



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/22/2013

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 002-12

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: Tuesday, May 07, 2013

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

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

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

Cc: Carla Angeli Paladino, City of Grants Pass  
Gordon Howard, DLCD Urban Planning Specialist  
Josh LeBombard, DLCD Regional Representative

<paa> YA



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DLCD file No. \_\_\_\_\_

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

Josephine County

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**Local Contact: Carla Angeli Paladino**

Phone: (541) 450-6070      Extension:

Address: 101 NW A Street

Fax Number: 541-476-9218

**City: Grants Pass**

**Zip: 97526-**

E-mail Address: [cangeli@grantspassoregon.gov](mailto:cangeli@grantspassoregon.gov)

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

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

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

9. **Need More Copies?** Please print forms on **8 1/2 - 11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

**ORDINANCE NO. 5567**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS PASS ADOPTING A DEVELOPMENT CODE TEXT AMENDMENT AMENDING ARTICLES 12, 13, 17, 18, 23, 30 AND CREATING A NEW ARTICLE 11 RELATED TO TREE RETENTION AND RE-ESTABLISHMENT, STEEP SLOPE HAZARD, AND AN UPDATED CITY TREE LIST.**

**WHEREAS:**

1. The Grants Pass and Urbanizing Area Comprehensive Community Development Plan was adopted December 15, 1982; and
2. The ordinance amends Articles 12, 13, 17, 18, 23, 30 and creates a new Article 11 of the Development Code; and
3. The proposal is consistent with the goals and policies of the Comprehensive Plan; and
4. The applicable criteria from the Development Code are satisfied and approval of the proposal is recommended by the Urban Area Planning Commission to the City Council.

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

Section 1. The language in Articles 12, 13, 17, 18, 23, 30 and new Article 11 of the Development Code, as set forth in Exhibit "A", is hereby adopted and incorporated herein.

**ADOPTED** by the Council of the City of Grants Pass, Oregon, in regular session this 16<sup>th</sup> day of January, 2013.

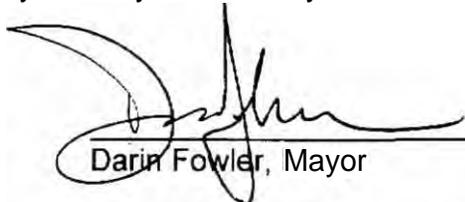
**AYES: DeYoung, Gatlin, Hannum, Morgan, Riker, Webber, and Williams**

**NAYES: None**

**ABSTAIN: None**

**ABSENT: None**

**SUBMITTED** to and APPROVED by the Mayor of the City of Grants Pass, Oregon, this 17 day of January, 2013.



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

**ATTEST:**



\_\_\_\_\_  
Finance Director

Date submitted to Mayor: 1/17/2013

Approved as to Form, Mark Bartholomew, City Attorney MB

**CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT**

**TREE AND STEEP SLOPE STANDARDS  
DEVELOPMENT CODE TEXT AMENDMENT  
CITY COUNCIL FINDINGS OF FACT-TYPE IV**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	12-40500001
Project Type:	Development Code Text Amendment
Applicant:	City of Grants Pass
Planner Assigned:	Carla Angeli Paladino
Application Received:	August 24, 2012
Application Complete:	August 24, 2012
Date of Planning Commission Staff Report:	October 17, 2012
Date of Planning Commission Hearing:	October 24, 2012
Date of Planning Commission Findings of Fact:	November 14, 2012
Date of City Council Staff Report:	January 4, 2013
Date of City Council Hearing:	January 16, 2013
City Council Findings Signed:	February 6, 2013

**I. PROPOSAL:**

A Development Code Text Amendment to Articles 12, 13, 17, 18, 23, 30 and adding a new Article 11.

**II. AUTHORITY AND CRITERIA:**

Sections 4.102, 4.040, and 4.050 of the City of Grants Pass Development Code provide the procedure for initiation of Development Code text amendments. The proposed amendment was initiated by the Community Development Director consistent with those provisions and the direction provided by the City Council.

Sections 2.060, 7.040 and 7.050 authorize the Urban Area Planning Commission to make a recommendation to the City Council and authorize the City Council to make a final decision on a land use matter requiring a Type IV procedure, in accordance with the procedures of Section 2.060.

The text of the Development Code may be recommended for amendment and amended provided the criteria in Section 4.103 of the Development Code are met.

**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. PROCEDURE:**

- A. The application was submitted and deemed complete on August 24, 2012. The application was processed in accordance with Section 2.060 of the Development Code, and Sections III and V of the 1998 Intergovernmental Agreement.
- B. Notice of the proposed amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on August 24, 2012, in accordance with ORS 197.610 and OAR Chapter 660-Division 18.
- C. Notice of the proposed amendment was mailed to Josephine County on August 24, 2012, in accordance with the 1998 Intergovernmental Agreement.
- D. Notice of the proposed amendment, the October 24, 2012, Planning Commission hearing, and the January 16, 2013, City Council hearing was mailed to parties specified in Section 2.053(1) of the Development Code on October 4, 2012, and December 21, 2012, in accordance with Sections 2.053 and 2.063 of the Development Code.
- E. Notice of the proposed amendment and the October 24, 2012, Planning Commission hearing was published in the newspaper on October 17, 2012, in accordance with Section 2.053(2) of the Development Code.
- F. A public hearing was held by the Planning Commission on October 24, 2012, to consider the proposal and make a recommendation to City Council. The Planning Commission made a recommendation to the City Council.
- G. Notice of the proposed amendment and the January 16, 2013, City Council hearing was published in the newspaper on January 9, 2013, in accordance with Section 2.053(2) of the Development Code.
- H. A public hearing was held by the City Council on January 16, 2012, to consider the proposal. The City Council approved the ordinance on January 16, 2012.

**V. SUMMARY OF EVIDENCE:**

- A. The basic facts and criteria regarding this application are contained in the January 4, 2013, City Council staff report and its exhibits, which are attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the City Council on January 16, 2013, which are attached as Exhibit "B", summarize the oral testimony presented and are hereby adopted and incorporated herein.

- C. The PowerPoint presentation given by staff at the January 16, 2013, City Council hearing is attached as Exhibit "C" and incorporated herein.
- D. The ordinance with the final text which incorporates the text of this proposal is attached as Exhibit "D" and incorporated herein.

## **VI. GENERAL FINDINGS:**

In 2008, a Development Code text amendment was initiated in response to tree retention and removal issues associated with two (2) subdivision developments at the time. In both cases, trees shown on approved plans as being retained throughout construction were removed without prior authorization. The developers were required to pay the revegetation fee per tree in order to try to correct the situation. The Community Development Department was asked to initiate a text amendment that would provide for immediate action to enhance the City's ability to ensure tree preservation was accomplished throughout the development process. The first draft was to simply eliminate the cap per lot paid for the removal of significant trees. The draft that moved through the hearing process was to be an interim standard that proposed to increase the dollar amount paid per tree with yearly adjustments, increase the per lot maximum paid, and reduce the percentage of trees retained per development. The amendment did not have support from Planning Commission or the Urban Tree Advisory Committee and ultimately was denied by the City Council.

City Council at the time gave direction to staff and the Urban Tree Advisory Committee to go back and re-evaluate the ordinance and write a new draft. A new draft was started and stopped several times since 2008. In 2011, staff and a sub-committee of the Urban Tree Advisory Committee met monthly to discuss and draft a new ordinance. The group met approximately ten (10) times over the past year. The Urban Tree Advisory Committee voted in favor to recommend approval of the proposed ordinance at their September 2012 meeting.

The proposed amendment is intended to accomplish the following:

- 1) Create a new approach to how the removal and replanting of trees on property is evaluated at the time of subdividing land. Establish a new canopy goal for the entire community of thirty (30) percent and identify specific canopy targets based on the different residential zoning districts.
- 2) Identify submittal requirements for the evaluation of trees throughout the entire land use process for subdividing land.
- 3) Provide incentives for retaining trees on property during the development process.
- 4) Revise the front yard setback standard for garages and carports for properties located in the steep slope hazard area.
- 5) Revise the entire steep slope hazard section
- 6) Revise the submittal requirements and criteria related to partitions, subdivisions, and planned unit developments related to tree retention.

- 7) Revise the approved and prohibited street tree list identified in the landscaping article.
- 8) Define new terms and remove old terms

The proposal carries out two (2) goals of the City Council's goals and work plan related to:

Goal 5. Facilitate sustainable, manageable growth:

**Outcome C. Amend Development Code to facilitate growth (home businesses, remodeling, cell towers, encourage infill)**

Goal 9. Preserve and enjoy our natural resources:

Outcome C. Encourage use of current City resources

Outcome D. Continue street tree planting

#### VII. FINDINGS OF FACT - CONFORMANCE WITH APPLICABLE CRITERIA:

The text of the Development Code may be recommended for amendment and amended provided all of the criteria of Section 4.103 of the Development Code are satisfied.

**CRITERION 1:** The proposed amendment is consistent with the purpose of the subject section and article.

City Council's Response: Satisfied. The proposal amends six (6) different articles and creates one (1) new article. The proposed amendments are consistent with the purpose statements for each article. The purpose statement for new Article 11 reflects the subject matter in that article. In Article 13, the purpose section has been amended to more accurately depict the subject matter. No changes have been proposed to the purpose sections in Articles 12, 17, 18, 23 or 30 however the language changes in each of those articles reflects the purpose of the subject article.

**CRITERION 2:** The proposed amendment is consistent with other provisions of this code.

City Council's Response: Satisfied. The proposed amendment strives to be internally consistent with the provisions outlined in the Code. The various sections specifically related to Articles 11, 17, and 18 are cross referenced so that requirements relate to one another.

**CRITERION 3:** The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, and most effectively carries out those goals and policies of all alternatives considered.

City Council's Response: Satisfied. **See below**

**Comprehensive Plan Consistency**

The proposed amendment is consistent with the goals and policies of the Comprehensive Plan. Applicable goals and policies are:

*Element 4. Environmental Resource Quality*

**Policy 4.3 (i).** The City shall affect water quality by regulating the cutting of trees and encouraging the reforestation and revegetation of appropriate trees in the city.

City Council's Response: Satisfied. The new Article 11 is specifically related to the goal and identifies ways to encourage the retention and re-planting of trees as development occurs. The changes to Article 23 and the updated tree list encourage the use of native species which is currently lacking in the existing ordinance. The overall benefits of retaining mature trees and re-planting the right tree based on the site conditions will affect water quality in the long term and provide a benefit to the City.

*Element 5. Natural Hazards.*

**Policy 5.1.5.** Development on hillsides shall not endanger life and property or land and aquatic resources determined to be environmentally significant.

**Policy 5.1.6.** On tree-covered hillsides, development shall be designed to preserve as many trees and as much natural vegetation as possible.

City Council's Response: Satisfied. The proposed amendments aim to provide a reasonable approach to saving and replanting vegetation in sensitive areas such as along the City's hillsides. The target retention and re-establishment percentages identified for each of the residential zones provides a realistic goal for developers to accomplish and provides an incentive driven approach rather than a punitive approach to maintaining trees in the slope areas.

*Element 13. Land Use.*

**Policy 13.4.3.** The Development Code procedures shall act to streamline the land development process and eliminate unnecessary delays, and shall contain standards and procedures for land-use actions that are clear, objective, and nonarbitrary.

City Council's Response: Satisfied. The proposed changes are a different approach to development review for subdividing land than the current standards however are meant to make the regulations fair and consistent between flat land and steep slope areas.

**Most Effective Alternative**

The alternative to approving the proposal is to retain the existing tree and steep slope standards within the Development Code. The proposed amendment more effectively carries out the goals and policies stated above than the existing standards.

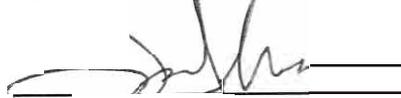
**CRITERION 4:** The proposed amendment is consistent with the functions, capacities, and performance standards of transportation facilities identified in the Master Transportation Plan.

**City Council's Response: Not Applicable.** The proposed changes do not have a direct relationship to the functions, capacities, and performance standards of transportation facilities identified in the Master Transportation Plan. However the proposal does include a revised list of approved and prohibited street trees which can be planted in the planter strips in the street rights-of-way. These changes improve the aesthetic function of the transportation system and better aid in creating a street environment that is not hazardous to motorist by planting appropriate street trees.

**VIII. DECISION AND SUMMARY:**

City Council APPROVED the proposed amendment, as presented in Ordinance 5567. The vote was 7-0-0, with Councilors Morgan, DeYoung, Williams, Riker, Webber, Gatlin, and Hannum in favor and none opposed. There is one vacancy on the Council.

**XI. FINDINGS APPROVED AND DECISION ADOPTED BY THE GRANTS PASS CITY COUNCIL** this 6<sup>th</sup> da of February 2013.

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**Article 11: Tree Retention and Tree Canopy Re-establishment.**

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**11.010 Purpose**

The regulations in this article seek to preserve trees and re-establish tree canopy over time in order to:

- Maintain the beauty of the City and its natural heritage;
- Protect public health through the absorption of air pollutants and increasing air quality;
- Provide visual screening and summer cooling;
- Minimize fire hazards in wildland interface areas;
- Maintain property values;
- Maintain wildlife habitat; and
- Meet a community goal that recognizes the importance of trees

In addition, the retention and re-establishment of trees on a land division site will:

- Preserve existing trees when feasible;
- Provide a benefit by maintaining slope and soil stability;
- Reduce erosion and flooding;
- Help filter storm water and reduce runoff;
- Provide incentives to property owners for incorporating and retaining existing tree canopy into the design of developments or home sites;
- Promote diversity of tree species in order to mitigate insect or disease epidemics.

