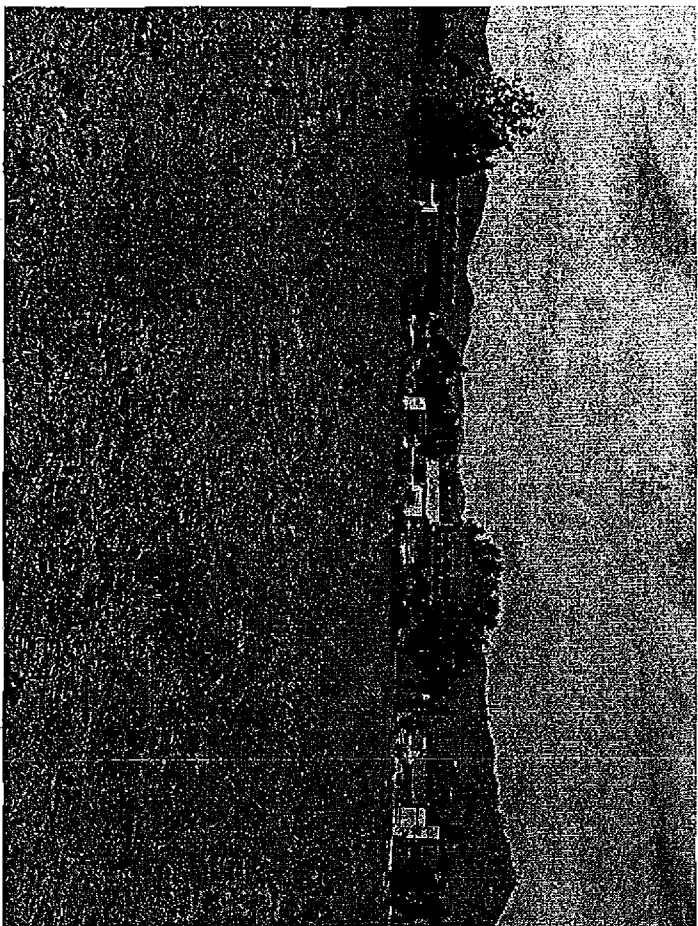
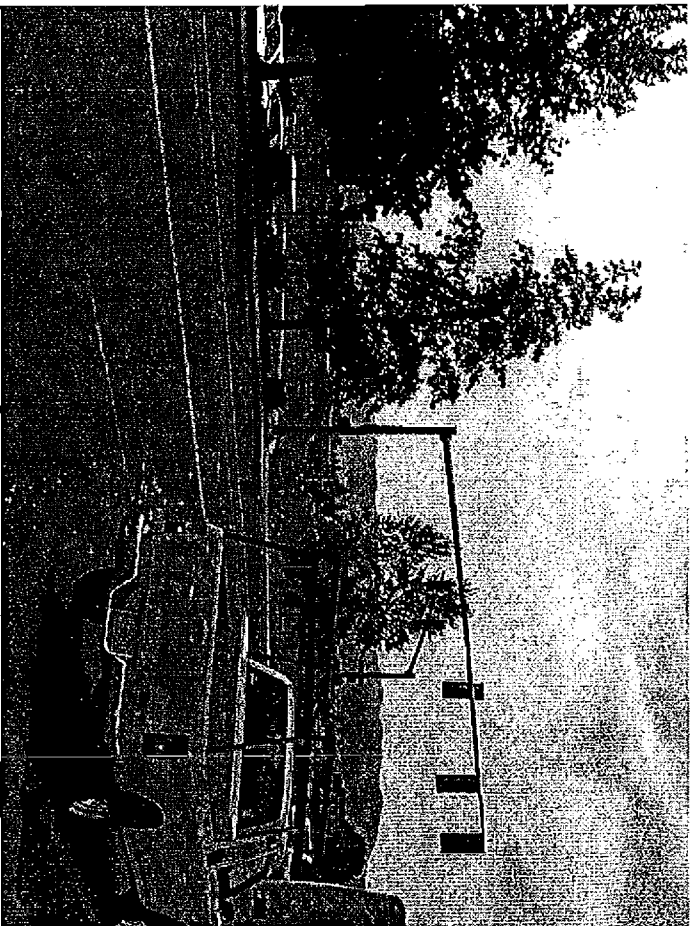
- The traffic impact analysis (TIA) submitted for TL 904 incorporates data and future mitigation approved under the Home Depot site.
- The City's scoping letter requested that the applicant estimate the reasonable worst case scenario of the potential uses for both zones.
- Staff did not agree with applicant's choice of worst case scenario; and, the applicant submitted a supplemental report 9/2/09. Staff was unable to analyze the new information in time for the Staff Report.

