



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 12/30/2014
Jurisdiction: City of Grants Pass
Local file no.: 14-40500005
DLCD file no.: 006-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/22/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 44 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 006-14 {22384}
Received: 12/22/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Grants Pass, Oregon

Local file no.: **14-40500005**

Date of adoption: 11/5/14

Date sent: 12/22/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 7/28/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Lora Glover, Interim Director, Parks & Community Development

Phone: 541-450-6071

E-mail: lglover@grantspassoregon.gov

Street address: 101 NW A Street

City: Grants Pass, OR

Zip: 97526-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Development Code Text Amendment to Article 23 - amending zone buffer setbacks (allowing right-of-way to be included in required setback); eliminating the requirement for 16' ft. sidewalks on professional buildings exceeding 30,000 sq. ft.; amending fence heights in the residential zones.

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this change. |
| Change from | to | acres. | A goal exception was required for this change. |
| Change from | to | acres. | A goal exception was required for this change. |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Article 23 "Landscape and Buffering Standards"

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. 14-5626

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS PASS AMENDING ARTICLE 23 OF THE DEVELOPMENT CODE REGARDING LANDSCAPING AND BUFFER REQUIREMENTS.

WHEREAS:

1. The Grants Pass and Urbanizing Area Comprehensive Community Development Plan was adopted December 15, 1982; and
2. The ordinance amends Article 23 regarding Landscaping and Buffering requirements; 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 amendment to Article 23 of the Development Code regarding Landscaping and Buffering requirements as set forth in Exhibit "A" is hereby adopted.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 5th day November, 2014 with the following specific roll call vote:

AYES: DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber

NAYS: None

ABSTAIN: None

ABSENT: Williams

SUBMITTED to and *Approved* by the Mayor of the City of Grants Pass, Oregon, this 10 day of November, 2014.

Darin Fowler
Darin Fowler, Mayor

ATTEST:

Karen Frerk
Karen Frerk, City Recorder

Date submitted to Mayor: 11/6/14

Approved as to Form, Mark Bartholomew, City Attorney

MB

23.033 Type C: Outdoor Industrial Front and Exterior Yards

- ⁶(1) The following landscape standards shall apply to outdoor industrial uses in outdoor industrial zones; and to residential, commercial, and indoor industrial uses in outdoor industrial zones:
- (2) Required front and exterior yards shall be landscaped, and building setbacks shall be maintained, according to the Type C Concept Sketch and Schedule 23-3. Minimum landscape requirements per 1000 square feet of a required yard, or any portion thereof, shall be the following:

 - ⁶(a) Three trees at least ten feet in height and two inches in caliper measured three feet from the base. Select from street tree list, Section 23.076, and plant within 10 feet of the right-of-way as per Type C Concept Sketch. Trees shall be kept trimmed of branches up to 14' from base five years following planting.
 - (b) Fifteen five-gallon shrubs or accent plants.
 - (c) Remaining area treated with attractive living ground-cover, as defined in Article 30. Coverage with shrubs and living ground-cover shall be at least 50% upon installation and 80% after 3 years.
- (3) No vehicle parking or maneuvering shall be permitted within a required landscaped yard.
- (4) Approved plant materials installed in the area between the curb and the sidewalk may be used in meeting the landscaping requirements for front and exterior yards.
- (5) Outdoor Industrial development to Residential, Commercial or Indoor Development at street shall meet the following design features:

 - (a) Windows and person-doors for customer entrances are permitted into office areas, lobbies and similar areas that do not contain noise or odor producing equipment, materials, or machinery.
 - (b) Overhead doors and other openings are prohibited.

(c) The development must comply with the sound standards of Section 24.170.

23.034 Type D: Buffering Between Zones or Conflicting Uses. Buffering shall be required between zones or conflicting uses on abutting properties.

- Commercial or Indoor Industrial to Residential
- Outdoor Industrial to Residential, Commercial or Indoor Industrial.

Exceptions to Zone Buffer requirements may be granted by the review body when adjoining or abutting properties are developed with similar uses.

The property owner of each proposed development is responsible for the installation and maintenance of required buffers. The Director may waive the buffering requirements of this Section where such has been provided on the adjoining property in conformance with this Code.

- (1) Required buffer strips shall be landscaped, and building setbacks shall be maintained, according to the appropriate Type D Concept Sketch and Schedule 23-4.
- (2) Buffer strips facing a property line shall require minimum planting of at least one row of trees, not less than eight feet high and one and one-half inches in caliper for deciduous trees and five feet high for evergreen trees at the time of planting, and spaced not more than 15 feet apart. Appropriate species may be counted as parking lot trees on an interior buffer, but only for those parking spaces abutting the buffer strip. The area beneath the trees shall be planted with a living ground-cover or shrubs giving 50% coverage at planting and 100% coverage within 3 years.
- (4) No parking, loading or vehicle maneuvering area shall be permitted within a required buffer strip, excepting only a bike path.
- ⁶(5) Type D-2 interior buffers may be approved only upon the written agreement of all abutting parties, and the filing of a reciprocal maintenance and use easement by

the appropriate party. Installation of plant materials and irrigation shall be at the expense of the party initially developing and as found in Section 23.050, responsibility for ongoing maintenance shall be specified in the easement document as required in Schedule 23-4.

- (6) Sound obscuring walls shall be of attractive masonry construction, or a combination of masonry and earth mound. Masonry materials shall be limited to brick, slump block or split block, all with integral color other than gray.

⁷Zone Buffer Building Setback and Buffer Strip - Schedule 23-4

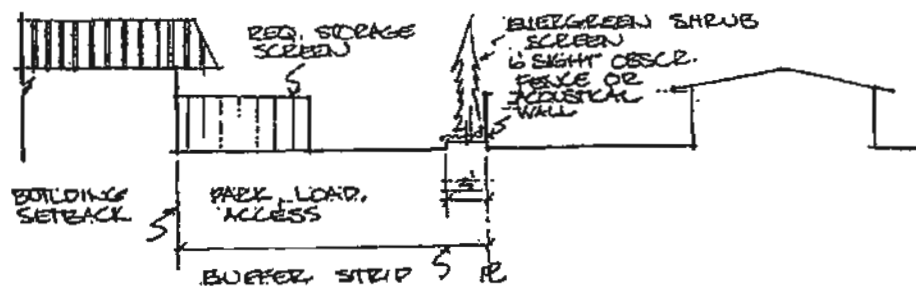
Buffering Between Zones	Buffer Type	Building Setback Line±	Buffer Strip	Facing Wall Building Openings	Fence or Wall Height
Commercial or Indoor Industrial or Outdoor Industrial to Residential at Property Line	D-1 D-1 D-1	20' 20' 30'	3' 3' 3'	Yes No No	Fence 6' Fence 6' Wall 8'
Outdoor Industrial to Commercial or to Indoor Industrial at Property Line	D-1	30'	3'	No	As required to meet sound standards Section 24.170
Manufactured Housing Park	D-1	10'	5'	Yes	Fence 6'
Commercial or Indoor Industrial or Outdoor Industrial to Residential Property Line Option	D-2 D-2 D-2	5' 5' 10'	Easement Easement Easement	No No No	Wall 6' Wall 6' Wall 8'

Fence = Sight obscuring fence

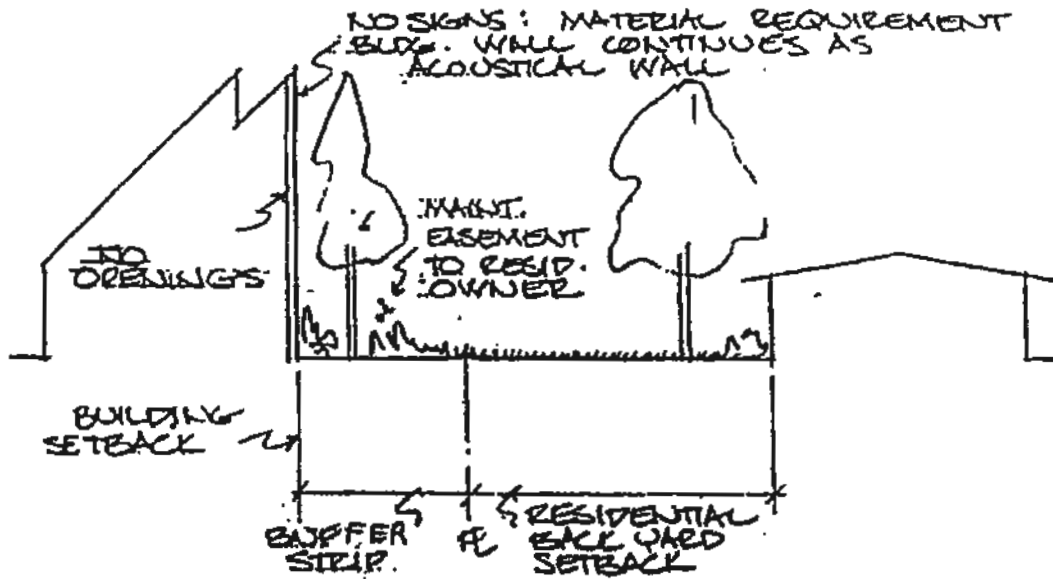
Wall = Sound obscuring wall, of attractive materials as provided in Section 23.034 (6)

Type D-1 Concept Sketch

Commercial/Industrial Buffering at Property Line



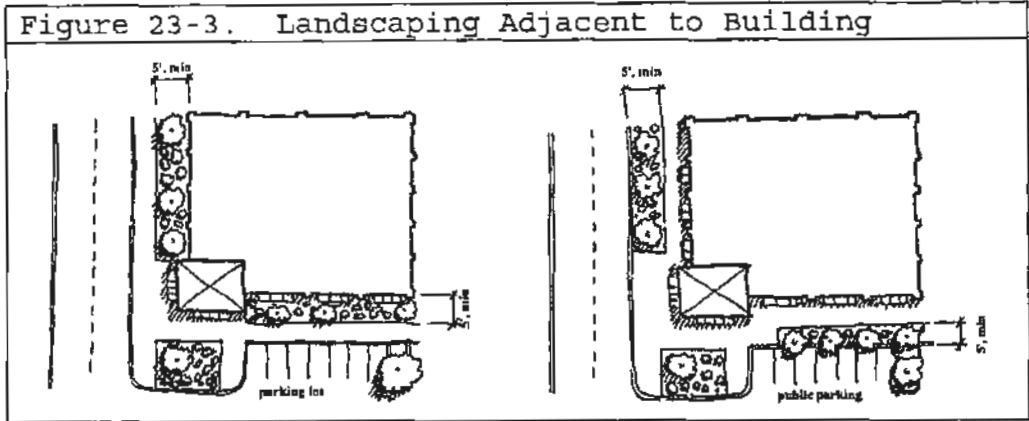
Type D-2 Concept Sketch
Commercial/Industrial Buffering Option at Property Line



Section 23.035 (Continued)

- (4) Landscaping Adjacent to Building. Development subject to the commercial design standards of Article 20 shall comply with the provisions of this Subsection. See Figure 23-3.
- (a) Where a building face does not abut a landscaped yard or public sidewalk, landscape beds or planters at least 5 feet deep shall be incorporated adjacent to the building. If a concrete sidewalk with a minimum depth of 10 feet is present adjacent to the building, the landscape beds or planters may be located within the sidewalk area.
- (b) The landscape beds or planters required in Subsection (a):
- (i) shall be present along at least 30 percent of the building face when a sidewalk is present, or
- (ii) along the full building face when a sidewalk is not present, except at points where pedestrian or vehicular access is present, such as a door or a loading dock.
- (iii) are not required along the building face of a service corridor, service drive, or service courtyard that meets the requirements of Article 20.
- (c) Landscape planters between parking spaces or at the end of a parking row do not count as part of the landscape bed or planter required by this Section.
- (d) Minimum landscape requirements per 1000 square feet of required planter, or any portion thereof, shall be the following:
- (i) Ten five-gallon and twenty one-gallon shrubs or accent plants.
- (ii) Remaining area treated with attractive living ground-cover, as defined in Article

30. Coverage with shrubs and living ground-cover shall be at least 50% upon installation and 100% after 2 years.



(e) In addition to the above requirements, any retail building 30,000 square feet or larger subject to this section shall provide all of the following along the façade. See Figure 23-4.