**11.020 Evaluation and Applicability**

A determination of average canopy by general species and percentage was made using a dot grid for ocular estimate over aerial photographs. Four quadrants on the outer edges of the existing Urban Growth Boundary for the City were evaluated. The grain and color of vegetation provided a good determination of vegetation present. The areas used were contiguous undeveloped areas of approximately forty (40) acres each in size. It was found there are currently forty-five (45) percent open brushy areas, forty (40) percent hardwoods (oaks and madrones) and fifteen (15) percent conifer (ponderosa pines and Douglas firs) within the outer boundaries. This equates to approximately fifty-five (55) percent overall canopy cover with variations throughout the Urban Growth Boundary. The regulations below work toward establishing a base line average of future trees needed to re-establish tree canopy in the various zoning districts. It is a goal to either

preserve or establish a community minimum of thirty (30) percent tree canopy across the City limits and Urban Growth Boundary.

**11.030 Applicability**

This article applies to all land divisions in residential zones.

**11.040 Submittal Requirements for Tentative Plan Approval for Partitions, Subdivisions, and Planned Unit Developments**

The following shall be submitted at the time of submittal of a Tentative Plan:

- A. A plan or aerial photograph showing the property lines of the subject properties under review and the general location of existing tree canopy cover. The aerial photograph used shall be the most recent aerial photography used and available from the City.
- B. An overlay of the proposed plan on the aerial photograph.
- C. The estimated amount of tree canopy on the site.
- D. The approximate location of trees or groups of trees to be retained.

**11.041 Canopy Chart**

The following chart identifies the percentage of tree canopy to be maintained or re-established in the specified zones and the number of trees to be planted per lot in order to meet the canopy percentage target.

	High Density R-3 and R-4	Medium Density R-2 & R-1-6	Low Density R-1-8, R-1-10, and R-1-12
Percentage of Tree Canopy to be maintained or Re-established	15 percent to 20 percent	20 percent to 30 percent	25 percent to 35 percent
Number of Trees needed per Lot (# based upon canopy coverage calculation)	2-3	3-4	4-5

In order to satisfy Tentative Plan criteria, the applicant shall complete the chart below to show how the proposed development will maintain and/or re-establish tree canopy cover.

Existing Percentage of Canopy Cover Prior to Development	Percentage of Existing Canopy Cover to Remain Post Development	Target Percentage based on Zoning District	Total Percentage of Canopy Cover Proposed Post Development	Number of Trees to be Planted per Lot

**11.050 Development Permit Requirements**

Prior to issuance of a Development Permit for the Tentative Plan, the applicant shall submit the following plan by a Tree Professional for review and approval:

Existing Tree Canopy Cover and Tree Protection Plan

- A. An aerial photo or other graphic depicting the existing percentage of tree canopy on the site. The aerial photograph used shall be the most recent aerial photography used and available from the City.
- B. The location and percentage of dominant and co-dominant tree canopy to remain during construction.
- C. Indicate how the trees or groups of trees will be marked in the field to distinguish them as protected trees during **construction/grading**.
- D. Type of protection to be placed around the trees at the drip line.
- E. An outline-level narrative of the plan to maintain and/or re-establish tree canopy.

**11.060 Final Plat Requirements**

Prior to recording the Final Plan for the Partition, Subdivision, or Planned Unit Development the following shall be submitted for review and approval by a Tree Professional:

- 1. Tree Revegetation Plan:
  - A. Location of trees or groups of trees remaining on site post development as related to new lot lines
  - B. A tree planting plan identifying general locations of where new trees will be planted and include the height, caliper and species of trees recommended to be planted.
  - C. The percentage of tree canopy proposed to be re-established. The calculation shall be based upon the type of trees to be planted and number of trees needed per lot, and shall meet the conditions of tentative plan approval.
  - D. Demonstration of efforts to promote diversity of tree species.
  - E. The Tree Revegetation Plan shall be recorded along with the **final plat/plan**.

2. Tree Deposit.
- A. The applicant shall pay a tree deposit of \$300 per lot in the R-3 and R-4 zoning districts, \$400 per lot in the R-2 and R-1-6 zoning districts, and \$500 per lot in the R-1-8, R-1-10, and R-1-12 zoning districts prior to final plat/plan. The money will be available to the original developer or any subsequent property owner for future installation trees in accordance with the Tree **Revegetation** Plan. The existing or new property owner shall be reimbursed after demonstrating the actual amount spent in the purchase and installation of trees on the lot in question up to the amount of deposit actually collected by the City for that lot. Such reimbursement shall be made within thirty (30) days of property owner submitting such a request including providing the City with a receipt of said expenditures and confirmation that the trees were installed. If the property owner plants the required trees within one year of the final inspection of the home and the reimbursement is less than the amount deposited, the remaining monies shall be reimbursable for up to twenty-four (24) months after the final inspection of the dwelling constructed on the lot.

Any monies remaining after that time shall be placed in a City fund for the purchase of trees to be planted within the development or elsewhere in the City at the City's discretion. If the property owner fails to install the required trees within twelve (12) months of granting an Occupancy Certificate for the dwelling constructed on said lot, the City is authorized to install the trees required by the Revegetation Plan for the lot, and be reimbursed by deducting the full amount of the deposit from the fund. If the deposit was never received for that lot, or if an existing tree that was used for credit against the deposit has been removed, then the City, after installation of such required trees, is authorized to bill the property owner the full amount of the installation cost, and secure the debt with a lien on the property if not paid within forty-five (45) days.

#### **11.070 Tree Retention Incentives**

There is added value for the development and the overall community if existing, healthy trees are retained and protected during and after development. The following incentives are possible in order to retain and protect existing trees.

- A. Administrative Review to Modify Lot Lines Prior to Final Plat.  
An applicant may make a request to the Community Development Director who has the authority to adjust the interior lot lines from the approved plan in a Planned Unit Development in order to place existing trees within side or rear yards potentially reducing the size of the lot by no more than twenty (20) percent below the minimum required square footage for lots in that zone. The reduced square footage shall be compensated by adding an equivalent area on an adjacent lot(s) either on the sides or rear of the smaller lot.

B. Tree Deposit Waiver.

In cases where development on a proposed lot will retain existing dominant or co-dominant trees on that lot, which appear on the approved tree list in Section 23.076, the tree deposit for that lot will be reduced in accordance with the percentage of canopy retained on said lot and the canopy measured in accordance with 23.076, as compared to the required canopy for the lot. However, a waiver of tree deposit may be granted for preservation of a dominant or co-dominant tree not on the approved tree list given the following criteria:

1. A written request for such credit is made to the Community Development Director;

A. The request shall be prepared by a Tree Professional and shall include:

- a. A narrative about the significance and health of the tree,
- b. A photo of the tree,
- c. A site plan of the lot/parcel indicating the location of the trunk and approximate drip line of the tree; and
- d. A calculation of the canopy area measured at the drip line.

- 2.. Any such credit granted shall be based upon the actual area of the drip line with no multiplier.

C. Tree Canopy Credit.

The area of the canopy for dominant or co-dominant tree of any species retained within a development shall be credited as double the area calculation for that species towards the overall canopy goal of the project. If the tree retained is subsequently removed from the property for any reason then the parcel or lot must have two trees of equal or greater canopy potential planted.

D. Utility Alternative Relocation to Within a City Right of Way.

The City will establish an agreement with the Non-City Utility Companies allowing realignment of the conduits and ditch of said utilities into the public right of way for the purpose of avoiding the drip line of a retained dominant or co-dominant tree located within or closely adjacent to the City Utility Easement (CUE), when that realignment is technically feasible. Such agreement shall identify when the City is responsible for relocating the utilities and conduit at the City's expense and when the Utility Company is responsible for relocating the utilities and conduit at the Utility Company's expense. Typically, the City will relocate and pay for the relocation of utilities and conduit when it is a City project and the Utility Company will relocate and pay for the relocation of the utilities and

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conduit when it is a Utility Company project. The technical feasibility of the proposed relocation shall be determined by the Grants Pass Parks & Community Development Director or authorized designee.

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## Article 12: Zoning Districts

### 12.010 Purpose and Concept

12.011 Purpose. The purpose of this Article is as follows:

- (1) To implement the policies and Land Use Map of the Comprehensive Plan;
- (2) To protect the right to use and enjoy real property;
- (3) To protect the health, safety and welfare of the community;
- (4) To serve as a basis for resolving land use conflict.

### 12.012 Concept

- (1) "Zoning" is the grouping of a homogenous and mutually supporting family of land uses in one area, called a Zoning District, or Zone. Certain land uses obviously conflict with one another, such as a brick factory, for instance, located next to a residential subdivision, affecting the residents with its noise, dust, appearance and 24-hour work schedule. Prior to zoning, the conflict was resolved after the fact with desist and damage suits and inevitable heavy losses to the loser. Zoning became the classic tool for mitigating land use conflict in advance, allowing the purchaser to select property guaranteed to be suitable for his needs.
- (2) Zoning as the primary tool of conflict resolution, however, led to the creation of long lists of allegedly homogenous land uses. Those uses "less homogenous" than others faced added procedures of review (such as the conditional use permit process). As the lists gradually changed over time, the distinction between basic land use categories became blurred, and conflict resolution turned zoning issues once again into courtroom battles.
- (3) Zoning in this Code is not intended as the primary tool for resolving land use conflict. Instead, zoning in this Code forms a basis for establishing generally homogenous land uses. Design and construction standards, together with the necessary review procedures, then function as the primary tools for resolving specific land use conflicts, both within a homogenous group of uses in a single zone and between groups of incompatible uses at the border of two different zones. Procedures of review

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may then focus on achieving design solutions and may be greatly simplified as a result.

- (4) Zoning in this Code fulfills its purpose in the following manner:

(a) Reflect Comprehensive Plan Policy. The thousands of acres in each Zoning District resulted from the patterns of historical development, careful analysis of lands needed for future growth and development, the need for protection and enhancement of the environment, and the cost and feasibility of extending necessary services. The Zoning Districts thus reflect the policies of the City Council on housing, economic development, environmental protection and service extension, based on this detailed analysis.

Major area-wide changes in, or additions to, the Zoning Districts should therefore return to the policies of the Comprehensive Plan and to the analyses of the data base upon which these policies are based. Major zone changes should be not entered into lightly, and should not be used as the sole basis for conflict resolution. (See Amendment Procedures, Article 4).

(b) Protect Basic Property Rights. The Zoning Districts are defined by broad categories of land use. These categories establish the "basic ground rules" of land use and development, enabling owners of real property to know in advance what to expect from their neighbors, before investing in or developing property. In this Code, these broad categories of land use are given performance definitions, defining not only the categories of use, but also how the use is to function within the category. The list of specific uses is de-emphasized and is kept at an administrative level. Any given land use is expected to function properly within the purpose of the zone when fully developed and active. (See Definitions, Article 30).

(c) Conflict Resolution. The broad categories of land use and the Base Development Standards provided for each category form only the starting point for conflict resolution. This Code anticipates most conflict resolution to occur by meeting performance design and construction standards, or by meeting

"12.152 Lot Requirements

(1) Minimum lot requirements shall be as given in Schedule 12-5:

Minimum Residential Lot Requirements Schedule 12-5							
Zone	Lot Area One Dwelling Unit in sf (See Note 1)	Area/du Two or More Dwelling Units in sf (See Note 1)	Lot Width in ft (See Note 2)	Front Yard in ft (See Note 3)	Ext. Side/Rear Yard in ft	Side Yard in ft (See Note 4)	Rear Yard in ft (See Note 4)
UR	43,560	43,560	150	20	10 (See Note 5)	10	20
R-1-12	12,000	12,000	80	20	10 (See Note 5)	6-10 (See Note 6)	6
R-1-10	10,000	10,000	75	20	10 (See Note 5)	6-10 (See Note 6)	6
R-1-8	8,000	8,000	70	20	10 (See Note 5)	6-10 (See Note 6)	6
R-1-6	6,000	5,000	60	20	10 (See Note 5)	6-10 (See Note 6)	6
R-2	5,000	3,750	50	20	10 (See Note 5)	5	5
R-3	5,000	2,500	50	20	10 (See Note 5)	5	5
R-4	5,000	1,250	50	10 (See Note 5)	10 (See Note 5)	5	5

sf = Square Feet  
 ft = Linear Feet  
 du = Dwelling Unit

Note 1: Where public right-of-way is required to be dedicated from a lot for development permit approval, the area dedicated in excess of that necessary to provide a 60-foot wide right-of-way may be counted towards the minimum lot area.

Note 2: Lot depth shall not be greater than four (4) times its width, exclusive of the flagpole of a flag lot.

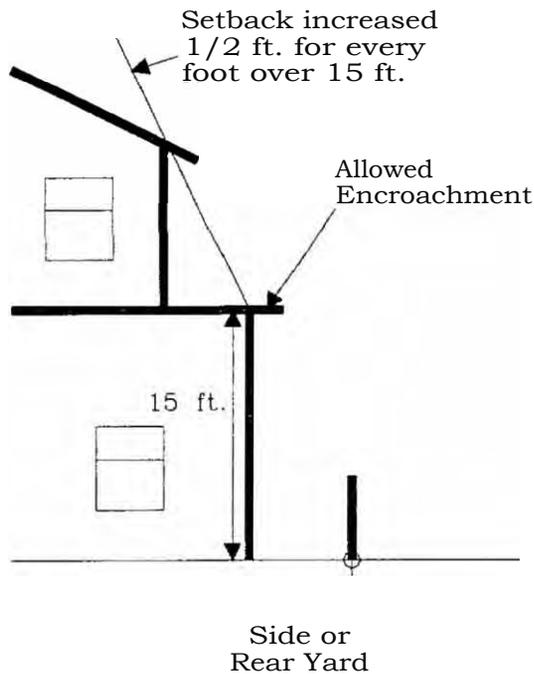
<sup>22</sup>Note 3: If each property that adjoins an interior side property line of the subject property is developed with a residential structure that has a nonconforming front yard setback, the front yard setback for a single-family residential structure on the subject property may be reduced subject to Subsection (3). See Concept Sketch: Reduced Front Yard Setback

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Note 4: The structure shall be constructed so that any point on the structure is set back from the side and rear property lines the required minimum setback plus one-half (1/2) foot for each foot over fifteen (15) feet that the point is above finish grade. See Concept Sketch: Side and Rear Yard Setback. Also, see Section 12.400 for exceptions to side and rear yard setbacks.

Note 5: Garage door and carport openings shall in all cases maintain a minimum setback of twenty (20) feet with the exception of Section 13.300(2).