Discussion, cont.

- The demand for commercial land is driven by the expansion and relocation of existing businesses.
- The Economic Element of the Comprehensive Plan, employment projections indicate that the service sector will increase from 21% to 42% share of the employment base.
- The BP zone provides a wide range of mixed uses under Schedule 12-2 of the Code.

Discussion, cont.

- Staff contends that an eating/drinking establishment is the worst case scenario for the property (the use is allowed in both zones).
- The TIA dated 7/13/09 was based on an automobile service center for the (I) zone; and, a pharmacy without a drive-through window for the (BP) zone.
- Trip rates for an eating/drinking establishments are much higher than the two above uses.
- Applicant contended the parcel was too large and did not have adequate visibility for a restaurant.





Discussion, cont.

- The addendum dtd 9/2/09 which analyzes a high-turnover restaurant and fast-food restaurant with a drive-through window also reflects little difference between the current zone and worst case scenario:
- | Volume-to-capacity (v/c) | Level of Service |
|--------------------------|------------------|
| Current: 0.98 | D |
| High-Turnover: 0.97 | D |
| Fast-Food: 0.98 | E |
- Note: Information extrapolated from addendum dtd 9/2/09, pg 3.

Discussion, cont.

- The TIA indicates that there is minimal change between existing conditions, the current and the proposed zoning.

Volume-to-capacity (v/c)	Level of Service
Existing: 0.97	D
Current: 0.98	D
Proposed: 0.98	D

- Note: Information extrapolated from applicant's TIA, Table 8, pg 11.

Discussion, cont.

- The applicant is proposing a development agreement, similar to those recently entered into for Home Depot and Main Place.
- The applicant is requesting to include additional lots in the development agreement which have not been analyzed and are not part of this application review.
- The proposed development agreement does not contain a concept plan, traffic analysis and/or mitigation measures for the proposed uses.
- It is premature to review the request at this time. The proposed development agreement is not in conformance with ORS 94.504 to 94.528

Conformance w/ Applicable Criteria

- Comprehensive Plan Policy 13.5.4
 - (A) Consistency with other findings, goals and policies:
 - Not Satisfied: Element 10. Public Facilities and Services.
Adequate water and transportation facilities are not currently available.
 - (C) Applicable planning goals and guidelines:
 - Not Satisfied: Goal 11 (Public Facilities). There are potential adverse impacts on the available fire protection for existing industrial development on Fire Mountain Way.

Conformance w/ Applicable Criteria, cont.

- Section 4.033 – Zone Map Amendments.
 - Criterion 3 – Existing or proposed services are adequate.
 - Not Satisfied. Applicant has not proved that existing water and transportation facilities are adequate to accommodate impacts or uses.
 - Criterion 4 – Master Transportation Plan.
 - Not Satisfied. In addition to the other traffic issues, the TIA also reflects the queuing for Grants Pass Parkway and “F” Street are beyond existing available storage.

Conformance w/ Applicable Criteria, cont.

- (C) cont. ⁴⁰
 - Not Satisfied: Goal 12 (Transportation). The applicant has failed thoroughly analyze or provide any mitigation measures.
 - The applicant’s TIA has failed to provide any mitigation for its impacts or to prove that the request will not cause a change in functional classification of the existing transportation facilities.
 - Though a new study would be required for any future development, there is concern that any proposed new development will not be able to mitigate its impacts.