23.037 Fencing

(1) Fences in residential zones shall be subject to the following:

- (a) ¹⁰Maximum height within required front yard: 4 feet (except decorative arbors, gates and similar features). A fence up to 4.5 feet in height may be placed a minimum of five feet from the front property line.
(See Figure 23-8)
- (b) Maximum height within required exterior yard: 6 feet with a 3 ft. setback from exterior property line. Three foot setback area must be maintained with trees, shrubs or living ground-cover.
- (c) The use of barbed wire or razor fences are prohibited in the residential zones.
- (d) Maximum height within required interior yards:
6 feet (See Figure 23-9)
- (e) Requirements for fencing in all zones shall also apply. See Section 23.037(4)

Figure 23-8. Fence Profile

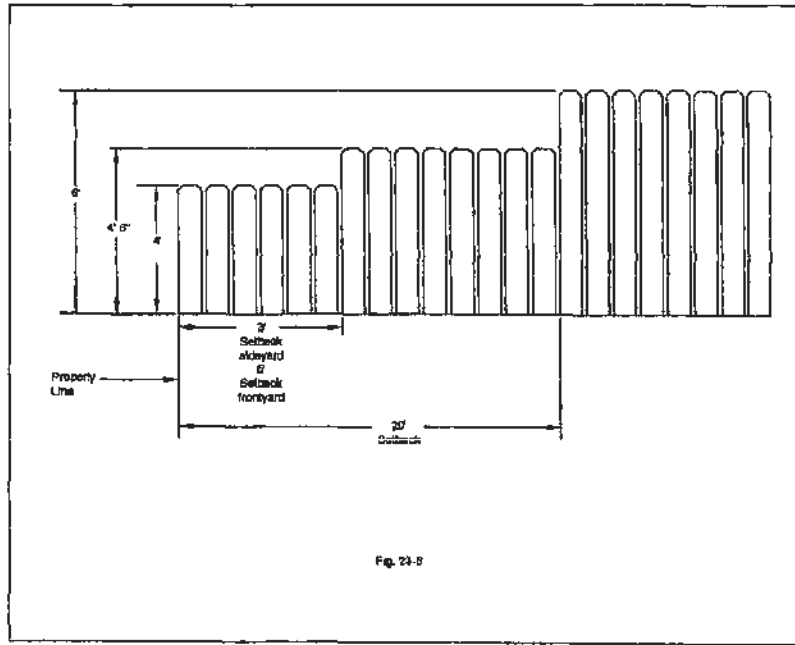
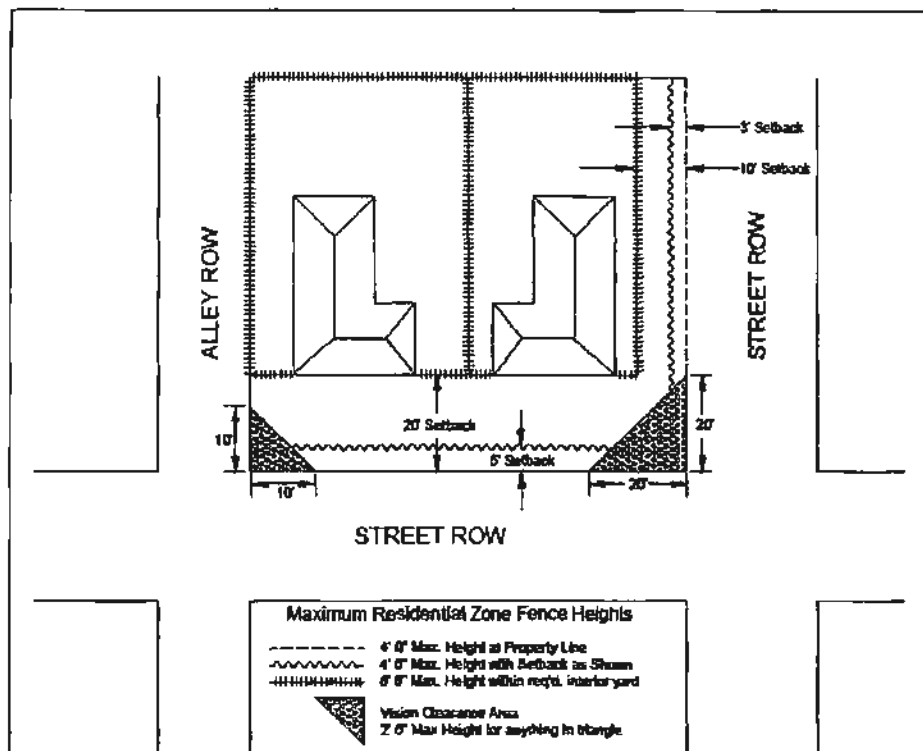


Figure 23-9. Residential Zone Fencing Requirements



NOTE: Property owners are strongly encouraged to hire a licensed surveyor to locate property lines prior to the construction of a fence.

¹ Revised 10-20-94

¹ⁱ Revised 5-30-97

**CITY OF GRANTS PASS
PARKS & COMMUNITY DEVELOPMENT DEPARTMENT**

**DEVELOPMENT CODE TEXT AMENDMENT
ARTICLE 23 ~ LANDSCAPE & BUFFER
FINDINGS OF FACT ~ CITY COUNCIL**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	14-40500005
Project Type:	Development Code Text Amendment
Applicant:	City of Grants Pass
Planner Assigned:	Lora Glover
Application Received:	July 18, 2014
Application Complete:	July 18, 2014
Date of Staff Report:	September 3, 2014
Date of UAPC Hearing:	September 10, 2014
Date of UAPC Findings:	September 24, 2014
Date of City Council State Report:	October 28, 2014
Date of City Council Hearing:	November 5, 2014
Date of City Council Findings:	November 19, 2014

I. PROPOSAL:

The proposal is to amend Article 23 of the Grants Pass Development Code regarding zone buffers, additional sidewalks and landscaping requirements for retail buildings exceeding 30,000 sq. ft., and fence heights for exterior yards in residential zones.

II. AUTHORITY AND CRITERIA:

Section 4.102 of the City of Grants Pass Development Code provides that the Director, Planning Commission or City Council may initiate a text amendment. The amendment has been initiated by the City Council.

Section 2.062 authorizes the Planning Commission to make a recommendation to the City Council and authorize the City Council to make a final decision on an application for a Development Code Text Amendment, pursuant to the requirements of a Type IV procedure.

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. An application for a Development Code Text Amendment was submitted and deemed complete on July 18, 2014. The application was processed in accordance with Section 2.060 of the Development Code.
- B. Notice of the proposed amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on July 28, 2014, in accordance with ORS 197.610 and OAR Chapter 660-Dvision 18.
- C. Notice of the proposed amendment was mailed to Josephine County on July 28, 2014, in accordance with the 1998 Intergovernmental Agreement.
- D. Notice of the proposed amendment for the September 10, 2014 Planning Commission hearing and the October 15, 2014 City Council hearing was mailed to parties specified in Section 2.053(1) of the Development Code on August 20, 2014 and September 24, 2014 in accordance with Sections 2.053 and 2.063 of the Development Code.
- E. Notice of the proposed amendment for the City Council hearing of October 15, 2014 was published in the newspaper on Wednesday October 8, 2014 and notice of the proposed amendment for the continued City Council hearing of November 5, 2014 was published in the newspaper on Wednesday October 29, 2014, in accordance with Section 2.053(2) of the Development Code.
- F. A Public hearing was held by the Planning Commission on September 10, 2014 to consider the proposal and make a recommendation to the City Council. The Planning Commission made a recommendation to the City Council.
- G. A public hearing was held by the City Council on October 15, 2014. The Council made a motion to reconsider the matter on November 5, 2014.
- H. At the November 5, 2014 public hearing, the City Council approved the amendment.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the November 5, 2014 City Council staff report and its exhibits, which are attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearings held by the City Council on October 15, 2014 and November 5, 2014 are attached as Exhibit "B" which summarizes the oral testimony presented and are hereby adopted and incorporated herein.

- C. The Ordinance with the final text which incorporates the text of this proposal is attached as Exhibit "C" and incorporated herein.

VI. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

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

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

City Council Response: Satisfied. The proposal amends portions of Article 23 related to zone buffer setbacks for "like" uses in conflicting zones; 16-ft. sidewalks for "retail" buildings over 30,000 sq. ft., and fence standards for residential zones (prohibit the use of barbed wire) and allow a four (4) foot fence on the front property line, and a six (6) foot fence with a three (3) foot landscape along the rear/exterior property lines. The current standard is a three (3) foot fence on front property lines, and a ten (10) foot setback for rear/exterior property lines. The proposed amendments are consistent with the purpose statement of Article 23.

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

City Council Response: Satisfied. The proposed amendments strive to be internally consistent with the provisions outlined in the Code. The proposed amendments will not negatively affect the base development standards for the zoning districts.

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 Response: Satisfied. The proposed changes are consistent with Element 13, Land Use, of the Comprehensive Plan. The proposed amendments will alleviate cumbersome variance requests regarding zone buffer setback requirements for "like" uses; clarify the requirement of expanded sidewalks for retail buildings over 30,000 sq. ft., prohibit the use of barbed wire or razor wire fencing in residential zones, and provide flexibility in fence heights for residential zones.

Most Effective Alternative

The alternative to approving the proposal is to retain the requirements for zone buffers, expanded sidewalks for all commercial buildings over 30,000 sq. ft., fencing materials and fencing heights. The proposed amendment more effectively carries out the goals and policies stated above.

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 Response: Satisfied. The proposed amendment is not expected to affect the functions, capacities, or performance standards of transportation facilities identified in the Master Transportation Plan (MTP).

VII. DECISION AND SUMMARY:

The City Council **APPROVED** the amendment. The vote was 7-0 with Councilors DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. Councilor Williams was absent.

VIII. FINDINGS APPROVED AND DECISION ADOPTED BY THE GRANTS PASS CITY COUNCIL this 19th day of November, 2014.



Darin Fowler, Mayor

Item: Ordinance to Amend the Landscape and
Buffer Requirements, Article 23 of the
Development Code

Date: November 5, 2014

SUBJECT AND SUMMARY:

The proposal is to amend Article 23 of the Grants Pass Development Code regarding zone buffers; additional sidewalks and landscaping requirements for retail buildings exceeding 30,000 sq. ft.; prohibited fencing materials in residential zones; and, fence heights for exterior yards in residential zones.

RELATIONSHIP TO COUNCIL GOALS:

This activity contributes to the Council's goal to **Facilitate Sustainable, Manageable Growth** to provide standards for commercial and residential development.

BACKGROUND:

As part of the Development Code Amendments, City Council reviewed the number of Major Variance requests which had been submitted during the past two years. The Council found that Hearings Officer, Planning Commission and City Council were reviewing multiple Variance applications based upon the Zone Buffer requirements of Article 23. It was determined that Variances were often being required for like uses. As an example, a residential use in a commercial zone abutting a residential use in a residential zone was required to meet the zone buffer setbacks, or file for a Variance. In addition, the Council found that adequate setback buffering was being provided by public right-of-ways. The proposed amendment allows for the right-of-way to fulfill the setback requirement, provided that industrial sites include windows and doors face the street, with vehicle/machinery doors located to the side or rear of the buildings.

The amendment also addresses the existing requirement for expanded 16-ft. sidewalks for commercial buildings over 30,000 sq. ft. (Section 23.035(4)(e)). Based upon Code interpretation by the City Manager, the amendment clarifies that the expanded 16-ft. sidewalks are only required for "retail" buildings.

The third amendment will prohibit the use of barbed wire or razor wire fencing in the residential zones, and adjust fence heights in the residential zones. The amendment will allow a four (4) foot fence on the front property line, and a six (6) foot fence with a three (3) foot landscape along the rear/exterior property lines. The current standard is a three (3) foot fence on front property line, and a ten (10) foot setback for fences six (6) feet in height on rear/exterior property lines. The adjustment for fences in the front yard will assist homeowners' ability to contain small children and pets within an enclosed yard. The adjustment for fences along the rear/exterior lines will be beneficial for properties with multiple frontages, providing for larger outdoor living space and privacy. The existing ten (10) foot setback often leaves a strip of unmaintained property along the public right-of-way.

EXHIBIT A

→ ce FOF

COST IMPLICATION:

None.