Note 6: Side yard setbacks shall be a minimum of six (6) feet, and the sum of the two side yards shall be a minimum of sixteen (16) feet. Any side yards beyond the first two shall be a minimum of six (6) feet.



Concept Sketch: Side and Rear Yard Setback

- (2) A lot with frontage on two streets requires only one front yard. For a lot with frontage on more than one street, the applicant shall designate one such frontage as the front yard, and all other frontages shall be designated exterior side or rear yards, as appropriate. See also

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Zones, provided there is no increase in density. For any increase in density within existing residential dwelling units, Section 12.241 shall apply.

12.243 Residential Density Within the RTC-I District. The RTC-I District allows for residential development up to R-3 densities or 17.4 dwelling units/acre.

<sup>29</sup>12.244 Residential Development in the RTC-III District. Maximum of two (2) single-family dwellings are permitted within the RTC-III zone with a minimum parcel size of 4.42 acres. Residential development is subject to the Residential Design Standards in Article 22.

12.250 Commercial Base Development Standards

12.251 Purpose. The purpose of this Section is to provide the Base Development Standards for all commercial uses, including lot size, lot dimension, setbacks, structure height and lot access.

12.252 Lot Requirements.

(1) Minimum lot size and dimensions and front, side and rear yard setbacks shall be as given in Schedule 12-7.

Minimum Commercial Lot Requirements Schedule 12-7								
Zone	Lot Area in sf	Lot width in ft	Lot Depth in ft	Front yard in ft	Exterior Side/Rear yard in ft	Side yard	Rear yard	Lot Coverage
NC	No min. 21,780 max*	25	100	2D	10	None**	None**	35% Max
GC	None	25	100	10 (See Note 1)	10 (See Note 1)	None**	None**	None
CBD	None	None	None	None	None	None**	None**	None
RTC	None+	None	None	None	None	None**	None**	None

Legend:

sf = Square Feet  
 ft = Linear Feet  
 Max. = Maximum Requirement; otherwise given as minimum requirement.

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\* = Maximum square footage for contiguous commercially-zoned lot area, regardless of ownership.

\* \* See Landscape and Buffering Requirements when adjacent to residential zones.  
Minimum parcel size for residential use in the RTC-III zone is 4.42 acres

Note 1: For residential development within the GC zone, garage door and carport openings shall maintain a minimum setback of twenty (20) feet with the exception of Section 13.300 (2).

(2) A lot with frontage on two or more streets requires only one front yard. The applicant shall designate one such frontage as the front yard, and all other frontage yards shall be designated exterior side or rear yards, as appropriate. See also Article 30, Definitions. Exterior side or rear yards shall be as given in Schedule 12-12.

#### 12.253 Lot Requirements for RTC Districts

(1) Lot Area, Width and Depth for RTC Districts. There are no minimum sizes for lots within the RTC Districts.

(2) RTC Front and Rear Setbacks. Concept Sketch: RTC District Setbacks delineate the setback requirements for the RTC Zone Districts. These requirements shall supersede the requirements of Section 24.341, Stream Corridor Setback.

(3) RTC Side Yard Setback. Consideration shall be given to view corridors by the RRB. However, the minimum side yard set back adjacent to a residential zone is 20 feet for the first floor and an additional 10 feet for each extra floor (Refer to Concept Sketch: RTC District Setbacks). No structures or parking may occur in the 20-foot setback area.

A 20-foot wide landscaping area shall be provided according to Section 23.034, Type D: Buffering Between Zones.

(4) RTC Lot Coverage for Buildable Area (with setbacks)

RTC-I	None
RTC-II	None

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## Article 13: Special Purpose Districts

### 13.010 Purpose

The special purpose districts are intended to accommodate development within areas with specific natural, historical, or locational features. The standards herein are intended to mitigate natural hazards, to protect natural or historical features, and/or to mitigate land use conflicts. The special district standards apply in addition to the standards of the underlying zoning district.

### 13.020 General Provisions

The Special Purpose Districts shall encompass land areas that:

- (1) have slopes exceeding 15%.
- (2) are located within the boundaries of the 100 year flood plain.
- (3) are located in proximity to hospitals and that are appropriate for medical uses.
- (4) are recognized as historically significant.

13.025 Special Purpose District Overlay Map. There shall be an overlay map to the Zoning Map that depicts boundaries of the special districts shown herein. These maps are incorporated into this Section by reference. The special purpose district maps may be amended as provided in Article 4 of this Code. The maps are general in nature. The applicant for a development shall verify the grades on lands or portions of lands that are the subject of any specific application.

13.100 Slope Hazard District

13.110 Purpose. The purpose of the Slope Hazard District is to designate and provide standards within the hillside of Grants Pass to allow for reasonable development while balancing issues such as tree removal and replacement, soil stability, erosion control, storm water runoff, grading, wildland interface areas and general aesthetics. It is recognized the hillsides are sensitive areas that require a distinct set of regulations. The following guidelines are established in order to development in the slope hazard area.

13.111 Applicable Areas. A slope hazard area contains slopes of at least fifteen ~~15%~~ percent and is depicted on the Special Purpose District Map. Slope hazards shall be divided in two classes of slope steepness as follows:

- (1) Class A, 15% to 25%.
- (2) Class B, greater than 25%

13.120 Submittal Requirements for Development of Partitions, Subdivisions and Planned Unit Developments

The applicant shall meet the submittal requirements of the request (see Section 17.311 for Partition submittal; see Section 17.411 for Subdivision submittal; see Section 18.050 for Planned Unit Development Preliminary Plan submittal) in addition to the submittal requirements below:

13.121 Plans and Reports

The following plans and reports shall be submitted with the land use application: Reports for Class A Slopes shall be submitted and stamped by an engineer licensed to practice by the State of Oregon. Reports for Class B slopes shall be submitted and stamped by a Geo-Technical Engineer or Certified Engineering Geologist.

(1) Steep Slope Development Report, a written and illustrated report containing all of the following information:

- (A) Soils Analysis. The analysis shall include data regarding the nature, distribution and properties of existing soils, techniques grading and erosion control procedures, design criteria for corrective measures, and information covering the capacity of the sites to be developed in a manner

imposing the minimum variance from the natural condition. Data and recommendations from the Soil Survey of Josephine County, Oregon may be included in the analysis.

(B) Geology Analysis. The analysis shall include a description of the geology of the site, information regarding the effect of geologic conditions on the proposed development, and how to best develop the sites being reviewed. Data and recommendations from the Soil Survey of Josephine County, Oregon may be included in the analysis.

(C) Hydrology Analysis. The analysis shall include a description of the hydrology of the site and surrounding area, including movement of soil moisture, groundwater (subsurface), surface flow and the drainage network of the site before and after construction and guidelines on how to properly handle existing and new surface/underground water if the development proceeds.

(2) Grading and Erosion Control Plans. A plan shall be stamped by an Oregon licensed Engineer or Certified Engineering Geologist and shall include all of the following:

- (A) existing and proposed contours.
- (B) details of site and area drainage for proposed lots including elevations of proposed house pads, adjacent lots and streets.
- (C) direction of surface drainage flow and the approximate grade of drainageways.
- (D) limiting dimensions, elevations, or finish contours to be achieved by the grading, including per cent grades for all cut and fill slopes, proposed drainageways and related construction.
- (E) type of erosion control measures to be established prior to grading, during construction and post construction

13.200 Submittal requirements for a Building Permit on an Existing Lot

(1) Grading and Erosion Control Plans. The plan stamped by an Oregon licensed Engineer or Certified Engineering Geologist and shall include all of the following:

- (A) existing and proposed contours
- (B) details of site and area drainage for proposed lots including elevations of proposed house pads, adjacent lots and streets.
- (C) direction of surface drainage flow and the approximate grade of drainageways.
- (D) limiting dimensions, elevations, or finish contours to be achieved by the grading, including percent grades for all cut and fill slopes, proposed drainageways and related construction.
- (E) type of erosion control measures to be established prior to grading, during construction and post construction

(2) Retention Plan.

- (A) Location of existing trees or groups of trees to be removed or retained.
- (B) If trees are retained, indication of how the tree or group of trees will be protected out to the drip line.
- (C) A tree planting plan identifying general locations of where new trees will be planted. The plan shall include the number, height, caliper, and species of trees to be planted. The plan shall identify the vision clearance area at driveways and street intersections.

13.300 General Provisions for construction in the Steep Slope Hazard Area.

- 1) Tree Removal. The removal of trees in areas proposed to be impacted by new roadways or other infrastructure shall occur first. Trees located

within proposed lots shall be protected during construction and remain until the construction of the home to the extent possible.

- 2) Front Yard Setback. The front yard setback for the new home can be reduced to ten (10) feet. Typically, the entrance for the garage/carport shall remain at the required twenty (20) foot setback. However, the minimum setback for a side-loaded garage may be reduced to ten (10) feet.
- 3) Timeframe for Construction. All construction work disturbing the soil or affecting the natural drainage and runoff shall be scheduled to begin not earlier than April 15 and shall terminate not later than October 15. The Director may extend starting and completion dates by no more than thirty (30) days based on the weather conditions prevailing at the time of the extension.
- 4) Retaining Walls. No cuts or fills may include retaining walls greater than 15 feet in height in a single wall from the finish grade or create any unretained slopes which are greater than 100%. No filling may result in a retaining wall within the required setback from a property not included in the development plan greater than 6 feet in height from the finish grade or create any slopes which are greater than 100%. Retaining walls shall also comply with the applicable standards of Article 23 of this Code.
- 5) Erosion Control Measures.
  - A) Revegetation and the use of other temporary erosion control measures shall protect the site, surrounding properties, streams and storm drain system from erosion through the winter months. Revegetation and all other temporary erosion control measures shall be fully in place and established by October 15 (13.170(3)) and shall be maintained after storms and at other regular intervals according to the approved plan. The City Engineer may mandate, based on adverse weather conditions, any reseeded installed after September 15 be installed in the form of a mat.
  - B) All construction work is planned to minimize the amount of time the soil is exposed and

unprotected. All access points shall be protected with gravel or crushed rock.

13.400 Appeals

Appeals to the interpretations of this Article shall be undertaken as provided in Section 10.030 of this Code.

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'Article 17: Lots and Creation of Lots

17.010 Purpose

The purpose of this section is to protect the public health, safety, welfare, and convenience and to provide a means to meet the goals of the Comprehensive Community Development Plan for the City of Grants Pass and the Urbanizing Area. It provides procedures, standards, and criteria for the vacation and adjustment of property lines, and for the creation of lots and parcels which are consistent with state statutes and the standards of this Code, and with a consideration for future development. The intention is to create lots and parcels for which development permits and/or building permits can be issued without varying applicable site development standards, and for which urban services and necessary off-site improvements are provided.

17.020 Applicability

The provisions of this section apply to all lands within the City of Grants Pass or within Grants Pass Urban Growth Boundary. Unless otherwise provided for in this Code, no property, land, interests in land, unit ownership, lots, or parcels shall be created prior to approval of a partition or subdivision. No property line vacation, property line adjustment, partition, or subdivision shall be made or recorded with the Josephine County Recorder without meeting the requirements of this section.

17.030 Procedures

The following procedures are structured to expedite those applications that are minor in scope and impact, and to insure thorough public review and comment for applications that may have greater impact to neighborhoods and public facilities.

17.031 Review Procedure Schedule. Land divisions applications shall be processed according to Schedule 2-1.

17.100 Property Line Vacations

17.101<sup>12</sup> Effect.  
The Property Line Vacation process provides an alternative to vacate a property line or property lines, in lieu of the Property Line Adjustment process. Through the Property Line Vacation process, a property line may be vacated by ordinance, rather than through recording of a property line adjustment plat.

A property line vacation shall act to remove the lot, parcel, or property lines separating the properties and consolidate them into a single authorized lot. Once the ordinance vacating the property line(s) is adopted and recorded, the original property lines may not then be recovered except through a partition or subdivision.

17.110 Petition for Property Line Vacation.

17.111 Submittal Requirements. Petitions for property line vacations shall be on a form provided by the Director, and shall contain the following:

- (1) Location: Location by street address and assessor's map and tax lot number.
- (2) Legal Description: A legal description of the property by metes and bounds, subdivision lot or partition parcel number, or similar description.
- (3) Existing Uses: General location and/or description of existing uses on each property.
- (4) Names: Name, address and telephone number of the property owner(s), applicant(s).
- (5)<sup>12</sup> Signatures: Signatures of all property owners indicating their consent and approval to vacate the property lines. The ownership of the original properties must be identical at the time of application for a property line vacation.

17.112<sup>12</sup> Criterion for Approval, Property Line Vacations. The City Council shall approve, approve with conditions, or deny the request, based upon the following criteria. The property line vacation shall be by ordinance.

- (1) The resultant property configuration does not create a substandard condition relative to the requirements of this Code, such as place two single family dwellings on one lot where only one single family dwelling per lot is allowed.
- (2) The proposal is not contrary to the public health, safety, welfare, and convenience or any other purpose of Article 17.

17.114 Filing a Property Line Vacation Order. The Finance Department shall file the approved vacation ordinance with the County Recorder within 30 days of adoption.

17.200 Property Line Adjustments

17.201 Effect. A property line adjustment shall act to vacate and replace the existing property line(s) separating adjacent properties. The number of parcels resulting from the property line adjustment may be equal to or fewer than the number of original lots, parcels, or properties.

17.202 Property to Be Included. All property within any of the original authorized lots proposed for adjustment shall be included within the property line adjustment plat.

17.210 Tentative Property Line Adjustment Plan

17.211 Submittal Requirements. The applicant shall submit two (2) copies of a tentative plan and any supporting materials to the Director. The following shall be included:

- (1) Plan: No smaller than 8 1/2 inches x 11 inches and legible with north arrow, scale (an engineering scale appropriate to the area involved and sufficient to show detail of the plan and related data, such as 1 inch : 30 feet, 1 inch : 50 feet, 1 inch : 100 feet, or less), and date of preparation.
- (2) Location: Location by street address and assessor's map and tax lot number.
- (3) Names: Name, address and telephone number of each of the following: property owner(s), applicant(s), and preparer of the plan.
- (4) Property Dimensions: Existing and proposed property lines and their dimensions, and parcel size in square feet or acres.
- (5) Parcel numbers or letters: Parcel numbers or letters for each property line adjustment parcel.
- (6) Streets: Names and rights-of-way locations.
- (7) Existing Uses: Location and outline of existing buildings and structures with distances in feet to new parcel lines created by the proposed property line adjustment, and an indication if they are to be removed prior to the adjustment.