Conformance w/ Applicable Criteria, cont.

<u>Movement</u>	<u>Lane Storage</u>	<u>Existing/Current/Proposed Zoning</u>
E/L Turn	215	300/300/300
W/Thru	560	800/800/750
W/Right Turn	350	525/500/425

Note: Information extrapolated from Table 7, pg 10 of Exhibit 6.

- The storage capacity issue impacts the intersection of the Grants Pass Parkway @ Beacon. Though the applicant’s TIA notes this deficiency, no mitigation or additional analysis was provided.

Recommendation

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

RELEASE AND SETTLEMENT AGREEMENT

This Release and Settlement Agreement (this "Agreement") is made and entered into effective December 17, 2008 by and among the following parties (the "Parties"): THE CITY OF GRANTS PASS (referred to hereinafter as the "City"), TIMBER PRODUCTS CO. LIMITED PARTNERSHIP (referred to hereinafter as "Timber Products") and STUART I. FREEDMAN, CHRISTLIN F. FREEDMAN, FIRE MOUNTAIN GEMS AND BEADS, INC. and FREEDMAN FMG PROPERTY, LLC (collectively referred to hereinafter as the "Freedmans").

RECITALS

A. The Freedmans own certain real property, as more specifically described in Exhibit A hereto, located adjacent to or nearby Fire Mountain Way (referred to hereinafter as the "Freedman Property") and certain property owned by Timber Products, as more specifically described in Exhibit B hereto, (referred to hereinafter as the "Timber Products Property") in the City of Grants Pass, Oregon.

B. On or about May 31, 2002, "Fire Mountain Gems," the Grants Pass Redevelopment Agency and the City entered into an Infrastructure Agreement that has become the subject of dispute between the Freedmans and the City.

C. The Freedmans objected to and appealed certain decisions (referred to hereinafter as the "Decisions") made by the City in connection with the eventual use of the Timber Products Property for a home improvement store and other accessory retail uses, which Decisions include:

1. Ordinance No. 5435 ("Plan/Zone Change and Development Agreement"), first appealed to the Land Use Board of Appeals ("LUBA"), LUBA No. 2008-056, and now on appeal to the Oregon Court of Appeals, CA A140071; and

2. Ordinance No. 5426 ("AFD Amendment"), originally appealed to Josephine County Circuit Court, Case No. 08-CV-0191, and now on appeal to the Oregon Court of Appeals, CA A140274; and

3. Resolution No. 5357 ("ACL Removal"), originally appealed to LUBA, LUBA No. 2008-106, and now on appeal to the Oregon Court of Appeals, CA A140463; and

4. City File No. 08-20100031/City File No. 08-3010008 (the Home Depot Site Plan/Variance Applications); a land use application that was approved by the Grants Pass Urban Area Planning Commission and appealed to the City Council. On December 3, 2008, the City Council voted orally to approve the Home Depot Site Plan/Variance Applications ("the oral Site Plan Approval"). It is anticipated that the City Council will adopt findings consistent with the oral Site Plan Approval at its December 17, 2008 City Council meeting. It is also anticipated that should the Parties not execute this Agreement, that the Freedmans will appeal the Site Plan Approval to LUBA.

D. The Parties desire to fully and finally resolve and settle any and all differences with respect to the Freedman Property, the Timber Products Property, the Infrastructure Agreement and the Decisions and all appeals thereof on the terms and conditions set forth herein.