ALTERNATIVES:

- (1) Approve the proposal as recommended by the UAPC;
 - (2) Approve the proposal with revisions;
 - (3) Deny the request and adopt no amendment;
 - (4) Postpone the item indefinitely; or
 - (5) Postpone the item to a time certain.
-

RECOMMENDED ACTION:

It is recommended the Council approve the attached ordinance.

POTENTIAL MOTION:

I move the Council approve the Ordinance to amend Article 23 of the Development Code Regarding Landscape and Buffer requirements as reflected in Exhibit "A" of the Ordinance.

ITEM: ORDINANCE TO AMEND THE LANDSCAPE AND BUFFER
 REQUIREMENTS, ARTICLE 23 OF THE DEVELOPMENT CODE

**CITY OF GRANTS PASS
PARKS & COMMUNITY DEVELOPMENT DEPARTMENT**

**DEVELOPMENT CODE TEXT AMENDMENT
ARTICLE 23 ~ LANDSCAPE & BUFFER
STAFF REPORT ~ CITY COUNCIL**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	14-40500005
Project Type:	Development Code Text Amendment
Applicant:	City of Grants Pass
Planner Assigned:	Lora Glover
Application Received:	July 18, 2014
Application Complete:	July 18, 2014
Date of Staff Report:	September 3, 2014
Date of UAPC Hearing:	September 10, 2014
Date of UAPC Findings:	September 24, 2014
Date of City Council State Report:	October 28, 2014
Date of Council Hearing:	November 5, 2014

I. PROPOSAL:

The proposal is to amend Article 23 of the Grants Pass Development Code regarding zone buffers, additional sidewalks and landscaping requirements for retail buildings exceeding 30,000 sq. ft., and fence heights for exterior yards in residential zones (*see Exhibit 1*).

II. AUTHORITY AND CRITERIA:

Section 4.102 of the City of Grants Pass Development Code provides that the Director, Planning Commission or City Council may initiate a text amendment. The amendment has been initiated by the City Council.

Section 2.062 authorizes the Planning Commission to make a recommendation to the City Council and authorize the City Council to make a final decision on an application for a Development Code Text Amendment, pursuant to the requirements of a Type IV procedure.

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. BACKGROUND AND DISCUSSION:

As part of the Development Code Amendments, City Council reviewed the number of Major Variance requests which had been submitted during the past two years. The Council found that Hearings Officer, Planning Commission and City Council were reviewing multiple Variance applications based upon the Zone Buffer requirements of Article 23. It was determined that Variances were often being required for like uses. As an example, a residential use in a commercial zone abutting a residential use in a residential zone was required to meet the zone buffer setbacks, or file for a Variance. In addition, the Council found that adequate setback buffering was being provided by public right-of-ways. The proposed amendment allows for the right-of-way to fulfill the setback requirement, provided that industrial sites include windows and doors face the street, with vehicle/machinery doors located to the side or rear of the buildings.

The amendment also addresses the existing requirement for expanded 16-ft. sidewalks for commercial buildings over 30,000 sq. ft. (Section 23.035(4)(e)). Based upon Code interpretation by the City Manager, the amendment clarifies that the expanded 16-ft. sidewalks are only required for "retail" buildings.

The third amendment will prohibit the use of barbed wire or razor wire fencing in the residential zones, and adjust fence heights in the residential zones. The amendment will allow a four (4) foot fence on the front property line, and a six (6) foot fence with a three (3) foot landscape along the rear/exterior property lines. The current standard is a three (3) foot fence on front property line, and a ten (10) foot setback for fences six (6) feet in height on rear/exterior property lines. The adjustment for fences in the front yard will assist homeowners' ability to contain small children and pets within an enclosed yard. The adjustment for fences along the rear/exterior lines will be beneficial for properties with multiple frontages, providing for larger outdoor living space and privacy. The existing ten (10) foot setback often leaves a strip of unmaintained property along the public right-of-way.

V. CONFORMANCE WITH APPLICABLE CRITERIA:

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

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

Planning Commission Response: Satisfied. The proposal amends portions of Article 23 related to zone buffer setbacks for "like" uses in conflicting zones; 16-ft. sidewalks for "retail" buildings over 30,000 sq. ft., and fence standards for residential zones (prohibit the use of barbed wire) and allow a four (4) foot fence on the front property line, and a six (6) foot fence with a three (3) foot landscape along the rear/exterior property lines. The current standard is a

three (3) foot fence on front property lines, and a ten (10) foot setback for rear/exterior property lines. The proposed amendments are consistent with the purpose statement of Article 23.

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

Planning Commission Response: Satisfied. The proposed amendments strive to be internally consistent with the provisions outlined in the Code. The proposed amendments will not negatively affect the base development standards for the zoning districts.

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.

Planning Commission Response: Satisfied. The proposed changes are consistent with Element 13, Land Use, of the Comprehensive Plan. The proposed amendments will alleviate cumbersome variance requests regarding zone buffer setback requirements for "like" uses; clarify the requirement of expanded sidewalks for retail buildings over 30,000 sq. ft., prohibit the use of barbed wire or razor wire fencing in residential zones, and provide flexibility in fence heights for residential zones.

Most Effective Alternative

The alternative to approving the proposal is to retain the requirements for zone buffers, expanded sidewalks for all commercial buildings over 30,000 sq. ft., fencing materials and fencing heights. The proposed amendment more effectively carries out the goals and policies stated above.

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

Planning Commission Response: Satisfied. The proposed amendment is not expected to affect the functions, capacities, or performance standards of transportation facilities identified in the Master Transportation Plan (MTP).

VI. RECOMMENDATION:

The Planning Commission RECOMMEND APPROVAL of the proposed amendments to City Council, as presented in Exhibit 1.

VII. CITY COUNCIL ACTION:

- A. Positive Action: approve the request:
 - 1. As submitted; or,
 - 2. With revisions provided by the City Council (list):

- B. Negative Action: Deny the request for the following reasons (list):

- C. Postponement: Continue item
 - 1. Indefinitely; or,
 - 2. To a certain time.

NOTE: The application is a legislative amendment and is not subject to the 120-day limit.

VIII. INDEX TO EXHIBITS

- 1. Proposed Text Amendment
- 2. UAPC Findings of Fact

23.033 Type C: Outdoor Industrial Front and Exterior Yards

- ⁶(1) The following landscape standards shall apply to outdoor industrial uses in outdoor industrial zones; and to residential, commercial, and indoor industrial uses in outdoor industrial zones:
- (2) Required front and exterior yards shall be landscaped, and building setbacks shall be maintained, according to the Type C Concept Sketch and Schedule 23-3. Minimum landscape requirements per 1000 square feet of a required yard, or any portion thereof, shall be the following:
 - ⁶(a) Three trees at least ten feet in height and two inches in caliper measured three feet from the base. Select from street tree list, Section 23.076, and plant within 10 feet of the right-of-way as per Type C Concept Sketch. ~~Trees may be offset to permit signs in the Landscape Yard, but only as provided in Section 26.050, Landscape Yard Signs.~~ Trees shall be kept trimmed of branches up to 14' from base five years following planting.
 - (b) Fifteen five-gallon shrubs or accent plants.
 - (c) Remaining area treated with attractive living ground-cover, as defined in Article 30. Coverage with shrubs and living ground-cover shall be at least 50% upon installation and 80% after 3 years.
- (3) No vehicle parking or maneuvering shall be permitted within a required landscaped yard.
- (4) ~~Signs may be permitted in required landscaped yards, subject to the provisions of Section 26.050.~~
- (5) Approved plant materials installed in the area between the curb and the sidewalk may be used in meeting the landscaping requirements for front and exterior yards.
- (6) Outdoor Industrial development to Residential, Commercial or Indoor Development at street shall meet the following design features:

- (a) Windows and person-doors for customer entrances are permitted into office areas, lobbies and similar areas that do not contain noise or odor producing equipment, materials, or machinery.
- (b) Overhead doors and other openings are prohibited.
- (c) The development must comply with the sound standards of Section 24.170.

23.034 Type D: Buffering Between Zones or Conflicting Uses.
Buffering shall be required between zones or conflicting uses on abutting properties.

- Commercial or Indoor Industrial to Residential
- Outdoor Industrial to Residential, Commercial or Indoor Industrial.

Exceptions to Zone Buffer requirements may be granted by the review body when adjoining or abutting properties are developed with similar uses.

The property owner of each proposed development is responsible for the installation and maintenance of required buffers. The Director may waive the buffering requirements of this Section where such has been provided on the adjoining property in conformance with this Code.

- (1) Required buffer strips shall be landscaped, and building setbacks shall be maintained, according to the appropriate Type D Concept Sketch and Schedule 23-4. ~~Buffer strips facing a street shall include any required front or exterior yard, and shall not be required in addition to such yard.~~
- (2) ~~Buffer strips facing a street shall require minimum planting as follows:~~
 - ~~(a) For Commercial/Indoor Industrial Zones facing a Residential Zone, Type B planting, Section 23.032 (1).~~
 - ~~(b) For Outdoor Industrial Zones facing either Commercial or Indoor Industrial Zones, Type C planting, Section 23.033 (1).~~

- (~~23~~) Buffer strips facing a property line shall require minimum planting of at least one row of trees, not less than eight feet high and one and one-half inches in caliper for deciduous trees and five feet high for evergreen trees at the time of planting, and spaced not more than 15 feet apart. Appropriate species may be counted as parking lot trees on an interior buffer, but only for those parking spaces abutting the buffer strip. The area beneath the trees shall be planted with a living ground-cover or shrubs giving 50% coverage at planting and 100% coverage within 3 years.
- (4) No parking, loading or vehicle maneuvering area shall be permitted within a required buffer strip, excepting only a bike path.
- ⁶(5) Type D-~~24~~ interior buffers may be approved only upon the written agreement of all abutting parties, and the filing of a reciprocal maintenance and use easement by the appropriate party. Installation of plant materials and irrigation shall be at the expense of the party initially developing and as found in Section 23.050, responsibility for ongoing maintenance shall be specified in the easement document as required in Schedule 23-4. ~~Minimum plantings shall meet the requirements of Type A, Section 23.031, when facing a residential zone, and shall meet the requirements of Type B, Section 23.032, when facing a commercial zone.~~
- (6) Sound obscuring walls shall be of attractive masonry construction, or a combination of masonry and earth mound. Masonry materials shall be limited to brick, slump block or split block, all with integral color other than gray.

⁷Zone Buffer Building Setback and Buffer Strip - Schedule 23-4

Buffering Between Zones	Buffer Type	Building Setback Line*	Buffer Strip	Facing Wall Building Openings	Fence or Wall Height
Commercial or Indoor Industrial to Residential at Street	D-1	at R1-R3: 30' at R 4: 20'	-20' -10'	Yes Yes	None None
Outdoor Industrial to Residential at Street, or to Indoor Industrial at Street, or to Commercial at Street	D-2 D-2 D-2	30' 30' 30'	20' 10' 10'	No** No** No**	Fence or Wall 6' As required to meet sound standards Section 24.170. As required to meet sound Standards Section 24.170.
Commercial or Indoor Industrial or Outdoor Industrial to Residential at Property Line	D-13 D-13 D-13	20' 20' 30'	3' 3' 3'	Yes No No	Fence 6' Fence 6' Wall 8'
Outdoor Industrial to Commercial or to Indoor Industrial at Property Line	D-13	30'	3'	No	As required to meet sound standards Section 24.170
Manufactured Housing Park	D-13	10'	5'	Yes	Fence 6'
Commercial or Indoor Industrial or Outdoor Industrial to Residential Property Line Option	D-24 D-24 D-24	5' 5' 10'	Easement Easement Easement	No No No	Wall 6' Wall 6' Wall 8'

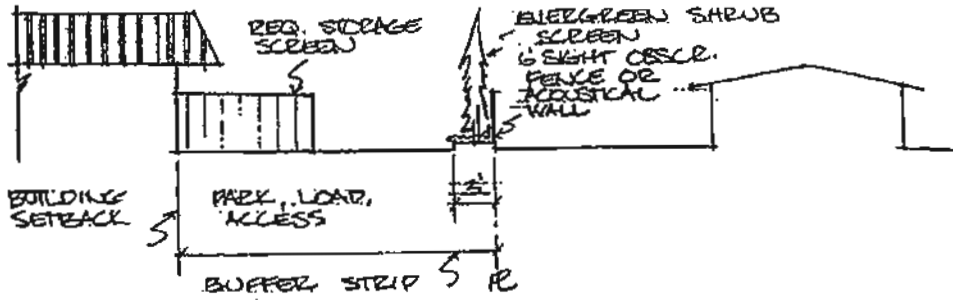
Fence = Sight obscuring fence

Wall = Sound obscuring wall, of attractive materials as provided in Section 23.034 (6)