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- (8) Future Divisions: If the proposed property line adjustment results in parcels greater than twice the minimum lot size allowed, indicate by dashed lines how future divisions and streets can be created.
- (9) Signatures: A signature by the property owner or stamp of a registered land surveyor that guarantees that all information shown on the plan is accurate and correct, and the applicant accepts responsibility for same.
- (10) For the area that is adjusted from one parcel to other, the following must be shown:
  - (a) Easements: The location, dimensions and purpose of all recorded and proposed public and private easements.
  - (b) Flood Areas: Location of floodplain and floodway.
  - (c) Slope: Degree and approximate direction of *slope* and drainage, and an indication of areas within in Slope Hazard District.
  - (d) Natural Features: Location and extent of streams, rivers, their high banks, wetlands, any required setbacks, and and the location of dominant and co-dominant trees.
  - (e) Utilities: Location and size of all storm drains and other drainageways; sewer mains, laterals, septic tank leach fields, or other facilities; water mains, laterals, wells, or other facilities; irrigation facilities or other pertinent utilities.

17.212 Criteria for Tentative Property Line Adjustment Plan Approval. The review body shall approve, conditionally approve or deny the request based upon the following criteria:

- (1) An additional property is not created by the property line adjustment.
- (2) A property is not reduced in size below the minimum lot size established by the applicable zone district.
- (3) If one or more properties are less than the minimum lot size, no property is reduced smaller than the size of the original smallest property.

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- (4) The adjusted property configuration does not create a substandard condition relative to the applicable standards of this Code.
  - (5)<sup>12</sup> The proposal is not contrary to the public health, safety, welfare, and convenience or any other purpose of Article 17.

17.213 Expiration and Extension of Tentative Property Line Adjustment Plan.

- 13 (1) Expiration. Within eighteen months following the effective date of the written decision approving a tentative plan, the applicant shall fulfill all conditions of tentative plan approval and submit the final plat and all required documents.
- (2) Extension. The Director may, upon written request by the applicant, grant up to two extensions of the expiration date of six months each. Upon granting such an extension, the Director shall make written findings that the facts upon which the approval was based have not changed to an extent sufficient to warrant refileing of the tentative plan and that no other development approval would be affected.

17.220 Final Property Line Adjustment Plat

17.221 Plat Required. Except as exempted in section 17.223 below, all final property line adjustment plats shall be prepared in accordance with all requirements of final partition plats per Section 17.320, except that the City Finance Department need not sign the plat. This requires a survey of all property lines by a registered land surveyor.

17.222'<sup>2</sup> Deeds Required. A property line adjustment plat does not convey ownership. When the final plat is submitted to the City for signatures, the applicant shall submit a copy of the deeds that will convey ownership, corresponding to the adjusted property lines.

17.223 Final Property Line Adjustment Map Option. Preparation of a surveyed final property line adjustment plat is the option of the applicant when all properties affected are 10 acres or greater. When the properties are not

surveyed, a final map of the property line adjustment shall be prepared and shall be considered the final plat of the property line adjustment. The map shall contain the following:

- (1) The map shall be 18 inches x 24 inches. No part of the drawing shall be nearer to the edge of the sheet than one inch. The map shall reserve a space one inch by three inches in the most upper right corner for County recording information.
- (2) All property lines and their dimensions.
- (3) Revised property descriptions of each property affected by the property line adjustment.
- (4) The names and signatures of the property owners and other applicable parties with the proper acknowledgments.
- (5) References to the original recorded documents.
- (6) Any plat notes, restrictions, notices, and special conditions that were required to be placed on the final plat as part of tentative plan approval.

17.224 Signatures on Final Property Line Adjustment Plat.

- (1) When the property line adjustment is surveyed, the City or County Surveyor shall sign to verify compliance with applicable survey laws of the State of Oregon.
- (2) The Director may sign the final plat and release it for recording if the final plat is in conformity with the approved tentative plan, and when all conditions of tentative plan approval have been met.
- (3) All signatures shall be in black permanent India type ink.

17.225 Filing an Approved Property Line Adjustment Plat. The applicant shall file the approved original plat with the County Recorder and an exact duplicate with the County Surveyor, and shall file one print or copy of the recorded plat with the Director.

17.226<sup>12</sup> Filing Deeds for the Adjusted Properties. Concurrent with filing the plat, the applicant shall record the deeds conveying ownership consistent with the adjusted property

lines. After the deed is recorded, the applicant shall file one copy of the recorded deed with the Director.

17.227<sup>12</sup> Expiration of an Approved Property Line Adjustment Plat.

The approved final plat shall become null and void if the plat and deeds are not filed and recorded with the County Recorder within 30 days from the date the Director signs the plat.

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17.300 Partitions

17.301 Effect. A partition acts to divide land into two or three parcels. All previous property lines within the plat area are vacated by the partition plat.

17.310 Tentative Partition Plan

<sup>2</sup> 17.311 Submittal Requirements. The applicant shall submit eight (8) copies of a tentative plan and any supporting materials to the Director. The following shall be included:

- (1) Plan: No smaller than 8 1/2 inches x 11 inches and legible with north arrow, scale (an engineering scale appropriate to the area involved and sufficient to show detail of the plan and related data, such as 1 inch : 30 feet, 1 inch : 50 feet, 1 inch : 100 feet, or less), and date of preparation.
- (2) Location: Location by street address and assessor's map and tax lot number.
- (3) Names: Name, address and telephone number of each of the following: property owner(s), partitioner, and preparer of the plan.
- (4) Parcel Dimensions: Existing and proposed parcel lines and their dimensions, and parcel size in square feet or acres.
- (5) Parcel numbers or letters: Parcel numbers .or letters for each parcel.
- (6) Streets and Sidewalks, Existing: Names, rights-of-way locations and widths, curb locations, sidewalk locations, vehicular access points, public or private status, and any recorded reservations or restrictions.
- (7) Streets and Sidewalks, Proposed: Names, rights-of-way locations and widths, curb locations, pavement widths, sidewalk locations, street lights, vehicular access points, public or private status, any recorded reservations or restrictions, approximate radii of curves, grades, and typical cross-sections showing all utility improvements proposed within the street right-of-way and adjacent easements at such scale to clearly show the details thereof.

- (8) Easements: The location, dimensions and purpose of all recorded and proposed public and private easements.
- (9) Utilities: Location and size of all existing and proposed storm drains and other drainageways; sewer mains, laterals, septic tank leach fields, or other facilities; water mains, laterals, fire hydrants, wells or other facilities; irrigation facilities or other pertinent utilities.
- (10) Natural Features: Location and extent of streams, river, their high banks, wetlands, and any required setbacks.
- (11) Flood Areas: Location of floodplain and floodway.
- (12) Slope: Degree and approximate direction of slope and drainage.
- (13) Slope Hazard District: If the property is located within the Slope Hazard District see Section 13.120 for additional submittal requirements.
- (14) Submit an existing Tree Plan (required for all developments even those outside of the Slope Hazard District) in accordance with Section 11.040.
- (15) Districts: The designated zoning district, special purpose district, and any zoning district boundary, special purpose district boundary, political subdivision boundary, or the Urban Growth Boundary that are adjacent to or that divide the property.
- (16) Existing Uses: Location and outline of existing buildings and structures with distances in feet to new parcel lines created by the proposed partition, and an indication if they are to be removed prior to final platting.
- (17) Future Development Plan: A future development plan shall be submitted for the property being partitioned in accordance with Section 17.540.
- (18) Future Street Plan: A future street plan shall be submitted in accordance with Section 17.550.
- (19) Signatures: A signature by the property owner or stamp of a registered land surveyor that guarantees that all information shown on the plan is accurate and correct, and the applicant accepts responsibility for same.

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<sup>3</sup> 17.312 Criteria for Tentative Partition Plan Approval. The review body shall approve, approve with conditions or deny the request based upon the following criteria:

- (1) The plan conforms to the lot dimension standards of Article 12, the base lot standards of Section 17.510, and the requirements of any applicable overlay district.
- (2) When required, the proposed future development plan allows the properties to be efficiently further developed, in accordance with requirements for typical permitted uses in the applicable zone and comprehensive plan district, and in conjunction with other development in the neighborhood.
- (3) When one is required or proposed, the street layout conforms to the applicable requirements of the adopted street plans, meets the requirements of Article 27 and other applicable laws, and best balances needs for economy, safety, efficiency, and environmental compatibility.
- (4) The proposed utility plan conforms to the applicable requirements of adopted utility plans, the requirements of Article 28 and other applicable laws, and best balances needs for economy, safety, efficiency, and environmental compatibility.
- (5) The tentative plan allows for the preservation or establishment of natural features or the preservation of historic features of the property including
  - (a) Providing the necessary information to complete the tree chart identified in Section 11.041.
  - (b) No cuts shall result in retaining walls greater than 15 feet high in a single wall from the finish grade or create any un-retained slopes greater than 100%.
  - (c) No fills may result in a retaining wall within the required setback from a property not included in the development plan greater than six (6) feet in height from the finish grade nor create any un-retained slopes greater than 100%.
- (6) The plan complies with applicable portions of the Comprehensive Plan, this Code, and state and federal laws.

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17.313 Expiration and Extension of Tentative Plan.

- (1) Expiration. Within eighteen months following the effective date of the written decision approving a tentative plan, the applicant shall fulfill all conditions necessary for a development permit, obtain a development permit, fulfill all conditions of tentative plan approval necessary to file the final plat, and submit the final plat and all required documents.
- (2) Extension. The Director may, upon written request by the applicant, grant up to two extensions of the expiration date of six months each. Upon granting such an extension, the Director shall make written findings that the facts upon which the approval was based have not changed to an extent sufficient to warrant refileing of the tentative plan and that no other development approval would be affected.

17.320 Final Partition Plat

17.321 Plat Requirements. After tentative plan approval, the applicant shall submit a final plat to the Director. The plat shall be prepared by a registered professional land surveyor and shall contain the following:

- (1) The plat shall be 18 inches x 24 inches. No part of the drawing shall be nearer to the edge of the sheet than one inch. The plat shall reserve a space one inch by three inches in the most upper right corner for County recording information.
- (2) All requirements of ORS 209.250 and ORS 92 and any other applicable state or federal regulations.
- (3) Any dedications or changes required as part of tentative plan approval. Dedications shall be done in accordance with applicable local or state laws.
- (4) Any plat notes, restrictions, notices, and special conditions that were required to be placed on the final plat as part of tentative plan approval. The review body shall not require that the plat show graphically any information or requirement that is or may be subject to administrative change or variance.

- (5) As a separate document, a land division guarantee from a title company.
- (6) A letter submitted by the Responsible Engineer stating the Engineer supervised the grading and construction for the entire parcel and individual lots and the grading and construction was completed according to approved Plans.
- (7) Submittal requirements in accordance with Section 11.060.

17.322 Signatures on a Final Partition Plat.

- (1) The surveyor who prepared the plat, the property owner(s), and all other parties required to sign under ORS Chapter 92 shall sign the plat.
- (2) The City or County Surveyor shall sign to verify compliance with applicable survey laws of the State of Oregon.
- (3) The City Finance Department shall sign to verify that all financial obligations on the property have been met.
- (4) The Director may sign the final plat and release it for recording if the final plat is in conformity with the approved tentative plan, and when all conditions of tentative plan approval have been met.
- (5) All signatures shall be in black permanent India type ink.

<sup>4</sup>17.323 Filing an Approved Final Partition Plat. The applicant shall file the approved original partition plat as per ORS 92.120. After recording, the applicant shall also file one print with the Director.

17.324 Expiration of Final Partition Plat. The approved final plat shall become null and void if not filed and recorded with the County Recorder within 30 days from the date the Director signs the plat.

17.400 Subdivisions

17.401 Effect. A subdivision acts to divide land into four or more lots. All previous property lines within the plat area are vacated by the subdivision plat.

17.402 Exclusion of Property. All property within the original authorized lot or lots being proposed for platting shall be included on the plat, except that an area may be excluded from a final subdivision plat provided all of the following conditions are met:

- (1) The area to be excluded is equal to or greater than to 2.5 acres.
- (2) Only one such area is created per subdivision.
- (3) The approved future development plan allows for the property to be further partitioned or subdivided.
- (4) The remaining area is not developed until it is further partitioned or subdivided in accordance with the provisions of this Code, or all facilities are provided to that area as if it were a lot in the subdivision.

17.410 Tentative Subdivision Plans

<sup>5</sup> 17.411 Submittal Requirements. The applicant shall submit fifteen (15) copies of a tentative plan and any supporting materials to the Director. The following shall be included:

- (1) Plan: No smaller than 8 1/2 inches x 11 inches and legible with north arrow, scale (an engineering scale appropriate to the area involved and sufficient to show detail of the plan and related data, such as 1 inch : 30 feet, 1 inch : 50 feet, 1 inch : 100 feet, or less), and date of preparation.
- (2) Location: Location by street address and assessor's map and tax lot number.
- (3) Vicinity map: A vicinity sketch shall be shown on the plan at a small scale (i.e., 1 inch : 400 feet) showing all existing and adjacent subdivisions, streets, property lines of acreage properties, names of the recorded owners of properties adjoining the land to be divided and between it and the nearest existing or proposed public

street, adjacent railroad rights-of-way, and adjacent political subdivisions.