RELEASE AND AGREEMENT

NOW, THEREFORE, based upon the foregoing Recitals which are hereby incorporated into this Agreement and upon other good and valuable consideration, the Parties agree as follows:

1. The Parties hereby forever give up, waive and release any and all claims, complaints, damages and remedies of any and every kind that have or could have accrued or that have been or could have been presented heretofore by a Party or Parties against another Party or Parties in any way relating to the Decisions, the Freedman Property, the Timber Products Property, the Infrastructure Agreement, the development of Fire Mountain Way or any judicial, quasi-judicial or legislative action or activity with respect to said matters and properties, including but not limited to any ongoing appeal, or any judicial, quasi-judicial or legislative action that might have been taken with respect to said matters and properties. This release specifically excludes property taxes and assessments that have been or may in the future be levied or collected by the City in connection with the Freedman Property or the Timber Products Property and further excludes any zoning, planning or building matters that may arise in the future as a result of applications filed with respect to said Properties by the owners thereof provided that any such applications relate to matters other than those that were or could have been raised in any of the judicial, quasi-judicial or legislative actions or Decisions that have heretofore taken place with respect to said Properties. If this agreement becomes void and of no force or effect for any reason, the Freedmans retain the right to pursue all available remedies under the Infrastructure Agreement and shall not be required to request alternative dispute resolution prior to pursuing such remedies.

2. If the Timber Products Property is used for a home improvement store and other accessory retail uses, the City will reasonably cooperate with the Freedmans to facilitate the installation of signage instructing delivery trucks to use Mill Street for services to any businesses on the Timber Products Property. Any such signage shall be subject to approval by the City and the City shall not waive any provision of the Grants Pass Municipal Code or Development Code. The City shall not be responsible for any cost associated with the design, installation, maintenance or repair of the signage.

3. The Parties shall enter into good faith negotiations to attempt to reach an agreement with respect to whether additional mitigation will be required for the Freedman Property for Fire Mountain Way, the intersection at Fire Mountain Way and "F" Street and the intersection of Grants Pass Parkway and "F" Street. In no event, however, shall the City waive any provision of the Grants Pass Municipal Code or Development Code.

4. It is anticipated that the Freedmans will request that the City approve pedestrian safety measures at the intersection of Fire Mountain Way and "F" Street. The City will evaluate in good faith whether any such safety measures should be approved. In no event, however, shall the City waive any provision of the Grants Pass Municipal Code or Development Code. Timber Products agrees to contribute an amount not to exceed \$25,000 toward any approved safety

measures provided, however, that this contribution shall not be in addition to any similar obligation of Timber Products to the Freedmans.

5. Within two (2) business days after the execution of this Agreement, the Parties shall file documents with the Court of Appeals dismissing their appeals of the Plan/Zone Change and Development Agreement and as soon as reasonably practicable shall commence all reasonable efforts to reinstate the City's approval of the Plan/Zone Change and Development Agreement. Within five (5) business days of either a reinstatement of the Plan/Zone Change and Development Agreement, or a final decision by the City to reapprove the Plan/Zone Change and Development Agreement, Freedmans shall file motions to dismiss all the other Appeals with LUBA (if any), Josephine County Circuit Court and the Court of Appeals. If the Appeals are not dismissed on or before January 20, 2009, this Agreement shall be void and of no force or effect.

6. Except as provided in Paragraph 2 herein, the Freedmans agree not to limit, or attempt to limit in any manner, the access from Timber Products property to Fire Mountain Way and acknowledge and accept the City's removal of the access control line ("ACL") on Fire Mountain Way and that the ACL imposed as a condition of approval for City File No. 02-10400003, is no longer effective unless this agreement becomes void and of no force or effect. Notwithstanding this paragraph, the City acknowledges that Freedmans and their successors retain fee title to the land dedicated by the Freedmans for Fire Mountain Way.

7. Should it become necessary for the City to reapprove the Plan/Zone Change and Development Agreement in order for the Plan/Zone Change and Development Agreement to become effective and should the City not approve the Plan/Zone Change and Development Agreement or should the Plan/Zone Change and Development Agreement not become effective by January 20, 2009, for any reason, this Agreement shall be void and of no force or effect.