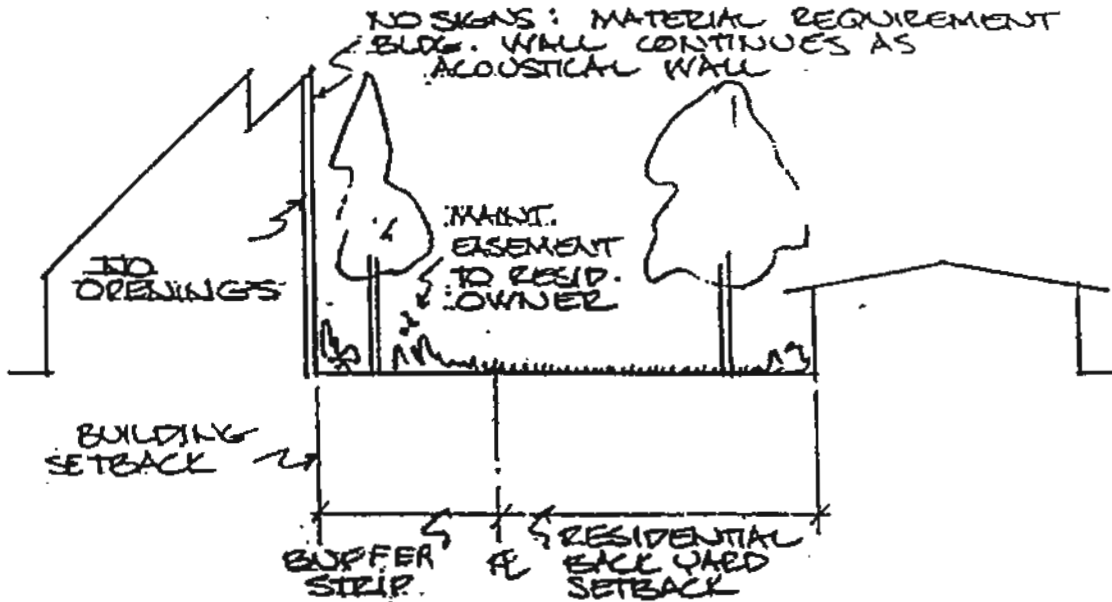
* Building Setback Line measured from street right-of-way.

** ~~Windows and person doors for customer entrances are permitted into office areas, lobbies, and similar areas that do not contain noise or odor producing equipment, materials, or machinery, provided sound standards of Section 24.170 are met. Overhead doors and other openings are prohibited.~~

Type D-13 Concept Sketch
Commercial/Industrial Buffering at Property Line



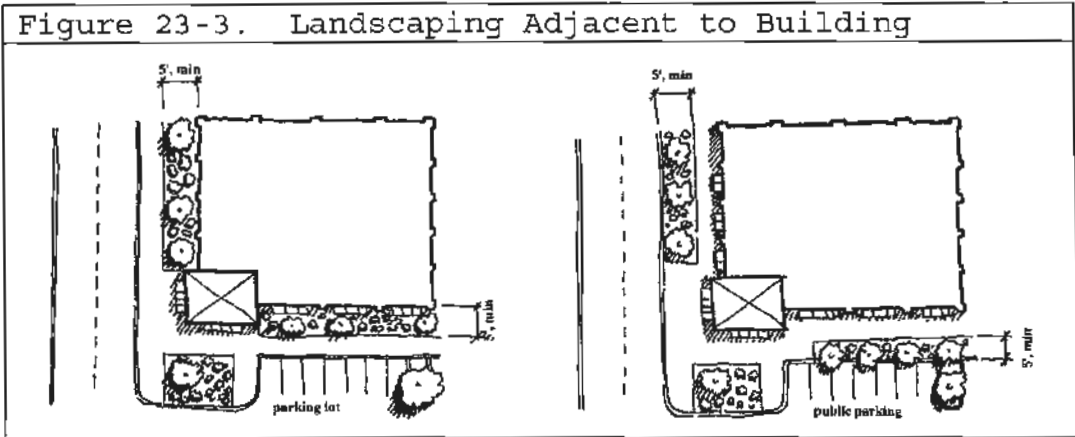
Type D-24 Concept Sketch
Commercial/Industrial Buffering Option at Property Line



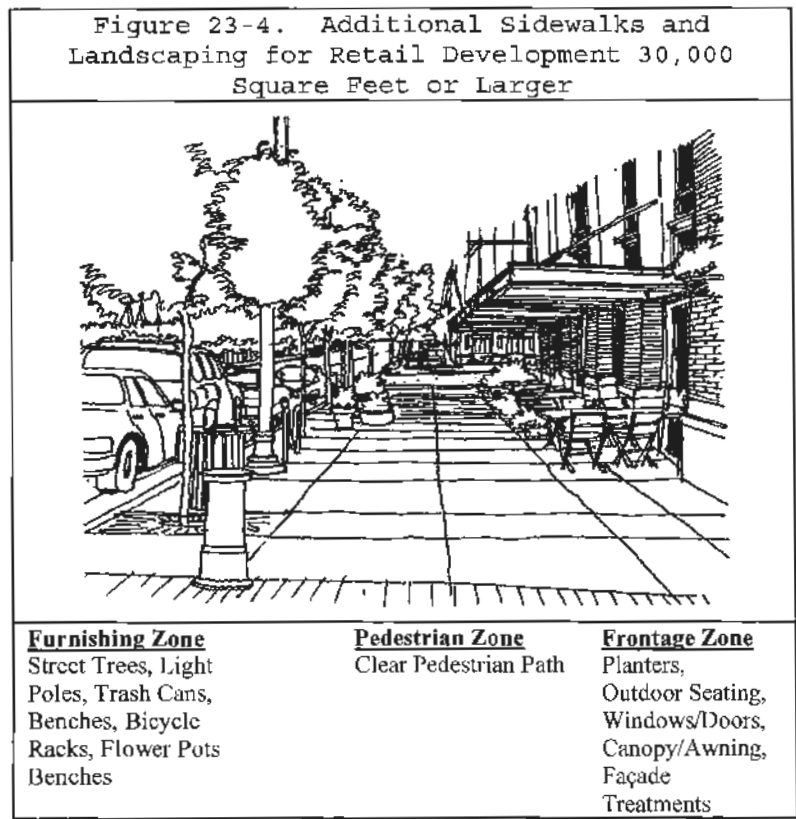
Section 23.035 (Continued)

- (4) Landscaping Adjacent to Building. Development subject to the commercial design standards of Article 20 shall comply with the provisions of this Subsection. See *Figure 23-3*.
- (a) Where a building face does not abut a landscaped yard or public sidewalk, landscape beds or planters at least 5 feet deep shall be incorporated adjacent to the building. If a concrete sidewalk with a minimum depth of 10 feet is present adjacent to the building, the landscape beds or planters may be located within the sidewalk area.
- (b) The landscape beds or planters required in Subsection (a):
- (i) shall be present along at least 30 percent of the building face when a sidewalk is present, or
- (ii) along the full building face when a sidewalk is not present, except at points where pedestrian or vehicular access is present, such as a door or a loading dock.
- (iii) are not required along the building face of a service corridor, service drive, or service courtyard that meets the requirements of Article 20.
- (c) Landscape planters between parking spaces or at the end of a parking row do not count as part of the landscape bed or planter required by this Section.
- (d) Minimum landscape requirements per 1000 square feet of required planter, or any portion thereof, shall be the following:
- (i) Ten five-gallon and twenty one-gallon shrubs or accent plants.
- (ii) Remaining area treated with attractive living ground-cover, as defined in Article

30. Coverage with shrubs and living ground-cover shall be at least 50% upon installation and 100% after 2 years.



(e) ~~Additional Landscaping and Sidewalks for Retail Development 30,000 Square Feet or Larger.~~ In addition to the above requirements, any retail building 30,000 square feet or larger subject to this section shall provide all of the following along the façade. See Figure 23-4.



23.037 Fencing

(1) Fences in residential zones shall be subject to the following:

- (a) ¹⁰Maximum height within required front and exterior yards: 3 ~~4~~ feet (except decorative arbors, gates and similar features). However, a fence up to 4.5 feet in height may be placed a minimum of five feet from the front or exterior side/rear property line.
(See Figure 23-8)
- (b) Maximum height within required exterior yard: 6 feet with a 3 ft. setback from exterior property line. Three foot setback area must be maintained with trees, shrubs or living ground-cover.
- (c) The use of barbed wire or razor fences are prohibited in the residential zones.
- (d) Maximum height within required interior yards: 6 feet (See Figure 23-9)
- (e) Requirements for fencing in all zones shall also apply. See Section 23.037(4)

Figure 23-8. Fence Profile

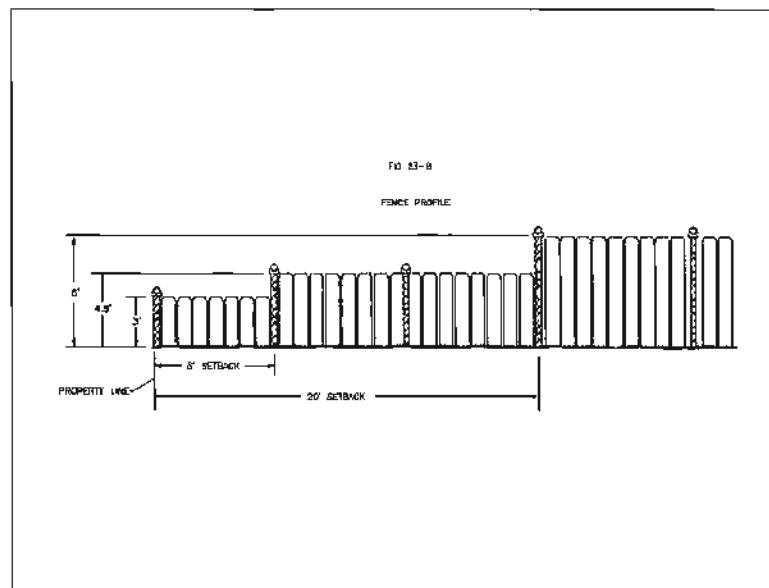
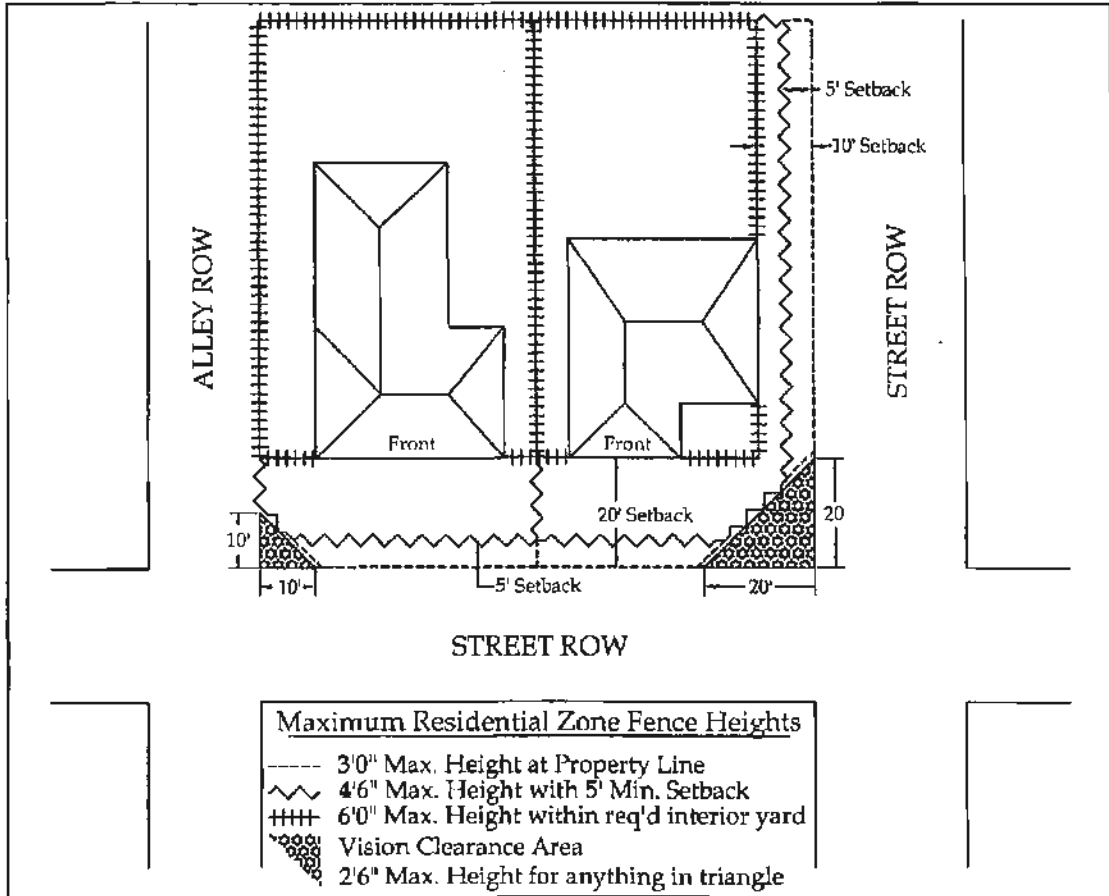


Figure 23-9. Residential Zone Fencing Requirements



NOTE: Property owners are strongly encouraged to hire a licensed surveyor to locate property lines prior to the construction of a fence.