- (4) Names: Name, address and telephone number of each of the following: property owner(s), subdivider, and preparer of the plan.
- (5) Lot Dimensions: Existing and proposed lot lines and their dimensions, and lot size in square feet or acres.
- (6) Lot numbers or letters: Lot numbers or letters for each lot.
- (7) Streets and Sidewalks, Existing: Names, rights-of-way locations and widths, curb locations, sidewalk locations, vehicular access points, public or private status, and any recorded reservations or restrictions.
- (8) Streets and Sidewalks, Proposed: Names, rights-of-way locations and widths, curb locations, pavement widths, sidewalk locations, street lights, vehicular access points, public or private status, any recorded reservations or restrictions, approximate radii of curves, grades, and typical cross-sections showing all utility improvements proposed within the street right-of way and adjacent easements at such scale to clearly show the details thereof.
- (9) Easements: The location, dimensions and purpose of all recorded and proposed public and private easements.
- (10) Utilities: Location and size of all existing and proposed storm drains and other drainageways; sewer mains, laterals, septic tank leach fields, or other facilities; water mains, laterals, fire hydrants, wells or other facilities; irrigation facilities or other pertinent utilities.
- (11) Natural Features: Location and extent of streams, rivers, their high banks, wetlands, and any required setbacks
- (12) Flood Areas: Location of floodplain and floodway.
- (13) Slope: Topographic contour lines having the following minimum intervals:

Overall Site Slope	Contour Interval
0 to 5 percent	2 feet
5 to 15 percent	5 feet
15 percent or more	10 feet

Slope hazard areas shall be indicated as follows:

Slopes 15% to 35%	light shading
Slopes exceeding 35%	heavy shading

A Tentative Grading Plan indicating cuts, fills, and retaining walls.

- (14) Slope Hazard District: If the property is located within the Slope Hazard District see Section 13.120 for additional submittal requirements.
- (15) Submittal an existing Tree Plan (required for all developments even those outside of the Slope Hazard District) in accordance with Section 11.040.
- (16) Districts: The designated zoning district, special purpose district, and any zoning district boundary, special purpose district boundary, political subdivision boundary, or the Urban Growth Boundary that are adjacent to or that divide the property.
- (17) Existing Uses: Location and outline of existing buildings and structures with distances in feet to new subdivision lines created by the proposed subdivision, and an indication if they are to be removed prior to final platting.
- (18) Future Development Plan: A future development plan shall be submitted for the property being subdivided in accordance with Section 17.540.
- (19) Future Street Plan: A future street plan shall be submitted in accordance with Section 17.550.
- (20) Signatures: A signature by the property owner or stamp of a registered land surveyor that guarantees that all information shown on the plan is accurate and correct, and the applicant accepts responsibility for same.

- (21) Title: The proposed name and the title "Tentative Plan".
- (22) Dedication: locations of all areas to be dedicated or reserved for public use, with the purpose, condition, or limitations of such reservations clearly indicated.
- (23) Deed Restrictions: Previously recorded and proposed deed restrictions.
- (24) Phasing: If the subdivision will be platted in phases, indicate the lots to be included in each phase, all street, utility, and other improvements to be constructed in conjunction with each phase, and proposed timing for each phase.
- (25) Solar Lot Design Standard: Documentation shall be provided indicating compliance with Section 22.630 of this Code.
- (26) Watermaster compliance: If groundwater is proposed as a source of water for the subdivision, and the subdivision is located in a designated area of groundwater availability concern, the applicant shall submit a certificate of compliance with applicable ground water testing ordinances.
- <sup>11</sup> (27) The City Engineer may require a traffic analysis, as per Section 27.131(3), for any new development to determine the development's potential impact on the existing transportation system. At a minimum, the impact of development on transportation facility performance shall be mitigated to the standards set forth in Section 27.121(2).

17.412 Referral for Review. The Director shall distribute copies of the tentative plan to such agencies as would have an interest in reviewing the plan, which may include:

- (1) Applicable School District.
- (2) Applicable Citizen Participation Committee.
- (3) Grants Pass Irrigation District.
- (4) Affected Governmental Agencies and Other Special Districts.
- (5) Affected Public and Private Utilities.

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- (6) Applicable Site Plan Review Committee.
- (7) Department of Environmental Quality.
- (8) Josephine County Public Works Department.
- (9) Oregon State Highway Division.
- (10) Oregon Department of Fish and Wildlife.
- (11) Others, as determined by Director.

617.413 Criteria for Tentative Subdivision Plan Approval. The review body shall approve, approve with conditions or deny the request, based upon the following criteria:

- (1) The plan conforms to the lot dimension standards of Article 12, the base lot standards of Section 17.510, and the requirements of any applicable overlay district.
- (2) When required, the proposed future development plan allows the properties to be further developed, partitioned, or subdivided as efficiently as possible under existing circumstances, in accordance with requirements for typical permitted uses in the applicable zone and comprehensive plan district, and in conjunction with other development in the neighborhood.
- (3) When one is required or proposed, the street layout conforms to the applicable requirements of the adopted street plans, meets the requirements of Article 27 and other applicable laws, and best balances needs for economy, safety, efficiency, and environmental compatibility.
- (4) The proposed utility plan conforms to the applicable requirements of adopted utility plans, the requirements of Article 28 and other applicable laws, and best balances needs for economy, safety, efficiency, and environmental compatibility.
- (5) The tentative plan allows for the preservation or establishment of natural features or the preservation of historic features of the property, and allows access to solar energy to the extent possible under existing circumstances including:

- (a) Providing the necessary information to complete the tree chart identified in Section 11.041.
  - (b) No cuts shall result in retaining walls greater than 15 feet high in a single wall from the finish grade or create any un-retained slopes greater than 100%.
  - (c) No fills shall result in a retaining wall within the required setback from a property not included in the development plan greater than 6 feet in height from the finish grade or create any slopes which are greater than 100%.
- (6) The plan complies with applicable portions of the Comprehensive Plan, this Code, and state and federal Laws.

17.414 Revised Tentative Subdivision Plan. Prior to receiving a development permit for the tentative plan, the applicant shall submit a revised tentative plan demonstrating compliance with the conditions of tentative plan approval. The review body may waive this requirement if no significant modifications are required.

<sup>13</sup>17.415 Expiration and Extension of Tentative Subdivision Plan.

- (1) Expiration. Except as provided in Section 17.416 for a phased development, within 18 months following the effective date of the written decision approving a tentative plan, the applicant shall fulfill all conditions necessary for a development permit, obtain a development permit, fulfill all conditions of tentative plan approval necessary to file the final plat, and submit the final plat application, including the plat and all required documents. For a phased development, the applicant shall obtain a development permit, complete construction, and file the final plat for each phase in accordance with the approved phasing schedule.
- (2) Extension. The Director may, upon written request by the applicant, grant up to two extensions of the expiration date of six months each. Upon granting such an extension, the Director shall make written findings that the facts upon which the approval was based have not changed to an extent sufficient to warrant refile of the tentative plan and that no other development approval would be affected.

17.416 Phased Development. When an applicant desires to record and develop a subdivision plat in phases, then the approving body may authorize a time for the submittal of the final plat and development of various phases. The time period may exceed eighteen months but in no case shall the total time period for all phases exceed five years without resubmission of the tentative plan for review and approval. Each phase so platted and developed shall conform to the applicable requirements of this Code. Phases platted after eighteen months are subject to modifications in accordance with any changes in the Comprehensive Plan or implementing regulations.

17.420 Final Subdivision Plat

<sup>13</sup> 17.421 Non-conforming Plats. When a final subdivision plat is received, the Director shall determine whether or not the final plat substantially conforms with the approved tentative plan. If the final plat substantially conforms to the approved tentative plan, it shall be reviewed through the procedure specified in Schedule 2-1. If the final plat does not substantially conform to the approved tentative plan, then the final plat shall be reviewed using the same review procedure that the tentative plan required.

17.422 Criteria for Final Plat Approval.

The approved tentative plan shall be considered to have met the requirements outlined in the approval for the tentative plan if it meets all of the following:

- (1) A letter has been submitted by the Responsible Engineer stating he/she supervised the grading and construction for the entire parcel and individual lots and the grading and construction was completed according to approved plans.
- (2) All water, sewer and storm facilities have been installed, tested and tentatively approved per the approved plans. The final testing and acceptance of the water, sewer and storm facilities may be secured per Article 29.
- (3) All street facilities have either been installed, tested and accepted per the approved plans, or security has been posted per Article 29.

- (4) Notwithstanding Article 29 regarding Security, construction of all remaining improvements not including sidewalks and tree planting if required, shall be completed within seven months of the recording of the final plat. Occupancy of homes shall not be permitted until all public improvements have been installed, tested, and accepted by the City, and final inspection of the home has occurred.
- (5) A tree revegetation plan has been submitted and approved in accordance with Section 11.060.

°17.423 Plat Requirements. After completing the requirement for tentative subdivision plan approval, the applicant shall submit a final plat and ten (10) prints to the Director. The plat shall be prepared by a registered professional land surveyor and shall contain the following:

- (1) The plat shall be 18 inches x 24 inches. No part of the drawing shall be nearer to the edge of the sheet than one inch.
- (2) All requirements of ORS 209.250 and ORS 92 and any other applicable state or federal regulations.
- (3) Any dedications or changes required as part of tentative plan approval. Dedications shall be done in accordance with applicable local or state laws.
- (4) When a future development plan is required, a note stating that development of the property is subject to the conditions of such plan.
- (5) Any plat notes, restrictions, notices, and special conditions that was required to be placed on the final plat as part of tentative plan approval. The review body shall not require that the plat show graphically any information or requirement that is or may be subject to administrative change or variance.
- (6) Statement or certifications verifying the source of water and sewage disposal in accordance with ORS 92.090.
- (7) As a separate document, a land division guarantee from a title company.

°17.424 Signatures on a Final Subdivision Plat.

- (1) The surveyor who prepared the plat, the property owner(s), and all other parties required to sign under ORS Chapter 92 shall sign the plat.
- (2) The City or County Surveyor shall sign to verify compliance with applicable survey laws of the State of Oregon.
- (3) The City Finance Department shall sign to verify that all financial obligations on the property have been met.
- (4) The Director of any special district shown on the final plat or any other official required by law shall sign the plat or provide certifications as required by law.
- (5) The Director may sign the final plat if the final plat is in conformity with the approved tentative plan, and when all conditions of tentative plan approval have been met.
- (6) The County Assessor shall sign certifying that all taxes on the property have been paid or bonded for in accordance with state law.
- (7) Following (5) above, the Chairperson or the Board of County Commissioners shall sign.
- (8) All signatures shall be in black permanent India type ink.

°17.425 Filing an Approved Final Subdivision Plat. The applicant shall file the approved original subdivision plat as per ORS 92.120. After recording, the applicant shall also file one print with the Director.

°17.426 Expiration of Final Subdivision Plat. The approved final plat shall become null and void if not filed and recorded with the County Recorder within 30 days from the date the Director signs the plat.

17.500 General Provisions

17.501 Subdivision Name. New subdivisions shall not bear a name similar to or pronounced the same as the name of any other subdivision in the Josephine County, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the

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**'Article 18: Planned Unit Development (PUD)**

**18.010 Purpose and Effect**

18.011 Concept. The Planned Unit Development is a process of design and review, and the results of this process are variable. The results may include different building types, land divisions and development types. The Base Development Standards of the Zoning Districts, Article 12, and the Base Lot Standards of Land Divisions, Article 17, represent the historic method of insuring a safe, livable and economic community. The Planned Unit Development process is intended to permit development using alternate standards to occur, and yet maintain the safety, livability and economy of the community.

18.012 Purpose. The purpose of the Planned Unit Development process is as follows:

- (1) To provide an alternate development process and alternate development standards to the Base Development and Lot Standards set forth in Articles 12 and 17 of this Code, and embodied in much of the established areas of the City.
- (2) To encourage land use and development based upon the unique physical opportunities and constraints of each particular site, so that the outdoor living environment becomes an integral rather than an incidental feature of the design, and the overall appearance and livability of the community is enhanced.
- (3) To encourage diversity in building types, site arrangement and ownership of real property.
- (4) To encourage the greatest economic use of the land, and to lower unit development costs, in exchange for better use of open space, more recreational facilities, and greater resource conservation than possible using the Base Standards of this Code.
- (5) To provide a development product which is equal to or superior to that possible under the Base Standards of this Code.
- (6) To recognize the need to protect and buffer dissimilar development in the established districts, and to set a good precedent for future development in developing districts.

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18.013 Effect. The Planned Unit Development, as finally approved, shall have the effect of varying the Base Development Standards of all Zoning Districts as contained in Article 12 of this Code, and the Base Lot Standards of Partitions and Subdivisions, Section 17.510 of this Code, without need of other variance procedure, but only insofar as indicated in the approved Planned Unit Development Plan and attached conditions. All other provisions of this Code shall apply.

18.020 General Provisions

18.021 Applicability. The provisions of this Section apply to all land within the City Limits or proposed for annexation to the City. For all Planned Unit Developments, no land, interests in land, unit ownership or tax segregation shall be created for sale prior to final approval of the Planned Unit Development. For those Planned Unit Developments including the subdivision or partition of lands, no land, interests in land, unit ownership or tax segregation shall be created for sale prior to final approval of both the Planned Unit Development and the Subdivision or Partition.

18.022 Permitted Uses and Building Types

- (1) Residential PUD. Uses are permitted consistent with the applicable Zoning District. In addition, open space, playgrounds, recreation facilities, and recreation and community centers are also permitted, but only when serving PUD residents, their families and nonpaying guests, unless otherwise permitted in the applicable Zoning District. Building types are permitted as provided in Section 12.131 of this Code.
- (2) Commercial or Industrial PUD. Uses are permitted consistent with the applicable Zoning District.
- (3) Mixed Use Residential/Commercial PUD. Uses are permitted consistent with the applicable Zoning District.

18.023 Subdivision Concurrent With PUD.

- (1) Requirement. For PUD requests involving partitioning or subdividing of land, interests in land, unit ownership, or involving tax lot segregation, a Preliminary Map or Plan and a Final Map or Plat shall be prepared as provided in Article 17 of this Code.
- (2) Combined Map or Plat. Where practical, the Partition Maps or Subdivision Plats required by the Sections cited in Section 18.023 (1) above may be combined with the PUD Plan required by this Article, provided that all of the submittal requirements for each Section are satisfied.
- (3) Procedure Type. A concurrent subdivision or partition and Planned Unit Development application shall be processed as a Planned Unit Development, except that the procedure type shall be the highest type required by either Article 17, Lots and Creation of Lots, or Article 18, Planned Unit Development.
- (4) Criteria. For a concurrent application, the approval, approval with conditions or denial of the PUD Plan shall be based upon the criteria for a Planned Unit Development while the approval, approval with conditions, or denial of the Partition Map or Subdivision Plat itself shall be based upon the criteria for a partition or subdivision, excepting only Section 17.510, Base Lot Standards.