8. All notices, requests, demands or other communications hereunder shall be in writing and deemed given (a) when delivered personally; (b) three (3) days after said communication is deposited in the U.S. mail, by registered or certified mail, return receipt requested, postage prepaid; (c) one (1) day after notice is sent by facsimile, with receipt mechanically confirmed; or (d) one (1) day after said communication is deposited with a nationally-recognized overnight courier service for next day delivery, addressed and/or sent by facsimile, as the case may be, as follows:

If to the Freedmans:

Stuart L. and Christlin F. Freedman
1 Fire Mountain Way
Grants Pass, OR 97526
Facsimile: (541) 956-8296

If to Timber Products:

Timber Products Co., Limited Partnership
P.O. Box 269
305 South 4th Street
Springfield, OR 97477
Attention: Erik Vos
Facsimile: (541) 744-5447

If to the City:

Kris Woodburn, City Attorney
101 NW A Street
Grants Pass, OR 97526
Facsimile: (541) 479-0812

9. It is understood and agreed between the Parties that this is a settlement by compromise of disputed claims. It is understood and agreed that nothing contained in this Agreement shall be construed as an admission of liability.

10. All Parties, by their signatures below, warrant and affirm that this Agreement has been fully authorized and approved in accordance with any applicable bylaws, operating agreements, partnership agreements or any other rule or regulation that governs each Party in entering into an agreement of this nature.

11. No change or modification of this Agreement shall be valid or binding upon the Parties, nor shall any waiver of any term or condition hereof be deemed a waiver of such term or condition in the future, unless such change, modification or waiver shall be in writing signed by all the Parties to this Agreement.

12. Invalidity of any provision of this Agreement shall not affect any other provisions, which shall remain in full force and effect.

13. This Agreement embodies the entire agreement of the Parties with respect to the subject matter hereof. There are no promises, terms, conditions, inducements or obligations other than those contained herein. This Agreement shall supersede all prior communications, representations or agreements, either verbal or written, among the Parties.

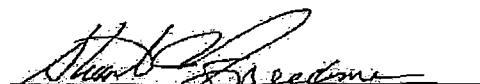
14. This Agreement may be executed in three or more fully or partially executed counterparts, each of which shall be deemed an original binding the signer thereof against the other signing Parties, but all counterparts together will constitute one and the same instrument.

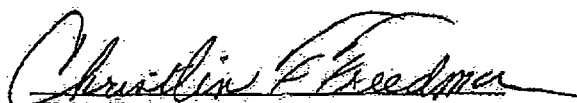
15. This Agreement shall be binding upon and insure to the benefit of the Parties hereto and their respective successors and assigns. The Parties agree to execute any instruments in writing which may be necessary or proper in carrying out the purposes of this Agreement.

16. This Agreement is to be interpreted under the laws of the state of Oregon, and any action to interpret or enforce or for breach of this Agreement shall be commenced only in Josephine County, Oregon.

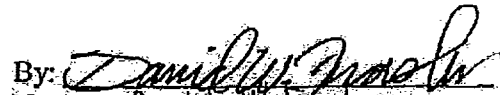
17. The Grants Pass Redevelopment Agency shall be deemed an intended beneficiary of this Agreement to the extent that it shall benefit equally with the City as a releasee of any obligation that it might have to the Freedmans under the Infrastructure Agreement.

18. The Freedmans represent and warrant that they have full and complete authority to enter into this Agreement and to bind "Fire Mountain Gems," one of the parties to the Infrastructure Agreement.


Stuart I. Freedman

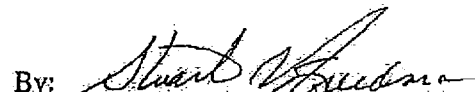

Christlin E. Freedman

City of Grants Pass

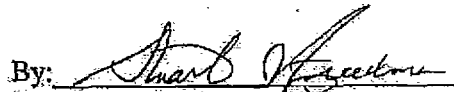
By: 
Name: David W. Frasher
Title: City Manager

 approved per form

Fire Mountain Gems and Beads, Inc.