ⁱ Revised 10-20-94

ⁱⁱ Revised 5-30-97

**CITY OF GRANTS PASS
PARKS & COMMUNITY DEVELOPMENT DEPARTMENT**

**DEVELOPMENT CODE TEXT AMENDMENT
ARTICLE 23 ~ LANDSCAPE & BUFFER
FINDINGS OF FACT ~ PLANNING COMMISSION**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	14-40500005
Project Type:	Development Code Text Amendment
Applicant:	City of Grants Pass
Planner Assigned:	Lora Glover
Application Received:	July 18, 2014
Application Complete:	July 18, 2014
Date of Staff Report:	September 3, 2014
Date of UAPC Hearing:	September 10, 2014
Date of Findings of Fact:	September 24, 2014

I. PROPOSAL:

The proposal is to amend Article 23 of the Grants Pass Development Code regarding zone buffers, additional sidewalks and landscaping requirements for retail buildings exceeding 30,000 sq. ft., and fence heights for exterior yards in residential zones.

II. AUTHORITY AND CRITERIA:

Section 4.102 of the City of Grants Pass Development Code provides that the Director, Planning Commission or City Council may initiate a text amendment. The amendment has been initiated by the City Council.

Section 2.062 authorizes the Planning Commission to make a recommendation to the City Council and authorize the City Council to make a final decision on an application for a Development Code Text Amendment, pursuant to the requirements of a Type IV procedure.

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.

EXHIBIT 2
TO CC Staff Report

IV. PROCEDURE:

- A. An application for a Development Code text amendment was submitted and deemed complete on July 18, 2014. The application was processed in accordance with Section 2.060 of the Development Code.
- B. Notice of the proposed amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on July 28, 2014, in accordance with ORS 197.610 and OAR Chapter 660-Division 18.
- C. A public hearing was held by the UAPC on September 10, 2014, to consider the proposal and make a recommendation to City Council.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the September 10, 2014, UAPC staff report and its exhibits, which are attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the UAPC on September 10, 2014, 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 September 10, 2014 UAPC hearing is attached as Exhibit "C" and incorporated herein.

VI. GENERAL FINDINGS:

As part of the Development Code Amendments, City Council reviewed the number of Major Variance requests which had been submitted during the past two years. The Council found that Hearings Officer, Planning Commission and City Council were reviewing multiple Variance applications based upon the Zone Buffer requirements of Article 23. It was determined that Variances were often being required for like uses. As an example, a residential use in a commercial zone abutting a residential use in a residential zone was required to meet the zone buffer setbacks, or file for a Variance. In addition, the Council found that adequate setback buffering was being provided by public right-of-ways. The proposed amendment allows for the right-of-way to fulfill the setback requirement, provided that industrial sites include windows and doors face the street, with vehicle/machinery doors located to the side or rear of the buildings.

The amendment also addresses the existing requirement for expanded 16-ft. sidewalks for commercial buildings over 30,000 sq. ft. (Section 23.035(4)(e)). Based upon Code interpretation by the City Manager, the amendment clarifies that the expanded 16-ft. sidewalks are only required for "retail" buildings.

The third amendment will prohibit the use of barbed wire or razor wire fencing in the residential zones, and adjust fence heights in the residential zones. The amendment will allow a four (4) foot fence on the front property line, and a six (6) foot fence with a three (3) foot landscape along the rear/exterior property lines. The current standard is a three (3) foot fence on front property line, and a ten (10) foot setback for fences six (6) feet in height on rear/exterior property lines. The adjustment for fences in the front yard will assist homeowners' ability to

contain small children and pets within an enclosed yard. The adjustment for fences along the rear/exterior lines will be beneficial for properties with multiple frontages, providing for larger outdoor living space and privacy. The existing ten (10) foot setback often leaves a strip of unmaintained property along the public right-of-way.

VII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

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

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

Planning Commission Response: Satisfied. The proposal amends portions of Article 23 related to zone buffer setbacks for “like” uses in conflicting zones; 16-ft. sidewalks for “retail” buildings over 30,000 sq. ft., and fence standards for residential zones (prohibit the use of barbed wire) and allow a four (4) foot fence on the front property line, and a six (6) foot fence with a three (3) foot landscape along the rear/exterior property lines. The current standard is a three (3) foot fence on front property lines, and a ten (10) foot setback for rear/exterior property lines. The proposed amendments are consistent with the purpose statement of Article 23.

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

Planning Commission Response: Satisfied. The proposed amendments strive to be internally consistent with the provisions outlined in the Code. The proposed amendments will not negatively affect the base development standards for the zoning districts.

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.

Planning Commission Response: Satisfied. The proposed changes are consistent with Element 13, Land Use, of the Comprehensive Plan. The proposed amendments will alleviate cumbersome variance requests regarding zone buffer setback requirements for “like” uses; clarify the requirement of expanded sidewalks for retail buildings over 30,000 sq. ft., prohibit the use of barbed wire or razor wire fencing in residential zones, and provide flexibility in fence heights for residential zones.

Most Effective Alternative

The alternative to approving the proposal is to retain the requirements for zone buffers, expanded sidewalks for all commercial buildings over 30,000 sq. ft., fencing materials and fencing heights. The proposed amendment more effectively carries out the goals and policies stated above.

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

Planning Commission Response: Satisfied. The proposed amendment is not expected to affect the functions, capacities, or performance standards of transportation facilities identified in the Master Transportation Plan (MTP).

VIII. RECOMMENDATION:

The Planning Commission RECOMMEND APPROVAL of the proposed amendments to City Council, as presented in Exhibit 1 of the Staff Report.

IX. RECOMMENDATION:

The Planning Commission RECOMMEND APPROVAL of the proposed amendments to City Council, as presented in Exhibit 1 of the Staff Report. The vote was 7-0, with Commissioners Fitzgerald, Regan, MacMillan, Arthur, McIntire, Kellenbeck & McVay voting in favor. None were against. Commissioner Coulter was absent.

X. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION this 24th day of September 2014.



Gerard Fitzgerald, Chair

**CITY OF GRANTS PASS
PARKS & COMMUNITY DEVELOPMENT DEPARTMENT**

**DEVELOPMENT CODE TEXT AMENDMENT
ARTICLE 23 ~ LANDSCAPE & BUFFER
STAFF REPORT ~ PLANNING COMMISSION**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	14-40500005
Project Type:	Development Code Text Amendment
Applicant:	City of Grants Pass
Planner Assigned:	Lora Glover
Application Received:	July 18, 2014
Application Complete:	July 18, 2014
Date of Staff Report:	September 3, 2014
Date of UAPC Hearing:	September 10, 2014

I. PROPOSAL:

The proposal is to amend Article 23 of the Grants Pass Development Code regarding zone buffers, additional sidewalks and landscaping requirements for retail buildings exceeding 30,000 sq. ft., and fence heights for exterior yards in residential zones. ***See Exhibit 1 for mark-up text of proposed amendments to existing sections.***

II. AUTHORITY AND CRITERIA:

Section 4.102 of the City of Grants Pass Development Code provides that the Director, Planning Commission or City Council may initiate a text amendment. The amendment has been initiated by the City Council.

Section 2.062 authorizes the Planning Commission to make a recommendation to the City Council and authorize the City Council to make a final decision on an application for a Development Code Text Amendment, pursuant to the requirements of a Type IV procedure.

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. BACKGROUND AND DISCUSSION:

As part of the Development Code Amendments, City Council reviewed the number of Major Variance requests which had been submitted during the past two years. The Council found that Hearings Officer, Planning Commission and City Council were reviewing multiple Variance applications based upon the Zone Buffer requirements of Article 23. It was determined that Variances were often being required for like uses. As an example, a residential use in a commercial zone abutting a residential use in a residential zone was required to meet the zone buffer setbacks, or file for a Variance. In addition, the Council found that adequate setback buffering was being provided by public right-of-ways. The proposed amendment allows for the right-of-way to fulfill the setback requirement, provided that industrial sites include windows and doors face the street, with vehicle/machinery doors located to the side or rear of the buildings.

The amendment also addresses the existing requirement for expanded 16-ft. sidewalks for commercial buildings over 30,000 sq. ft. (Section 23.035(4)(e)). Based upon Code interpretation by the City Manager, the amendment clarifies that the expanded 16-ft. sidewalks are only required for "retail" buildings as reflected in Figure 23-4.

The third amendment will prohibit the use of barbed wire or razor wire fencing in the residential zones, and adjust fence heights in the residential zones. The amendment will allow a four (4) foot fence on the front property line, and a six (6) foot fence with a three (3) foot landscape along the rear/exterior property lines. The current standard is a three (3) foot fence on front property line, and a ten (10) foot setback for fences six (6) feet in height on rear/exterior property lines. The adjustment for fences in the front yard will assist homeowners' ability to contain small children and pets within an enclosed yard. The adjustment for fences along the rear/exterior lines will be beneficial for properties with multiple frontages, providing for larger outdoor living space and privacy. The existing ten (10) foot setback often leaves a strip of unmaintained property along the public right-of-way.

V. CONFORMANCE WITH APPLICABLE CRITERIA:

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

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

Staff Response: Satisfied. The proposal amends portions of Article 23 related to zone buffer setbacks for "like" uses in conflicting zones; 16-ft. sidewalks for "retail" buildings over 30,000 sq. ft., and fence standards for residential zones (prohibit the use of barbed wire) and allow a four (4) foot fence on the front property line, and a six (6) foot fence with a three (3) foot landscape along the rear/exterior property lines. The current standard is a three (3) foot fence on front property lines, and a ten (10) foot setback for rear/exterior property lines. The proposed amendments are consistent with the purpose statement of Article 23.

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

Staff Response: Satisfied. The proposed amendments strive to be internally consistent with the provisions outlined in the Code. The proposed amendments will not negatively affect the base development standards for the zoning districts.

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.

Staff Response: Satisfied. The proposed changes are consistent with Element 13, Land Use, of the Comprehensive Plan. The proposed amendments will alleviate cumbersome variance requests regarding zone buffer setback requirements for “like” uses; clarify the requirement of expanded sidewalks for retail buildings over 30,000 sq. ft., prohibit the use of barbed wire or razor wire fencing in residential zones, and provide flexibility in fence heights for residential zones.

Most Effective Alternative

The alternative to approving the proposal is to retain the requirements for zone buffers, expanded sidewalks for all commercial buildings over 30,000 sq. ft., fencing materials and fencing heights. The proposed amendment more effectively carries out the goals and policies stated above.

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

Staff Response: Satisfied. The proposed amendment is not expected to affect the functions, capacities, or performance standards of transportation facilities identified in the Master Transportation Plan (MTP).

VI. RECOMMENDATION:

Staff recommends the Planning Commission RECOMMEND APPROVAL of the proposed amendments to City Council, as presented in Exhibit 1.

VII. PLANNING COMMISSION ACTION:

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

NOTE: This is a legislative decision. State law does *not* require that a decision be made on the application within 120 days.