18.030 Procedures

- 18.031 Pre-application Conference Required. Prior to submitting a Preliminary Plan for review, the applicant shall request a pre-application conference with the Director as provided in Section 3.033 of this Code.
- 18.032 Applicant Ownership. Application for PUD's may be filed by a person(s) having an equitable interest in the property. The application shall be filed in the name(s) of the recorded owner(s). The applicant shall evidence a full ownership interest in the land, legal title or the execution of a binding sales agreement, prior to final approval of the application.
- 618.033 Review Procedure Schedule. The procedures are structured to ensure adequate public review for Planned Unit Developments requiring through extensions of streets, requiring changes to the Official Street Map, and located adjacent to a Zoning District of a less dense

or less intensive land use, and to expedite all other Planned Unit Development review. PUD applications shall be processed according to Schedule.

18.034 Appeals. The final action of the Hearings Officer or Planning Commission on either the Preliminary or Final Plan may be appealed as provided in Section 10.040 or 10.050 of this Code.

18.040 Preliminary Plan Review and Action

18.041 Complete Submittal. Prior to review of the requests, a complete application must be accepted by the Director as provided in Section 3.050 of this Code.

18.042 Referral for Review. As provided in Section 3.071 of this Code, the Director shall distribute copies of the Preliminary Plan to:

- (1) Applicable School District.
- (2) Applicable Citizen Participation Committee.
- (3) Grants Pass Irrigation District.
- (4) Affected Governmental Agencies and Other Special Districts.
- (5) Affected Public and Private Utilities.
- (6) Applicable Site Plan Review Committee.
- (7) Others, as determined by the Director. Any comments received will be included in the staff report as part of the official record and distributed to the reviewing body.

<sup>2</sup>18.043 Criteria for Approval. The review body shall approve, approve with conditions or deny the request, based upon the following criteria:

- (1) Development of any remaining contiguous property under the same ownership can be accomplished as provided in this Code.
- (2) Adjoining land under separate ownership can either be developed or be provided access that will allow its development in accordance with the Comprehensive Plan and this Code.

- (3) The proposed street plan affords the most economic, safe, efficient and least environmentally damaging circulation of traffic possible under existing circumstances.
- (4) The Preliminary Plan complies with applicable portions of the Comprehensive Plan, this Code, and State and Federal laws.
- (5) The project results in an equal or superior product than would have resulted from following the Base Development Standards of the applicable Zoning District, as provided in Article 12 of this Code, or the Base Lot Standards of Land Divisions, as provided in Article 17 of this Code.
- (6) The proposal results in a balanced exchange: for the developer, flexible development standards, maximum land utilization and alternate ownership options; for the Community, greater preservation of natural features and natural resources, greater proportions of useable open space and recreation facilities; or other community benefit for both, a greater opportunity for housing at all income levels.
- (7) Potential impacts to adjoining properties have been adequately mitigated through site design and attached development conditions. These conditions include the following protections:
  - (a) Providing the necessary information to complete the tree chart identified in Section 11.401.
  - (b) No cuts shall result in retaining walls greater than 15 feet high in a single wall from the finish grade or create any un-retained slopes that are greater than 100%.
  - (c) No fills may result in a retaining wall within the required setback from a property not included in the development plan greater than 6 feet in height from the finish grade nor create any retained slopes greater than 100%.
- (8) All utilities, access ways, open space and recreation areas not dedicated to the public are owned and maintained by a Homeowners' Association or other acceptable private legal entity with the responsibility for and capability of adequate maintenance and care of such facilities, to the satisfaction of the City Attorney and City Engineer.

- (9) The applicant has demonstrated the ability to finance the project through final completion.

I 18.044 Conditions. Conditions of approval may be attached to the Preliminary Plan by the review body as required to comply with the provisions of this Code or State and Federal laws. Additional conditions may be imposed, but only those conditions necessary to mitigate the impacts resulting from varying Base Development Standards and the Base Lot Standards of this Code. All conditions of approval shall be satisfied prior to Final Plan approval.

18.045 Appeals. The final action of the Director or the Planning Commission may be appealed as provided in Sections 10.030 or 10.040.

I 18.046 Expiration of Preliminary Plan. Within 18 months following the effective date of approval of a Preliminary Plan, the Final Plan shall be submitted to the Director and shall incorporate any modification or condition required by the approval of the Preliminary Plan. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to six months. Upon granting such an extension, the Director shall make written findings that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the Preliminary Plan and that no other development approval would be affected.

I 18.047 Staged Development. When an applicant desires to develop Planned Unit Developments in stages, then the review body may authorize a time for the submittal of the Final Plan and development of various stages. The time period may exceed one year, but in no case shall the total time period for all stages exceed five years without resubmission of the Final Plan for review and approval. Each stage so developed shall conform to the applicable requirements of this Code. Stages developed after one year are subject to modifications in accordance with any changes in the Comprehensive Plan or this Code. For staged development of a PUD involving partitioning or subdivision of land, see Article 17.

18.050 Submittal Requirements - Preliminary Plan

<sup>3</sup>18.051 Preliminary Plan. The Preliminary Plan shall contain the following information:

- I (1) Contour Map and Natural Features Map.

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- (a) Existing contour and natural features map at 2, 5, or 10 foot intervals, as appropriate, drainage, irrigation, 100 year flood plain (showing floodway channel and floodway fringe, as applicable) and other water courses; prominent landforms including slope description at the following intervals:

0% - 15%  
35% - 60%  
60%

- (b) Existing vegetation, showing specific locations of riparian habitats, forest cover, and significant size trees.
- (c) Significant size trees to be protected and remain during and after construction.

(2) Buildings and Structures. Location and floor area, size of all existing and proposed structures, and other features including maximum heights, types of dwelling units, and non-residential structures; renderings and elevations of typical structures.

(3) Public Areas. The location and approximate size of all areas to be dedicated for public ownership and use, including streets, parks and schools.

(4) Open Space: Public, Private and Common. The location and size of all areas for use as outdoor open space. The map shall delineate limits of individually owned lots (private), patio-garden areas for individual unit use (private easement) and all remaining areas to be commonly owned and maintained (public and common).

(5) Circulation - Access. The location, widths and material of all areas proposed for vehicle, pedestrian, and bicycle circulation. Statement as to private or public street ownership, and areas proposed for on-street parking, if any.

(6) Off-Street Parking. Location and number of required parking spaces.

(7) Utilities. Existing and proposed utility systems, including sanitary sewer, storm drains and storm water detention areas, water, fire hydrants, electricity, gas, telephone lines, and cable T.V. Any required public or private easements to be shown on Final Plan.

(8) Landscape Plan. A general landscape plan indicating location and amounts of areas to be landscaped, and general landscape material to be used. A specific landscape plan shall be submitted for review and approval prior to issuance of a building permit.

(9) Surrounding Land Use. Indicate the relationship between the proposed PUD and the existing and proposed adjacent land uses; provide information showing existing zoning and land and uses within a 250 foot radius from the PUD's perimeter.

(10) PUD Perimeter Buffering. Show proposed treatment of the PUD perimeter, including screens, fences, setbacks, windows and walls.

(11) Grading Plan. A tentative grading plan indicating cuts, fills, retaining walls and resulting slope steepness.

(12) Phasing. If phased development is proposed, the Plan shall show the limits of each phase. Phasing shown on the Plan shall be consistent with the development schedule.

(13) Statement of Proposed Financing. A general statement showing commitment of lenders or applicant's ability to finance the project through to completion.

<sup>4</sup> (14) Solar Standards. Documentation shall be provided indicating that the planned unit development either complies with Solar Setback requirements of Section 22.620 of this Code and the Solar Lot Design Standards of Section 22.630 of this Code, or that applicant proposes to vary these standards through the Planned Unit Development process.

<sup>5</sup> (15) The City Engineer may require a traffic analysis, as per Section 27.121(3), for any new development to determine the development's potential impact on the existing transportation system. At a minimum, the impact of development on transportation facility performance shall be mitigated to the standards set forth in Section 27.121(2).

18.052 General Requirements. In addition to the Preliminary Plan, the submittal shall contain the following:

(1) Project Intent. A statement describing the objectives to be achieved through the PUD process that cannot be achieved through the conventional land development

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process. The statement shall include a description of the character of the proposed project and some of the rationale in choosing the development concept.

(2) Development Schedule. A statement indicating the approximate construction dates for beginning and ending the project, including any proposed phases or stages of development.

(3) Ownership Status. A statement of intention to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.

(4) Land Use Data. A quantitative description of the following:

- (a) Total Acres Site (Acres)
- (b) Area Dedicated to Public Right of Way (Acres)
- (c) Useable Acres Site (Acres - item [a] minus item [b])
- (d) Density Factor Used (du/Acre)
- (e) Maximum Allowable Dwelling Units (du - item [c] times item [d])
- (f) Actual Dwelling Units (du)
- (g) Area Recreation/Open Space (Acres and % Useable Site)
- (h) Area Impervious Surface (Acres and % Useable Site)

18.060 Final Plan Review and Action

18.061 Complete Submittal. Prior to review of the Final Plan, a complete application must be accepted by the Director, as provided in Section 3.050 of this Code.

18.062 Determining Review Procedure. Within 18 months of Preliminary Plan approval, or not later than the extension date authorized by the Director, a Final Plan shall be submitted to the Director for review. Within 25 days of submission, the Director shall determine whether the Final Plan conforms to the approved Preliminary Plan and conditions, and conforms with the applicable requirements of this Code. If the Director determines that the Plan fails to conform, then the applicant shall

be advised and afforded an opportunity to make corrections. When the Final Plan is found to conform, the Plan shall be processed for approval under the Type I procedure. If the Final Plan, even if revised, fails to conform, the Plan shall be processed using the same procedure type as the preliminary plan.

- 18.063 Criteria for Approval. The Director or Planning Commission shall approve or deny the request based upon the following criteria:
- (1) Conformance with the approved Preliminary Plan.
  - (2) Compliance with conditions of approval.
  - (3) Adoption of proposed Future Street Plan by the governing body, or conformance with the Official Street Map or previously adopted Street Plan.
- 18.064 Appeals. The final action of the Director or the Planning Commission may be appealed as provided in Sections 10.030 or 10.040 of this Code.
- 18.065 Agreement to Meet Conditions. As part of the approving action, the developer must demonstrate to the satisfaction of the review body that all required offsite and onsite improvements and conditions of approval have been satisfied or guaranteed in accordance with the provisions of Article 28, Utility Standards
- 18.066 Filing an Approved Final Plat as Part of a PUD. If a subdivision of land is included as a part of the PUD, and after obtaining all required approvals and signatures as provided in Section 17.225, the applicant shall:
- (1) File the Map or Plat with the County Clerk within 30 days. Failure to file within 30 days will render the Final Plat null and void, and will require resubmission of the Preliminary Plat to the Planning Commission.
  - (2) Immediately after Final Plat approval, file a report with the Real Estate Division, Department of Commerce, State of Oregon, pursuant to ORS Chapter 92.
  - (3) File copy of survey with the County Surveyor and City Engineer.
- 18.067 Filing Approved Final Plan. Within 30 days of final approval of the Final Plan, if units of ownership not involving the subdivision or partitioning of land are to

be offered for sale, the applicant shall file a report with the Real Estate Division, Department of Commerce, State of Oregon, pursuant to ORS 92. Failure to file within 30 days shall render the Final Plan null and void, and will require resubmission of the Preliminary Plan to the review body.

18.070 PUD Development

18.071 Development in Conformity to Approved Final Plan.

- (1) The applicant shall enter into a Development Agreement which binds him, his successors and assigns to the approved Final Plan and development conditions. Deed restrictions shall be recorded by the applicant which will serve to notice future owners and/or developers to the development requirements of the approved Final Plan.
- (2) The approved Final Plan and authorized staged development schedule shall control the issuance of development and building permits. Minor changes to an approved Final Plan may be authorized by the Director if such changes are consistent with the purpose, general character and attached conditions of the Final Plan. All other changes shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.

18.072 Failure to Comply. Failure to comply with preliminary or final plans, conditions of approval, or staged development schedule, shall constitute a violation of this Code as prescribed in Section 1.060.

18.073 Revocation of Development Permit. In the event of failure to comply with approved plans, conditions of approval, or staged development schedule, the Director shall initiate, and the Planning Commission may revoke a PUD Development Permit as provided in Section 1.062.

18.080 Submittal Requirements - Final Plan

18.081 Submittal Requirements. The Final Plan shall be sufficiently detailed to indicate fully the ultimate appearance of the development, and shall include all information of the Preliminary Plan, plus the following:

- (1) Detailed building, elevation, and landscaping plans.
- (2) The size and location of signs.

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- (3) Locations and dimensions of all easements.
- (4) Plans and profiles for street improvements.
- (5) Grading and erosion control plans.
- (6) Copies of legal documents required for dedication or reservation of public facilities, and for the creation of a homeowners' association.
- (7) When the sale of individual units or parcels of land within a PUD is proposed, the Final Plans shall include adherence to the provision for land divisions, Article 17.
- (8) A tree revegetation plan has been submitted and approved in accordance with Section 11.060.

18.090 PUD Development Standards

18.091 Density Determination.

(1) Potential Units. Unlike conventional development, which must use public streets for access, a Planned Unit Development may use private streets, and thereby not have to deduct these private rights of way from the total site area prior to determining maximum dwelling units. Increases in actual density of 10% to 20% are often accomplished. The degree to which the applicant benefits from this potential increase in actual density shall depend on the effectiveness of the PUD design in meeting the purpose and approval criteria for the PUD as provided in Sections 18.012 and 18.043.