By: 
Name: STUART FREEDMAN
Title: PRES

Freedman FMG Property, LLC

By: 
Name: STUART FREEDMAN
Title: PRES

Timber Products Co. Limited Partnership

By: 
Name: Erik J. Vos
Title: BUS. ANALYST - REP FOR CONYER FAMILY

EXHIBIT A
FREEDMAN PROPERTIES

Tax Lot 901

Lot 1 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 902

Lot 2 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 903

Lot 3 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 904

Lot 4 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 801

Commencing at a point on the East line of Mill Street and the North right of way line of the Southern Pacific Railroad in Section 17, Township 36 South, Range 5 West of the Willamette Meridian, in Josephine County, Oregon; thence North 00°18' East along the said East line of Mill Street a distance of 644.30 feet; thence South 89°49' East parallel with the South line of "D" Street a distance of 687.20 feet to the true point of beginning; thence North 00°18' East parallel with said East line of Mill Street a distance of 150.00 feet; thence North 89°49' West parallel with said South line of "D" Street a distance of 110 feet; thence South 00°18' West and parallel to the East line of Mill Street a distance of 150.00 feet; thence South 89°49' East parallel with the south line of "D" Street 110 feet to the true point of beginning.

EXCEPTING THEREFROM; Any portion of the herein described property lying within the boundaries of the roads and highways.

Exhibit "B"

Real property in the County of Josephine, State of Oregon, described as follows:

That tract of parcel of land situated in the City of Grants Pass, Josephine County, Oregon, more particularly described as follows:

Beginning at a point on the East line of Mill Street and on the North right of way line of the Southern Pacific Railroad, in Section 17, Township 36 South, Range 5 West of the Willamette Meridian in Josephine County, Oregon, the true point of beginning; thence North $00^{\circ}18'$ East along said East line of Mill Street a distance of 644.30 feet; thence South $89^{\circ}49'$ East, parallel with the South line of "D" Street, a distance of 687.20 feet; thence South $00^{\circ}18'$ West, parallel with the East line of Mill Street, a distance of 295.00 feet; thence South $89^{\circ}49'$ East, parallel with said South line of "D" Street, a distance of 211.00 feet; thence South $00^{\circ}42'$ West a distance of 732.65 feet to the North right of way line of the Southern Pacific Railroad; thence North $66^{\circ}34'$ West along said North right of way line of the Southern Pacific Railroad a distance of 971.15 feet to the point of beginning.

SURVEYOR'S DESCRIPTION (per survey prepared by SS&W Inc. dated October 15, 2007 as Job No. 07-6595):

A parcel of land situated in the Southeast one quarter of Section 17, Township 36 South, Range 5 West of the Willamette Meridian, in the City of Grants Pass, Josephine County, Oregon, being more particularly described as follows:

Beginning at the intersection of the East right of way line of Mill Street with the North right of way line of the Southern Pacific Railroad; thence North $00^{\circ}18'00"$ East, 644.30 feet along said East right of way line of Mill Street; thence leaving said East right of way line run South $89^{\circ}49'12"$ East, 687.27 feet to a point on the West line of Lot 1, FIRE MOUNTAIN subdivision the following three (3) courses: 1) South $00^{\circ}16'31"$ West, 294.71 feet; thence 2) South $89^{\circ}50'28"$ East, 210.95 feet to a point on the West right of way line of Fire Mountain Way; thence 3) South $00^{\circ}39'27"$ West, 732.65 feet to a point on said North right of way line of the Central Oregon & Pacific Railroad; thence North $66^{\circ}35'28"$ West, 971.75 feet along said North right of way line to the point of beginning, in the City of Grants Pass, Josephine County, Oregon.



City of Grants Pass
101 Northwest A Street
Grants Pass, OR 97526

TO:

ATTENTION: PLAN AMENDMENT SPEC.
DEPARTMENT OF LAND CONSERV.
635 CAPITOL STREET NE STE 150
SALEM OR 97301-2540

Priority Mail
ComBasPrice



UNITED STATES POSTAGE
JANET Y. BOWEN
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