VIII. INDEX TO EXHIBITS:

1. Mark up text for:

- Section 23.033;
- Section 23.034;
- Schedule 23-4;
- Concept Sketches D-1 & D-2,
- Section 23.035;
- Section 23.037; and
- Figure 23-9

23.033 Type C: Outdoor Industrial Front and Exterior Yards

- ⁶(1) The following landscape standards shall apply to outdoor industrial uses in outdoor industrial zones; and to residential, commercial, and indoor industrial uses in outdoor industrial zones:
- (2) Required front and exterior yards shall be landscaped, and building setbacks shall be maintained, according to the Type C Concept Sketch and Schedule 23-3. Minimum landscape requirements per 1000 square feet of a required yard, or any portion thereof, shall be the following:
 - ⁶(a) Three trees at least ten feet in height and two inches in caliper measured three feet from the base. Select from street tree list, Section 23.076, and plant within 10 feet of the right-of-way as per Type C Concept Sketch. ~~Trees may be offset to permit signs in the Landscape Yard, but only as provided in Section 26.050, Landscape Yard Signs.~~ Trees shall be kept trimmed of branches up to 14' from base five years following planting.
 - (b) Fifteen five-gallon shrubs or accent plants.
 - (c) Remaining area treated with attractive living ground-cover, as defined in Article 30. Coverage with shrubs and living ground-cover shall be at least 50% upon installation and 80% after 3 years.
- (3) No vehicle parking or maneuvering shall be permitted within a required landscaped yard.
- (4) ~~Signs may be permitted in required landscaped yards, subject to the provisions of Section 26.050.~~
- (5) Approved plant materials installed in the area between the curb and the sidewalk may be used in meeting the landscaping requirements for front and exterior yards.
- (6) Outdoor Industrial development to Residential, Commercial or Indoor Development at street shall meet the following design features:

- (a) Windows and person-doors for customer entrances are permitted into office areas, lobbies and similar areas that do not contain noise or odor producing equipment, materials, or machinery.
- (b) Overhead doors and other openings are prohibited.
- (c) The development must comply with the sound standards of Section 24.170.

23.034

Type D: Buffering Between Zones or Conflicting Uses.
Buffering shall be required between zones or conflicting uses on abutting properties.

- Commercial or Indoor Industrial to Residential
- Outdoor Industrial to Residential, Commercial or Indoor Industrial.

Exceptions to Zone Buffer requirements may be granted by the review body when adjoining or abutting properties are developed with similar uses.

The property owner of each proposed development is responsible for the installation and maintenance of required buffers. The Director may waive the buffering requirements of this Section where such has been provided on the adjoining property in conformance with this Code.

- (1) Required buffer strips shall be landscaped, and building setbacks shall be maintained, according to the appropriate Type D Concept Sketch and Schedule 23-4. ~~Buffer strips facing a street shall include any required front or exterior yard, and shall not be required in addition to such yard.~~
- (2) ~~Buffer strips facing a street shall require minimum planting as follows:~~
 - ~~(a) For Commercial/Indoor Industrial Zones facing a Residential Zone, Type B planting, Section 23.032 (1).~~
 - ~~(b) For Outdoor Industrial Zones facing either Commercial or Indoor Industrial Zones, Type C planting, Section 23.033 (1).~~

- (23) Buffer strips facing a property line shall require minimum planting of at least one row of trees, not less than eight feet high and one and one-half inches in caliper for deciduous trees and five feet high for evergreen trees at the time of planting, and spaced not more than 15 feet apart. Appropriate species may be counted as parking lot trees on an interior buffer, but only for those parking spaces abutting the buffer strip. The area beneath the trees shall be planted with a living ground-cover or shrubs giving 50% coverage at planting and 100% coverage within 3 years.
- (4) No parking, loading or vehicle maneuvering area shall be permitted within a required buffer strip, excepting only a bike path.
- ⁶(5) Type D-24 interior buffers may be approved only upon the written agreement of all abutting parties, and the filing of a reciprocal maintenance and use easement by the appropriate party. Installation of plant materials and irrigation shall be at the expense of the party initially developing and as found in Section 23.050, responsibility for ongoing maintenance shall be specified in the easement document as required in Schedule 23-4. ~~Minimum plantings shall meet the requirements of Type A, Section 23.031, when facing a residential zone, and shall meet the requirements of Type B, Section 23.032, when facing a commercial zone.~~
- (6) Sound obscuring walls shall be of attractive masonry construction, or a combination of masonry and earth mound. Masonry materials shall be limited to brick, slump block or split block, all with integral color other than gray.

⁷Zone Buffer Building Setback and Buffer Strip - Schedule 23-4

Buffering Between Zones	Buffer Type	Building Setback Line*	Buffer Strip	Facing Wall Building Openings	Fence or Wall Height
Commercial or Indoor Industrial to Residential at Street	D-1	at R1 R3: 30' at R 4: 20'	-20' -10'	Yes Yes	None None
Outdoor Industrial to Residential at Street, or to Indoor Industrial at Street, or to Commercial at Street	D-2 D-2 D-2	30' 30' 30'	20' 10' 10'	No** No** No**	Fence or Wall 6' As required to meet sound standards Section 24.170. As required to meet sound Standards Section 24.170.
Commercial or Indoor Industrial or Outdoor Industrial to Residential at Property Line	D-13 D-13 D-13	20' 20' 30'	3' 3' 3'	Yes No No	Fence 6' Fence 6' Wall 8'
Outdoor Industrial to Commercial or to Indoor Industrial at Property Line	D-13	30'	3'	No	As required to meet sound standards Section 24.170
Manufactured Housing Park	D-13	10'	5'	Yes	Fence 6'
Commercial or Indoor Industrial or Outdoor Industrial to Residential Property Line Option	D-24 D-24 D-24	5' 5' 10'	Easement Easement Easement	No No No	Wall 6' Wall 6' Wall 8'

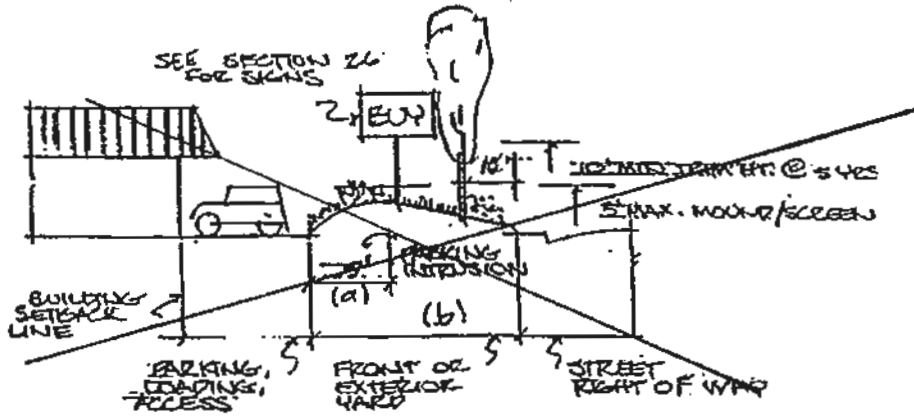
Fence = Sight obscuring fence

Wall = Sound obscuring wall, of attractive materials as provided in Section 23.034 (6)

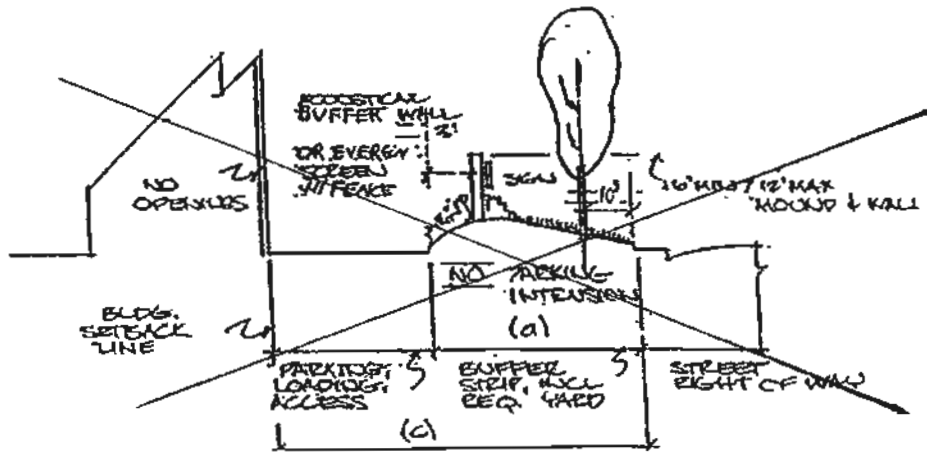
* Building Setback Line measured from street right-of-way.

** Windows and person doors for customer entrances are permitted into office areas, lobbies, and similar areas that do not contain noise or odor producing equipment, materials, or machinery, provided sound standards of Section 24.170 are met. Overhead doors and other openings are prohibited.

Type D-1 Concept Sketch
Commercial Buffering at Street



Type D-2 Concept Sketch
Industrial Buffering at Street



Section 23.035 (Continued)

(4) Landscaping Adjacent to Building. Development subject to the commercial design standards of Article 20 shall comply with the provisions of this Subsection. See Figure 23-3.

(a) Where a building face does not abut a landscaped yard or public sidewalk, landscape beds or planters at least 5 feet deep shall be incorporated adjacent to the building. If a concrete sidewalk with a minimum depth of 10 feet is present adjacent to the building, the landscape beds or planters may be located within the sidewalk area.

(b) The landscape beds or planters required in Subsection (a):

(i) shall be present along at least 30 percent of the building face when a sidewalk is present, or

(ii) along the full building face when a sidewalk is not present, except at points where pedestrian or vehicular access is present, such as a door or a loading dock.

(iii) are not required along the building face of a service corridor, service drive, or service courtyard that meets the requirements of Article 20.

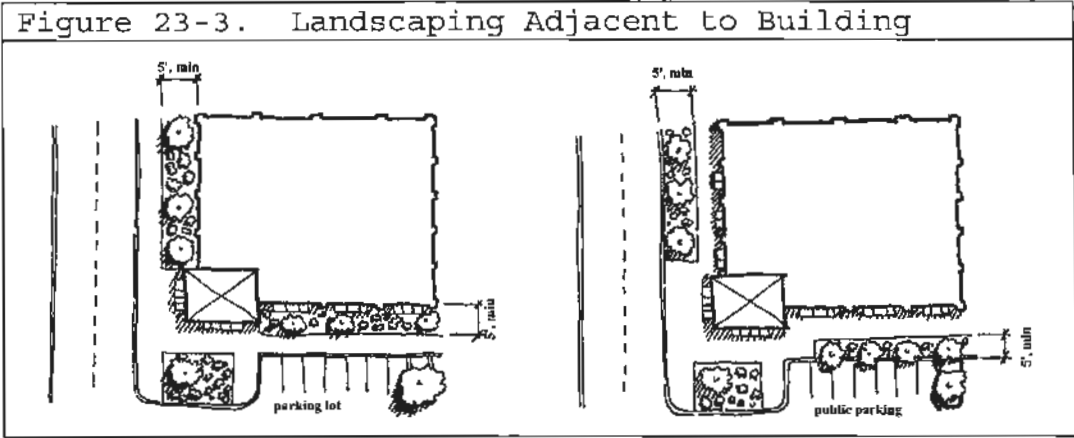
(c) Landscape planters between parking spaces or at the end of a parking row do not count as part of the landscape bed or planter required by this Section.