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

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

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- (3) The landscape plan prepared in accordance with Section 23.041, and the irrigation plan prepared in accordance with Section 23.042 shall be submitted and approved prior to issuance of a building permit.

623.044 Coordination With Other Required Plans. The required landscape plan, irrigation plan, and concept plan may be combined with other plans required by this Code, such as the drainage plan, erosion control plan, and site plan, so long as all information required may be presented in a clear and understandable fashion.

623.050 General Landscape Design, Construction, and Maintenance Standards

All landscape and irrigation materials shall be designed, constructed, and maintained according to the standards of this Article and the following provisions:

623.051 Design

- (1) Except single family residences and duplexes, all development shall provide an automatic underground irrigation system.
- (2) The landscape plan shall specify landscape materials which will achieve required levels of coverage as specified in this Article.

623.052 Construction

- (1) All landscaping materials and irrigation shall be installed according to approved plans.
- (2) Preservation of Existing Plant Materials:
  - (a) The applicant shall provide methods for the protection of existing plant material to remain during the construction process. The plants to be saved shall be shown on the Landscape Plan or the Concept Plan and the method of protection shall be noted on the landscape plans. Example: Areas not to be disturbed can be temporarily fenced, as in snow fencing which can be placed around individual trees.
  - (b) Existing trees shall not have construction occur within the drip line, where possible. Trees to be saved shall be kept free from truck abrasion or soil compaction during construction. The landscape plan

shall provide for the location and variety of replacement trees in case of the subsequent death of existing trees.

(3) Soil Treatment in Landscaped Areas:

- (a) Areas for required landscaping shall not be used as a waste dump or fill during the construction process. All waste material shall be removed from such areas prior to the application of topsoil.
- (b) Soils devoid of organic materials shall not be utilized as topsoil for required landscape areas. Where such areas have been excavated to soil levels containing no organic material, the landscape plan shall provide for further non-organic soils removal and replacement with topsoil.
- (c) The landscape plan shall provide specifications for topsoil, including depth, organic matter requirements, limits to sand, clay and gravel and other requirements designed to ensure the health and vitality of required landscaping.

23.053 Maintenance

- (1) All plant materials identified in the approved landscape plan shall be reasonably maintained. If any tree, shrub or living ground-cover dies or is relocated, it shall be the responsibility of the property owner to replace the landscaping, such that the landscaping continues to comply with the approved landscape plan.
- (2) If plant materials have not achieved the required coverage over time as required by this code, then the property owner shall plant additional materials to achieve the required coverage.
- (3) The property owner shall maintain the irrigation system in working condition to provide the irrigation necessary for the health and survival of the landscape materials.

23.060 Completion and Occupancy

23.061 Inspection Required

- (1) Inspection shall be made prior to planting to verify proper rough grade, installation of irrigation, soil preparation and topsoil application.

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powers employed to prevent final occupancy until such time as the improvements are completed. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned.

- (3) The final landscape and irrigation inspection shall be made prior to any security being returned. Any portions of the plan not installed, or improperly installed, shall cause the inspection to be postponed until the project is completed or cause the security to be used by the City.

#### 23.070 Street Tree Standards

23.071 Street Trees. All development fronting on public or private streets approved following the adoption date of this Code shall be required to plant street trees in accordance with the following standards. Street trees to be planted shall be chosen from the recommended list of street trees found in Section 23.076 below. Approval for the planting of alternate species may be given by the Director.

<sup>5</sup>23.072 Location for Street Trees. Street trees shall be located outside of street right-of-way except in cases where there is a designated planting strip in the right-of-way, and as specified in requirements and restrictions in Section 23.030 and Section 27.313.

23.073 Spacing, Placement and Pruning of Street Trees. All tree spacing may be made subject to special site conditions, which may for reasons such as safety, critically impact the decision. Any such proposed special condition shall be subject to the Director's review with written explanation to the Director as to why the special conditions are requested.

- (1) Small or narrow stature trees (under 25 feet, less than 16 feet wide) may be spaced at any interval 20 feet apart or greater. Medium sized trees (25 to 40 feet tall, 16 to 35 feet wide) may be spaced at any interval 30 feet apart or greater. Large trees (over 40 feet, more than 35 feet wide) may be spaced at any interval 40 feet or greater.
- (2) Trees shall not be planted closer than 25 feet from the curb line of intersections of streets or alleys, nor closer than 5 feet from private driveways (measured at

the back edge of the sidewalk), fire hydrants, or utility poles.

- (3) The Director may allow trees closer to specified intersections where intersections are signalized. No new utility pole location shall be established closer than 5 feet to any existing street tree. Tree pits shall be planned so as not to include premise services (water and gas meters, etc.) in the tree well. Premise services shall not be installed in existing tree well areas in the future.
- (4) Street trees shall not be planted closer than 20 feet to light standards. Except for public safety, no new light standard location shall be positioned closer than 10 feet to any existing street tree, and preferably such locations will be at least 20 feet distant.
- (5) Trees shall not be planted closer than 2-1/2 feet from the face of the curb except at intersections where it shall be located outside of the vision clearance area.
- (6) Where there are overhead power lines, tree species are to be chosen that will not interfere with those lines.
- (7) Trees shall not be planted within 2 feet of any permanent hard surface paving or walkway. Space between the tree and such hard surface may be covered by nonpermanent hard surfaces such as grates, bricks on sand, paver blocks, cobblestones, etc. This means that sidewalk cuts in concrete for tree planting shall be at least 4 X 4 feet to help allow for air and water into the root area.
- (8) Trees, as they grow, shall be pruned to provide at least 7 feet of clearance above sidewalks and 12 feet above street roadway surfaces.
- (9) Existing trees may be used as street trees if no cutting or filling takes place within the drip line of the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the Director.

623.074 Replacement of Street Trees. Existing street trees removed by development projects shall be replaced by the developer with those from the approved street tree list. The replacement trees shall be of size and species similar to the trees that are being removed, unless alternatives are approved by the Director. All

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replacement trees shall be a minimum of 1-3/4 inch caliper.

23.075 Exemptions. Exemptions from the street tree requirements may be granted by the Director on a case by case basis. Exemptions may be granted for example, if the location of a proposed tree would cause potential problems with existing utility lines, etc.

23.076 Approved City Trees List.

<b>Twenty (20) Foot Crown Diameter Canopy Trees</b>				
Shading Calculation: +/- 300 square feet				
<b>Botanical Name</b>	<b>Max Height</b>	<b>Max Spread</b>	<b>Growth Rate</b>	<b>Comments</b>
<b>Common Name</b>				
Acer rubrum 'Scarsen' SCARLET SENTINEL MAPLE	40 foot	20 foot	Fast	FC
Acer truncatum 'Norwegian' SUNSET MAPLE	30 foot	30 foot	Slow	FC
Cercis Canadensis EASTERN REDBUD	30 foot	20 foot	Moderate	DT, SF
Crataegus x lavalleyi LAVALLE HAWTHORN	25 foot	20 foot	Moderate	FL, PF, FC
Lagerstroemia indica CRAPE MYRTLE	25 foot	20 foot	Slow	FL, PC, PF
Malus 'Prairiefire' PRAIRIE FIRE CRABAPPLE	20 foot	20 foot	Fast	FL
Nyssa sylvatica	35 foot	20 foot	Slow	FC
Prunus cerasifera FLOWERING PLUM	20 foot	20 foot	Fast	SF, PF
Pyrus calleryana 'Glen's Form' CHANTICLEER PEAR	40 foot	15 foot	Fast	FT, FC
Quercus x 'Crimschmidt' CRIMSON SPIRE OAK	45 foot	15 foot	Fast	DT, FC
Quercus shumardii SHUMARD RED OAK	70 foot	20 foot	Moderate	DT, FC
Zelkova serrata 'Musashino' MUSAHSINO ZELKOVA	45 foot	20 foot	Moderate	DT, FC

FC=Fall Color, FL=Flowering, PF=Power Line Friendly, ST=Street Tree, PT=Parking Lot

<b>Twenty-five (25)Foot Crown Canopy Trees</b>				
Shading Calculation: +/- 500 square feet				
<b>Botanical Name</b>	<b>Max Height</b>	<b>Max Spread</b>	<b>Growth Rate</b>	<b>Comments</b>
<b>Common Name</b>				
Acer campestre HEDGE MAPLE	25 foot	25 foot	Slow	DT, FC, PF
Acer truncatum 'Warrenred' PACIFIC SUNSET MAPLE	30 foot	25 foot	Moderate	FC, ST
Calocedrus decurrens INCENSE CEDAR	80 foot	25 foot	Fast	ST, PT, DT
Carpinus betulus 'Fastigiata' PYRAMIDAL HORNBEAM	35 foot	25 foot	Moderate	FC, DT, ST, PT
Fraxinus oxycarpa 'Raywood'	35 foot	25 foot	Fast	FC, DT, PT

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RAYWOOD ASH				
Fraxinus a. 'Autumn Applause' AUTUMN APPLAUSE ASH	40 foot	25 foot	Fast	FC,DT, ST, PT
Metasequoia glyptostroboides DAWN REDWOOD	60 foot	25 foot	Fast	FC,ST
Pinus lamertiana SUGAR PINE	90 foot	25 foot	Fast	DT
Pinus ponderosa PONDEROSA PINE	90 foot	25 foot	Fast	DT
Pyrus calleryana 'Aristocrat' ARISTOCRAT PEAR	40 foot	28 foot	Moderate	FC, DT, ST, PT
Tilia Americana 'Redmond' REDMOND LINDEN	35 foot	25 foot	Fast	FC, ST, PT

FC=Fall Color, FL=Flowering, PF=Power Line Friendly, DT=Drought Tolerant, ST=Street Tree,  
PT=Parking Lot

<b>Thirty (30)- Thirty-five (35) Foot Crown Canopy Trees</b>				
Shading Calculation: +/- 700 square feet (minimum)				
<b>Botanical Name</b>	<b>Max Height</b>	<b>Max Spread</b>	<b>Growth Rate</b>	<b>Comments</b>
<b>Common Name</b>				
Acer platanoides 'Fairview' FAIRVIEW MAPLE	35 foot	35 foot	Moderate	FC, ST
Acer rubrum 'Franksed' RED SUNSET MAPLE	35 foot	35 foot	Fast	FC, ST
Acer rubrum 'October Glory' OCTOBER GLORY MAPLE	40 foot	35 foot	Moderate	FC, ST
Celtis occidentalis HACKBERRY	40 foot	30 foot	Moderate	ST, PT, DT
Fagus sylvatica EUROPEAN BEECH	50 foot	30 foot	Moderate	FC, ST, PT
Fraxinus Americana 'Chicago' CHICAGO REGAL ASH	45 foot	35 foot	Fast	FC, ST, PT
Fraxinus Pennsylvania 'Patmore' PATMORE ASH	45 foot	35 foot	Moderate	FC, ST, PT
Gymnocladus dioicus KENTUCKY COFFEE TREE	50 foot	35 foot	Moderate	FC, ST, PT, DT
Quercus frainetto 'Schmidt' FOREST GREEN OAK	50 foot	30 foot	Moderate	ST, PT, DT
Robinia pseudoacacia 'Purple' PURPLE ROBE LOCUST	50 foot	32 foot	Fast	ST, PT, DT, FL
Sequoia sempervirens COAST REDWOOD	90 foot	30 foot	Fast	ST, PT, DT
Sequoiadendron giganteum	90 foot	38 foot	Fast	ST, PT, DT
Tillia x euchlora CRIMEAN LINDEN	40 foot	30 foot	Moderate	FC, ST, PT
Ulmus parvifolia 'Elmer II' ALLEE ELM	50 foot	35 foot	Moderate	ST, PT
Zelkova serrata 'Green Vase' GREEN VASE ZELKOVA	50 foot	35 foot	Fast	ST, PT, DT
Zelkova serrata 'Schmidtlow' WIRELESS ZELKOVA	24 foot	35 foot	Moderate	ST, PT, DT, PF
SUGAR PINE	150 foot	30 foot	Moderate	DT
DOUGLAS FIR	150 foot	35 foot	Fast	DT
TULIP	90 foot	35 foot	Fast	FC

FC=Fall Color, FL=Flowering, PF=Power Line Friendly, DT=Drought Tolerant, ST= Street  
Tree, PT=Parking Lot

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<b>Forty(40) Foot and Greater Crown Diameter Trees</b>				
Shading Calculation: +/- 1,000 square feet (minimum)				
<b>Botanical Name</b>	<b>Max Height</b>	<b>Max Spread</b>	<b>Growth Rate</b>	<b>Comments</b>
Common Name				
Cedrus deodara DEODAR CEDAR	70 foot	40 foot	Fast	ST, DT
Fagus sylvatica 'Asplenifolia' FERNLEAF BEECH	50 foot	40 foot	Moderate	ST, PT, FC
Fraxinus Americanan 'Junginger' AUTUMN PURPLE ASH	45 foot	40 foot	Fast	FC, ST, PT
Fraxinus pennsylvanica 'Patmore' PATMORE ASH	45 foot	40 foot	Moderate	FC, ST, PT, DT
Gleditsia triacanthos 'Skycole' SYLINE HONEYLOCUST	45 foot	40 foot	Slow	FC, ST, DT
Gymnocladus dioicus KENTUCKY COFFEE TREE	50 foot	38 foot	Moderate	FC, ST, PT, DT
Quercus coccinea SCARLET OAK	50 foot	40 foot	Fast	FC, ST, PT
Quercus rubra RED OAK	50 foot	45 foot	Fast	FC, ST, PT, DT
Quercus shumardii SHUMARD OAK	50 foot	40 foot	Moderate	FC, ST, PT
Tilia x euchlora CRIMEAN LINDEN	40 foot	38 foot	Moderate	FC, ST, PT
Ulmus japonica 'Morton' ACCOLADE ELM	70 foot	60 foot	Moderate	ST, PT, DT
Ulmus parvifolia 'Emerll' ALLEE ELM	50 foot	38 foot	Moderate	ST, PT, DT
Zelkova serrata 'Green Vase' GREEN VASE ZELKOVA	50 foot	40 foot	Fast	FC, ST, PT, DT
Zelkova serrata 'Schmidtlow' WIRELESS ZELKOVA	24 foot	35 foot	Moderate	FC, ST, PT, DT, PF
Zelkova serrata 'Village Green' VILLAGE GREEN ZELKOVA	40 foot	38 foot	Fast	FC, ST, PT, DT

PT=ParkingLot

Note: The use of a different tree not listed above shall be approved by the Grants Pass Parks & Community Development Department.