(d) Minimum landscape requirements per 1000 square feet of required planter, or any portion thereof, shall be the following:

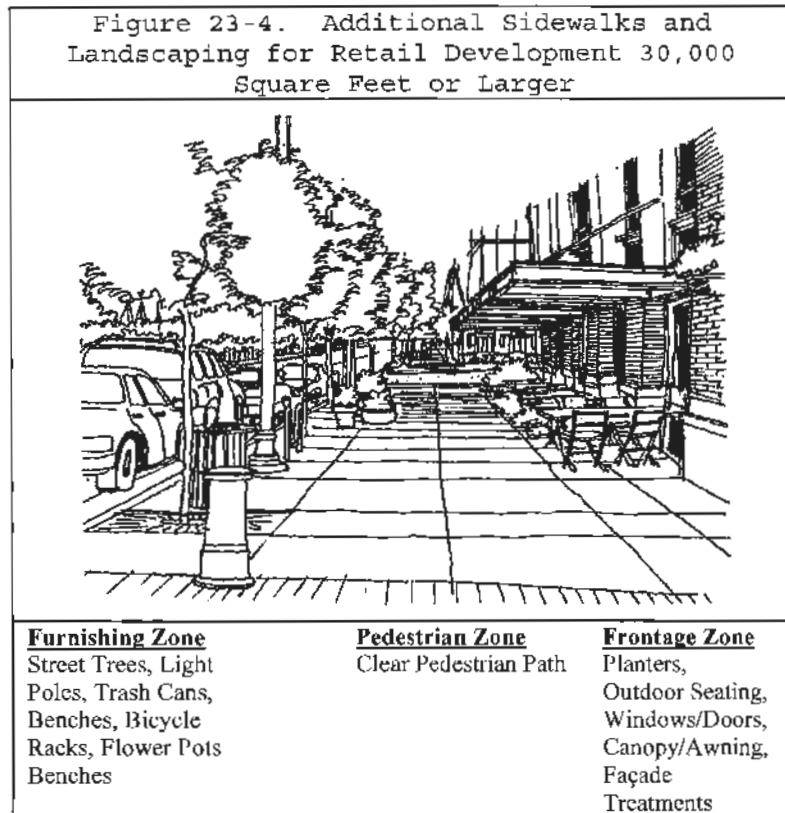
(i) Ten five-gallon and twenty one-gallon shrubs or accent plants.

(ii) Remaining area treated with attractive living ground-cover, as defined in Article

30. Coverage with shrubs and living ground-cover shall be at least 50% upon installation and 100% after 2 years.



(e) ~~Additional Landscaping and Sidewalks for Retail Development 30,000 Square Feet or Larger.~~ In addition to the above requirements, any retail building 30,000 square feet or larger subject to this section shall provide all of the following along the façade. See Figure 23-4.



23.037 Fencing

(1) Fences in residential zones shall be subject to the following:

- (a) ¹⁰Maximum height within required front and exterior yards: 3 4 feet (except decorative arbors, gates and similar features). However, a A fence up to 4.5 feet in height may be placed a minimum of five feet from the front or exterior side/rear property line.
(See Figure 23-8)
- (b) Maximum height within required exterior yard: 6 feet with a 3 ft. setback from exterior property line. Three foot setback area must be maintained with trees, shrubs or living ground-cover.
- (c) The use of barbed wire or razor fences are prohibited in the residential zones.
- (d) Maximum height within required interior yards: 6 feet (See Figure 23-9)
- (e) Requirements for fencing in all zones shall also apply. See Section 23.037(4)

Figure 23-8. Fence Profile

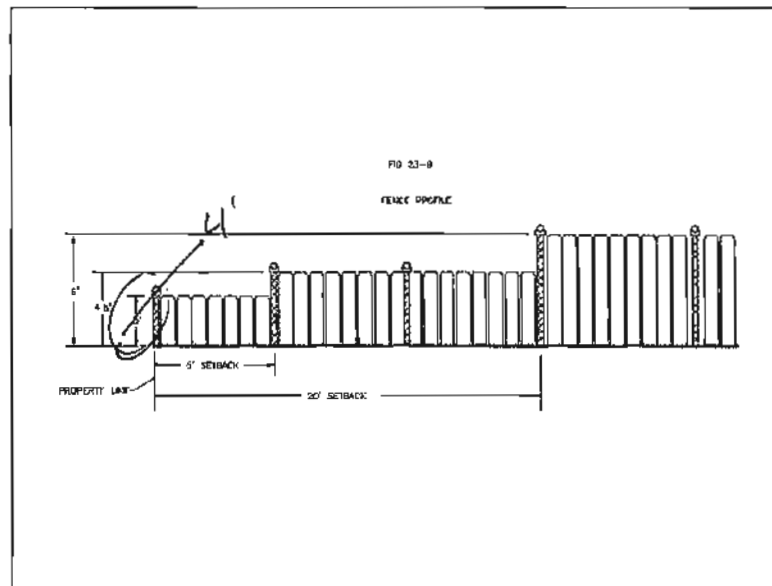
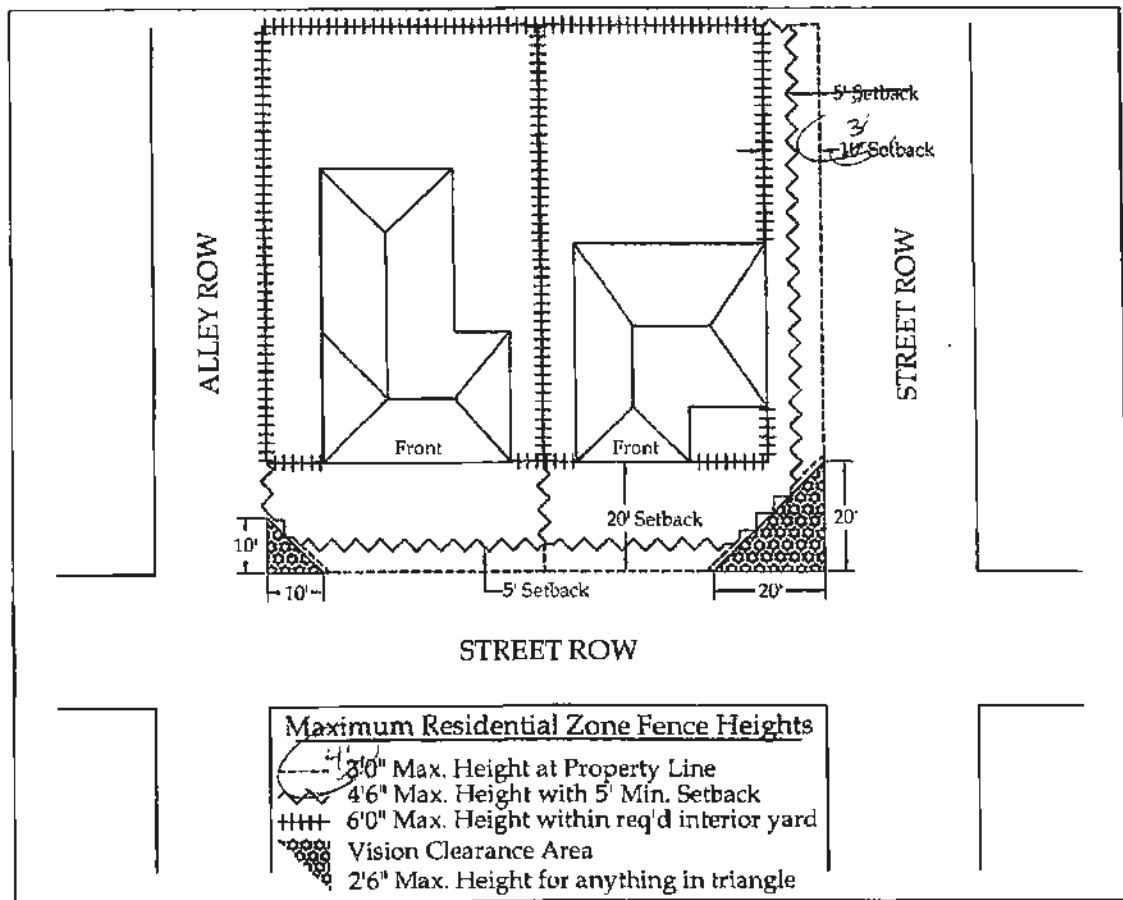


Figure 23-9. Residential Zone Fencing Requirements



NOTE: Property owners are strongly encouraged to hire a licensed surveyor to locate property lines prior to the construction of a fence.

ⁱ Revised 10-20-94

ⁱⁱ Revised 5-30-97

URBAN AREA PLANNING COMMISSION
MEETING MINUTES
September 10, 2014 – 6:00 P.M.
Council Chambers

1. ROLL CALL:

The Urban Area Planning Commission met in regular session on the above date with Chair Gerard Fitzgerald presiding. Commissioners Thomas Regan, Lois MacMillan (arrived late), Loree Arthur, Blair McIntire, David Kellenbeck, and Dan McVay were present. Vice Chair Jim Coulter was absent. Also present and representing the City was Assistant Parks & Community Development (PCD) Director Lora Glover and City Council Liaison Rick Riker.

2. ITEMS FROM THE PUBLIC: None

3. CONSENT AGENDA:

- a. **MINUTES:** August 13, 2014
- b. **FINDINGS OF FACT:** None

MOTION/VOTE

Commissioner Regan moved and Commissioner McIntire seconded to approve the minutes from August 13, 2014 as submitted. The vote resulted as follows: “AYES”: Chair Fitzgerald and Commissioners Arthur, Kellenbeck, McIntire, Regan, MacMillan, and McVay. **“NAYS”:** None. **Abstain:** None. **Absent:** Vice Chair Coulter. **The motion passed.**

4. PUBLIC HEARINGS:

- a. **14-40500006 – Article 27 – Access/Block Length/Perimeter Block Length – Text Amendment**

Chair Fitzgerald stated, we will begin the hearing with a staff report followed by public comment and then after that the matter will be discussed and acted upon by the Commission. Is there anyone present who wishes to challenge the authority of the Commission to consider this

problem with the way...I like it to be flexible except when it is absolutely black and white and the applicant is not in control. For us to then say to them you need to go through a process in order to obtain a variance for that block length that you could not possibly in God's green earth ever obtain, but you have to go through it anyway. I think that is wrong because you expose the project to an appeal that otherwise would not have been needed. The appeal process is there simply by the fact that we required them to go through a variance.

Councilor Riker asked, can't staff inform the applicant of that rather than actually put it in the ordinance?

Chair Fitzgerald stated, no I think that we need to clean it up. We need to address those things that we are loaded with and stop having 10 or 15 variances for the same thing.

b. 14-40500005 – Article 23 – Landscape and Buffer – Text Amendment

Chair Fitzgerald stated, we will begin the hearing with a staff report followed by public comment and then after that the matter will be discussed and acted upon by the Commission. Is there anyone present who wishes to challenge the authority of the Commission to consider this matter? Seeing none do any Commissioners wish to abstain from participating in this hearing or declare a potential conflict of interest? Seeing none in this hearing the decision of the Commission will be based on specific criteria. All testimony and evidence must be directed toward those criteria. The criteria which apply in this case are noted in the staff report. It is important to remember if you fail to raise an issue with enough detail to afford the Commission and the parties an opportunity to respond to the issue you'll not be able to appeal to the Land Use Board of Appeals based on that issue. We will now hear the staff report.

Assistant PCD Director Glover stated, this amendment is focusing on where a lot of the rest of our variances come from. We have dealt with the zone buffer setbacks, sidewalks, the extended sidewalks for commercial buildings, and then just because we have been in the same article we are doing some text amendment changes on residential fence heights. The proposal is to reduce or eliminate zone buffers for like uses. For example, general commercial allows for residential development. It could be butting up against an R4, R3, and R2 which has the same residential development next door but it is required to do the zone buffer setbacks and additional landscaping. Under those situations, for a like use, we would eliminate the zone

buffer requirements. Also, Council is very interested in allowing right-of-way distance to qualify for zone buffer building set-backs. We've had residential development that was across Redwood Highway from general commercial zoning and the general commercial property was subject to the zone set-backs which was very cumbersome for that development when you had a 50 foot or so right-of-way distance separating you from those two zones. One of the City Councilors is also interested in properties along N Street. We've got industrial along one side and residential on the other with a 50-60 foot right-of-way. They felt that was adequate buffer set-backs. They would still require they have front yard landscaping. The code amendment also requires that for industrial uses they have their office face on the street and mechanical or loading doors on the side or rear of the building so that a house across the street would not have to look straight onto a loading dock.

The next amendment would be to clarify when the 16 foot sidewalks are required on retail buildings, not all commercial buildings. We had conflicting language in the development code. At one point it refers to all commercial buildings over 30,000 square feet would require that 16 foot sidewalk and yet the figure underneath of it as an example was clearly a retail building. The last time we dealt with this was the Mid-Rogue professional building that is going to be off of Hillcrest and 7th Street. Downtown we often have sidewalk displays and we have sidewalk cafés so that extra pedestrian access along the sidewalk is vital but it is not necessary maybe for just a commercial office building.