23.077 Prohibited Street Trees. The following tree species are prohibited from use as street trees:

1. Salix spp - willows
2. Populus spp - cottonwoods/poplars
3. Palm Tree
4. Catalpa
5. Robinia pseudoalacia (Black Locust)
6. Liquidambar Styraciflua (Sweet Gum)
7. Maclura pomifera (Osage-Orange)

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23.078 Street Trees Not Recommended. The following tree species are not recommended for use as street trees planted in the planter strips, for the reasons listed after each species. These trees may be planted if the problems are satisfactorily met and accepted by the owner, approved by the Parks Department, and so noted on the site plan. Some are desirable trees in the right situation.

1. Acer macrophyllum - (BIG LEAF MAPLE); roots cause injury to sewers and pavement.
2. Acer Negundo - (BOX ELDER); subject to wind damage.
3. Ailanthus - (TREE OF HEAVEN); short lived, invasive roots.
4. Albizzia julibrissi - (SILK TREE); litter, aggressive roots.
5. Alnus rubra -(RED ALDER); short lived, brittle, favorite of tent caterpillars.
6. Betula spp - (BIRCHES); aphids, low branching, invasive roots, injury to sewers, pavements.
7. Crataegus spp - (HAWTHORNS); insects and disease prone, aphids.
8. Platanus spp - (SYCAMORE), london plane; vigorous roots, damage to sidewalks, sewers, serious anthracnose disease.
9. Sorbus ausuparia - (MOUNTAIN ASH); large crop messy fruits may be sidewalk hazard.
10. Fruit trees - litter
11. Nut trees - litter
12. Conifers - needles, low branching

23.079 Priority List of Trees to Retain. The following provides a list of trees in order of priority to be retained on properties when development occurs.

1. Ponderosa Pine
2. Incense Cedar
3. Sugar Pine
4. Douglas Fir
5. Black Oak
6. White Oak
7. Pacific Madrone
8. Bigleaf Maple (Riparian Only)
9. Oregon Ash (Riparian Only)
10. Cottonwood (Riparian only)

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Revised 10-22-93

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<sup>2</sup> Revised 1-3-96  
<sup>3</sup> Revised 10-20-94  
<sup>4</sup> Revised 5-30-97  
<sup>5</sup> Revised 10-22-93  
<sup>6</sup> Revised 10-22-93  
<sup>7</sup> Revised 4-20-05 by Ordinance 5286  
B Revised 1-18-06 by Ordinance 5333  
<sup>9</sup> Revised 4-15-09 by Ordinance 5486  
<sup>10</sup> Revised 3-3-10 by Ordinance 5510

<u>Article 30: Definitions</u> .....	30-1
<u>30.010 Applicability</u> .....	30-1
<u>30.020 Definitions</u> .....	30-1

Building Official: The City Building Official.

Building, Principal: A building within which is conducted a principal use permitted on a lot.

Calendar Year: The period of time from January 1 to December 31 inclusive.

Carport: A structure consisting of a roof with its supports and which is entirely open on two or more sides and is used for sheltering a motor vehicle.

Cemetery: Land use or intended to be used for the burial of the dead and dedicated for cemetery purposes, and which may include columbaria, crematories, mausoleums and mortuaries.

City Engineer: The City Engineer of the City of Grants Pass or his designee.

City Manager: See "Manager."

<sup>16</sup>City Surveyor: An individual appointed to the office of Grants Pass City Surveyor who is responsible for performing the duties of such office in lieu of the County Surveyor as described by law.

Clearance: The highest point of the grade below a sign to the lowermost point of the sign.

Clinic: A building for the diagnosis and treatment of human patients, for periods not exceeding 24 hours, by a health care provider licensed by the State of Oregon, including doctors, dentists, surgeons, chiropractors, physical therapists, psychologists, and health counselors.

Code: Shall mean the City of Grants Pass Development Code.

Co-dominant: Trees with crowns forming the general level of the crown cover and receiving full light from above but comparatively little from the sides; usually with medium-sized crowns more or less crowded on the sides.

Collector Street: A major street which transports traffic from local streets to the arterial street system and is identified as such on the official street map.

Commercial: See "Trade Retail."

Compatible: To be used in determining the suitability of land uses within a zone and is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. Compatible may include being made compatible through screening, fencing, traffic pattern and site plan design, restriction of building openings, building design, building setbacks or other design solutions.

Comprehensive Land Use Plan/Comprehensive Plan: An official document which establishes the future land use pattern and land use goals and policies for the City.

Condominiums: A type of residential development offering individual ownership of units and common ownership of open spaces and other facilities and regulated, in part, by State Law (ORS Chapter 100).

Council: The Grants Pass Council.

<sup>18</sup>County Recorder: The Josephine County Clerk.

<sup>19</sup>County Surveyor: An individual appointed or elected to the office of Josephine County Surveyor and who is responsible for performing the duties of such office as described by law.

Courtyard: A landscape area enclosed by two or more walls.

Coverage, Building: That percentage of the total lot area covered by buildings.

Criteria: General rules or tests on which a judgment or decision can be based.

Crown: Live branches and foliage of individual trees that results in shading beneath.

Cul-de-sac: A short street which has one end open to traffic and is terminated by a vehicle turn-around.

Cul-de-sac Bulb: The circular radius at the end of a cul-de-sac.

<sup>20</sup>Cultural Exhibits and Libraries: Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc.,

Development Permit: A permit issued by the Director for a development which is in compliance with this Code and the Comprehensive Plan.

Development Plan: Any plan adopted by the City Council for the guidance of growth and improvement of the City. The Council may make adjustments in any such plan from time to time to meet unanticipated problems and conditions affecting landowners or the public.

Development Site: A tract of land either undivided or consisting of two or more contiguous lots of record which, on the effective date of this Ordinance or subsequently, came under single or common ownership and continued to be so owned at the time a Development Permit was applied for.

Director: Director of the City Community Development Department, or his/her designee.

<sup>2 3</sup>Disabled Person: An individual who has a physical or mental impairment which constitutes or results in a functional limitation to one or more major life activities for the individual.

District: A portion of territory of the Urban Growth Boundary within which certain uniform regulations and requirements of this Code apply.

Dividing Land: See "Land Division."

Dominant Tree: Trees with crowns extending above the general level of the crown cover and receiving full light from above and partially from the side; larger than the average trees occupying the site and with crowns well developed.

Drainageway: A natural or manmade watercourse which has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation and which conveys significant seasonal concentrations of water over the surface of the land.

Driveway: The driving surface that provides access internal to a lot or parcel, which has access to the public or private street that constitutes frontage. A driveway does not constitute frontage. A driveway services only one lot or parcel, except where there are

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Floodplain: The combined area of the floodway and flood fringe as defined herein.

Floodway: The minimum area necessary for the passage of floodwaters, including the channel and adjacent land areas which must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot; or any area designated as a floodway on the Floodway Map, whichever is more restrictive.

Flood Area: The gross area, under roof, of all of the floors of a building, measured from the interior of exterior walls, excluding only space devoted to off-street parking or loading.

<sup>30</sup> Forestry: Any commercial activity relating to the growing or harvesting of forest tree species, including, but not limited to:

- (a) Reforestation;
- (b) Construction and maintenance of roads specifically for the growing or harvesting of forest tree species;
- (c) Harvesting of forest tree species;
- (d) Application of chemicals as part of growing or harvesting forest tree species; and
- (e) Disposal of slash.

Forestry: Individual or stand culture; pest management, thinning, fertilization, chemical applications, pruning or other at an individual tree or stand level.

Frontage: That portion of a property which abuts a street right-of-way.

<sup>122</sup> Functional Classification: The description of streets by the relative importance of the movement and access functions. See "Streets" for specific descriptions of each street classification.

- (b) Production, processing, assembling and packaging of finished products from previously prepared materials; or
  - (c) Manufacturing and assembly of electronic instruments and equipment and electrical devices.
- (2) Outdoor: Those heavier industrial uses that require open air production, processing and storage of materials. Outdoor Industrial uses refer to:
- (a) The manufacturing, processing or assembling of semi-finished or finished products from raw materials.
  - (b) The retail or wholesale trade in bulk of hazardous materials.
- (3) Prohibited: Those industrial uses within the City of Grants Pass, as follows:
- (a) Manufacturing of explosives.

Intensity of Use: See "Land Intensity of Use."

Intermediate Tree: Trees shorter than those in the Codominant and Dominant classes but with crowns extending into the crown cover formed by codominant and dominant trees; receiving little direct light from above and none from the sides, usually considerably crowded on the sides.

Irrigation System: Method of supplying water which can be manually or mechanically-controlled to a needed area.

Itinerant Use: A temporary use offering the sale of goods, merchandise or services from a vehicle, trailer, cart or other temporary apparatus.

Kennels: A lot or premises on which three or more adult dogs are kept, whether by the owners of the dogs or by persons providing facilities and care, whether or not for compensation. An adult dog is one that has reached the age of six months.

Kitchen: Any room used or intended or designed to be used for preparation of food and storage of food, including any room having a sink, and either a 3/4-inch gas opening or provision for a range or stove.

related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

"Residential Home: A home licensed by the State of Oregon which provides residential care alone or in conjunction with treatment or training, or a combination thereof, for five or fewer individuals who need not be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any resident of the residential home.

"Residential Trailer: A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

Restaurant: An establishment where meals are prepared and served to the public for consumption either on or off the premises.

Retirement Housing. Housing for an older person as defined in the Fair Housing Act.

<sup>91</sup> Review Body: The Director, Hearings Officer, Planning Commission, Historical Buildings and Sites Commission or City Council, whichever has authority for making a determination under the various provisions of this Code.

Right-of-way: The area between boundary lines of a street.

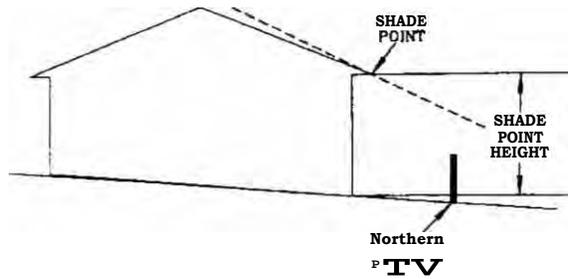
<sup>97</sup> Rip Rap: The act of facing a stream bank with rock or similar substances to control erosion.

"Road: A street.

Roadway: The portion or portions of a street right-of-way improved for vehicular traffic.

"Sale or sell: Every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

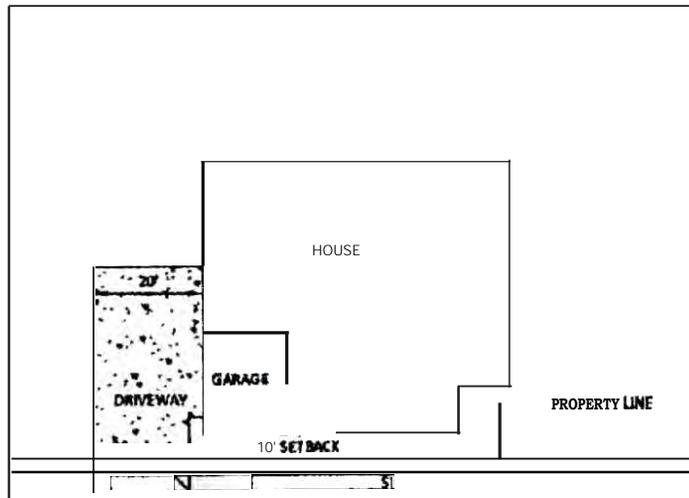
School: Facilities for the instruction of children, youth and adults. School uses are of two types:



**Concept Sketch 30 - Shade Point and Shade Point Height**

Shade Point Height: The vertical distance between the shade point and the finished grade at that point. If the shade point is on a ridgeline that runs generally north-south, then the shade point height is one-foot less than what otherwise would be the shade point height. (See Concept Sketch 30-Shade Point and Shade Point Height.)

Side-Loaded Garage: A garage that is located perpendicular to either a front or exterior yard where a minimum of twenty (20) feet of paved area is located in front of the garage entrance.



or land use regulation amendment significantly affects a transportation facility if it:

- (1) Changes the functional classification of an existing or planned transportation facility;
- (2) Changes standards implementing a functional classification system;
- (3) Allows types or levels of land uses which would result in levels of travel access which are inconsistent with the functional classification of a transportation facility; or
- (4) Would reduce the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan.

Transportation System Management Measures: Techniques for increasing the efficiency, safety, capacity or level of service of a transportation facility without increasing its size.

Tree Professional: An individual registered in the State of Oregon that specializes in Arboriculture, Landscape Architecture, or a person having a degree in horticulture, urban forestry, arboriculture, landscape architecture, or similar profession.

Urban Area: Lands within the Grants Pass Urban Growth Area.

Use: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is, or may be, occupied or maintained.

<sup>117</sup>Vegetation, Exempt: Existing vegetation that is shown on a sunchart to shade a Solar Energy System during solar heating hours, and existing deciduous vegetation to the extent that it shades a Solar Energy System used solely for space heating, or formerly non-exempt vegetation that has been allowed to grow more than 10 feet into the skyscape protected by a Solar Access Permit.

<sup>118</sup>Vegetation, Non-Exempt: Vegetation other than exempt-vegetation.

<sup>119</sup>Veterinary Clinics: Facilities providing for veterinary care to animals, where overnight accommodation is limited to emergency care and treatment, where animals



**City of Grants Pass**

101 Northwest A Street  
Grants Pass, OR 97526

**TO:**

Department of Land Conservation & Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301

*Attn: Plan Amendment Specialist*

DEPT OF  
APR 18 2013  
LAND CONSERVATION  
AND DEVELOPMENT