The remaining amendments in this section are related to fencing and residential zones. We prohibit barbed wire or razor fencing in commercial industrial zones on the street frontage but we do not say anything about barbed wire or razor fencing in the residential zones so we are proposing that we prohibit razor and barbed wire in residential zones. We are proposing that we increase the fences on the front yard property line to four feet. They are currently three feet in height. Four feet would provide a little more protection for the property owners or maybe even the pedestrians going by if there is a dog in the front yard or child in the front yard. It is a little bit more security that way. The final section that is proposed to be amended is allowing a six foot exterior or rear yard fence within three feet of the property line provided that they do provide a landscape strip on the street side of that three feet. This will help with some of the developments that have double frontage. A lot of times there is a very small, narrow, side yard or rear yard and they are not allowed to enjoy that backyard. The fence would give them a little privacy and a little landscaping. We see some of that in the Redwood area on Redwood

Avenue. The property owners there are limited to a three foot fence in the backyard. It seems invasive even for me driving down and driving past. They cannot really have their children play in the backyard because balls are easily going to fly over the fence. With that we allow them to go up to six feet and then have a landscape strip between the sidewalk or the street frontage and their fence. That is the list of proposed amendments for Article 23.

Chair Fitzgerald asked, any questions for Lora?

Commissioner Arthur asked, on the heights, how would that affect that one where we made them cut off their fence out there on Redwood Avenue?

Assistant PCD Director Glover stated, that was before I worked here so I do not have the history on that. I think that was probably an error on staff's part because for arterials and state highways they could qualify for a six foot fence on their street frontage for noise reduction. Lincoln Road is another example. There is a section in Article 24 under Environmental Standards that does allow for a sound barrier fence on those major streets. We did one of those for Lower River Road, Westlake Village. It was the same thing. They came back and they did a sound study with their consultant to show that the road noise exceeded the residential standards and they were allowed to build a six foot fence. Redwood Avenue would qualify for that and Williams Highway and there are a number of those arterials and state highway streets that would qualify for that higher fence. With this amendment they would not have to go through the sound study and the expense of the consultant.

Commissioner Kellenbeck stated, I am looking at the recommendation and I am not seeing where the 16 foot is located. On page 15 is the discussion and says that you would increase the retail space of 30,000 square feet or more but where does it say 16 feet? It is supposed to be in Figure 23.4?

Chair Fitzgerald stated, Figure 23.4 was the one that is used for the retail which depicts, of course, 6th Street and the reason for it. But (inaudible) call for the 16 feet in that. These are the changes?

Commissioner Kellenbeck stated, I am just looking to see if there is another part of the code that needs to be –

Assistant PCD Director Glover stated, I will double check to make sure that I included the right section. I did grab that figure but I will go back through and make sure I grabbed the right section and reference it if I do need to make that correction in the staff report. Thank you.

Commissioner Arthur stated, there was one case on a punch through off of Hawthorne where the people had to cut off their laundry room off their house to meet the landscaping setback. It was right next to the ball bearing place. Remember they cut the road through and built four houses in between. They had to cut off part of their house. Is there anything in here that would change that particular situation?

Assistant PCD Director Glover asked, was it a zone buffer setback or was that just a standard set back for landscaping requirements in the front yard?

Chair Fitzgerald asked, it was for the access road wasn't it?

Commissioner Arthur stated, [inaudible-off mic] landscape portion –

Assistant PCD Director Glover stated, the new street was established through that development then they have to meet the setbacks from the street. I am assuming they may have had a front yard setback or a ten foot side yard so this would not alleviate that standard being met for the development. They would have to conform to the new set back. This would not eliminate that.

Commissioner Arthur asked, (inaudible) the side yard because the road was going by even though this shows an ally with it?

Chair Fitzgerald stated, they created a new road up there. Thomas Sunday did that deal and he put a road in and when that happened he had a new road and they had new frontage and you have to deal with it.

Assistant PCD Director Glover stated, we have had that happen with carports and garages and sheds sometimes having to be removed or relocated. This would not change that situation.

Chair Fitzgerald stated, I have a question. I noticed there is a lot of use of plantings and irrigation. When I did Gilbert Park Center one of the issues we had of making LEED certification was all about irrigation water and plantings. It just kills you. It absolutely kills you. That is why it has no grass on it. I came back to Jim and we changed the development code so we could take out the requirement for grass because the grass and the irrigation to keep it alive we could not make certification on LEED because of that one issue. This is just a comment. Now that we're going to change something we should look at these in the light of water. Allow some drought tolerant plants and other things to be put in there where you can establish the irrigation for it until the plant is situated and then you can shut it down.

Assistant PCD Director Glover stated, we are not doing a complete rewrite now of Article 23. That is part of our overall code amendment package. Right now we are fixing the problems that are glaring us in the face. This will not be the last time you see Article 23 or our landscaping requirements. We will be looking those over again. Who would like to try some more xeriscaping type of landscaping requirements instead of getting away from the 100% green coverage. You are probably going to get tired of these amendments but we're fixing the big problems right now.

Commissioner Arthur stated, we have also had problems, and I thought it was fixed but I do not know exactly where, of people who assumed that the edge of the sidewalk was their property line and there was no survey required and things went haywire. Then at some point I think something was put in about when a survey, or not necessarily a survey right then, but when some kind of proof be provided of where the property line actually was. I can see it being an ongoing problem for those front fences.

Chair Fitzgerald stated, we ran into it in town up here, I believe, wasn't it the one who was redoing it and we ended up saying they had to get a survey because we could not determine where the line was. I do not know if you were here then Lora. It was in the 90s. But we did have a problem with the fact that nobody knew exactly where the line was and they were just guessing.

Commissioner Arthur stated, the one with Willow they found out their house was on the neighbor's property when they actually –

Assistant PCD Director Glover stated, it is not uncommon. If we are issuing a building permit and it is not clear where the property line is it is the property owner's responsibility to provide a survey. It comes more into the building code but we have not required that language in the development code.

Commissioner Arthur stated, I would feel more comfortable with the fencing thing if there was something in there that said "proven property line" or something that –

Chair Fitzgerald stated, that would be a hardship in some places.

Commissioner Arthur stated, we have had several issues and I am trying to think of what the one was where they had a long fence that went around the cul-de-sac or something and there was a big issue on whether that was the front or side yard.

Chair Fitzgerald asked, wouldn't most of those get caught in the building permit process?

Assistant PCD Director Glover stated, they do not need building permits unless they are exceeding six feet. We are just talking about fencing generally unless there is somebody that is putting in a wrought iron fence that is very expensive. We deal with those issues as they come because I am not in the position to start requiring a fence permit on every single fence.

Chair Fitzgerald stated, the other thing is the survey being connected with the fence that will certainly create a problem. I don't know how you do that. I guess if it looks suspicious the staff will say are you sure.

Assistant PCD Director Glover stated, sometimes when the building officials are on inspections out in the neighborhood they will notice unusual things. They usually try to approach the property owners at that point or if we have a vision clearance problem that gets brought to the attention of Public Safety. We've had to have a couple of those removed.

Chair Fitzgerald asked, I think it would be an undue hardship to require every fence to be documented by a survey, wouldn't you?

Commissioner Arthur stated, (inaudible) anything on the industrial front exterior yards and so on and the required landscaping. Is there anywhere where enforcement is addressed? Because my favorite one is, and maybe it will be taken care of now that DHS is going to be there, but all those years that facility up there where the RV place was, the Morrison property. They never even slightly met the landscape code.

Assistant PCD Director Glover stated, when that property does redevelop they will be meeting current landscaping requirements. I expect to have site plan in on that October 1st.

MOTION/VOTE

Commissioner Regan moved and Commissioner Kellenbeck seconded to recommend approval of the Article 23 text amendment as presented. The vote resulted as follows: "AYES": Chair Fitzgerald and Commissioners MacMillan, Arthur, Kellenbeck, McIntire, Regan, and McVay. "NAYS": None. Abstain: None. Absent: Vice Chair Coulter.

The motion passed.

5. CITIZEN INVOLVEMENT COMMITTEE: None

a. Items from the Public

6. ITEMS FROM STAFF:

Assistant PCD Director Glover stated, we have a full schedule coming toward you. Loree did you receive the email? We'll be starting that, with reference to the family amendment code, that will go into the stack this coming week so you will be seeing that in about 45-50 days –

Commissioner Arthur stated, (inaudible) I think it is pretty well covered if you caught all the references.

Assistant PCD Director Glover stated, yes and I think if you'll notice the little paragraph on the top about how many references there were to the code. As we come through I'll do another search just to make sure but –

Commissioner Arthur asked, is this only development code or is there anything in the municipal code that would conflict?

Assistant PCD Director Glover stated, the municipal code should not be addressing family issues, but we can double check and that would be a little easier and faster amendment than going through the development code. September 24th we have two applications. They are running together. The industrial use amendment so we are eliminating assembly-type uses out of the industrial zone and taking those back out – religious assembly, RV parks, libraries are coming back out of the industrial use. Then, we will also be establishing the regionally significant industrial area for the Spalding Park. That is part of the state recognition and will help to qualify for grants or funding later on to bring utilities in (inaudible) the undeveloped part of Spalding.

October 8th will be the UGB amendments coming forward. We are very excited about that. We are tentatively scheduling a joint meeting for the Board and the City Council on November 5th. We are anticipating the October 8th and then the following meeting if it is continued for you so we'll be busy in October with those two items. I think there are a couple other items on the agenda also. Then, November 5th for the City Council and Board of County Commissioners and if they have a continuance then that would go into December. We were starting to run into problems with the Board's schedule and then the holidays coming in with Thanksgiving. I'm sorry, November 12th is a back-up for the City Council and the Board so the Planning Commission would not have a hearing on November 12th depending on if something comes in. I forgot we changed that last minute because of the Board's schedule. So the 5th and then if they need a second meeting the 12th which would be bumping the Planning Commission out. We won't schedule anything for November 12th for you. We probably will not have –

Commissioner Arthur asked, that is Council only, what about the Commission?

Assistant PCD Director Glover stated, it is a joint meeting for the two bodies, the City Council and Board of County Commissioners will meet together. We will not have any meeting for the Planning Commission in November. The second meeting would be the evening before Thanksgiving so I would just imagine I'd have a hard time getting a quorum that night so we will have no meetings in November for the Planning Commission.

Chair Fitzgerald asked, the 26th was a scheduled meeting wasn't it?

Assistant PCD Director Glover stated, it is the evening before Thanksgiving. We have a lot of people out of town.

Chair Fitzgerald stated, I got a date for that one that says that is the date they were going to do it because there is nothing in there that says it is not planned.

Assistant PCD Director Glover stated, Mr. Sherry and I talked about a different date.

Chair Fitzgerald asked, what date did you come up with?

Assistant PCD Director Glover stated, it was a little sooner than that one so if we have to schedule something special then we will. Maybe we'll pick a different night if that application comes through.

Chair Fitzgerald stated, I just heard about that today so I thought you might want to know. The 26th looks like the date target.

Assistant PCD Director Glover stated, we wouldn't schedule that. It is too hard. We traditionally do not have a Planning Commission meeting on the eve before Thanksgiving. With your schedules if we have an application come through in November I don't know if you have an alternate night that would work say a Monday or a Tuesday or Thursday we can pull if we have this application need to get through. Once something comes through we have to start working with our 120 days. I would not ask you to come in on the eve before Thanksgiving.

Commissioner Arthur asked, has the Board of County Commissioners done anything at all that we don't know about on the UGB since the last meeting?

Chair Fitzgerald stated, yes there has been changes.

Assistant PCD Director Glover stated, just agreeing to move forward. We'll have the packets out to you soon and Tom is working on those now.

Chair Fitzgerald stated, I don't think it is all over yet.

7. ITEMS FROM COMMISSIONERS:

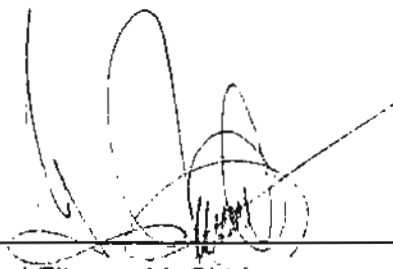
Commissioner MacMillan stated, [off mic] I do have something but it is about animals so I don't think (inaudible) so I'll talk to you after (inaudible).

Assistant PCD Director Glover stated, we do cover some agricultural type of uses in the development code so we have a couple clarifications/definitions that we'll be working on. We can talk when we are done here.

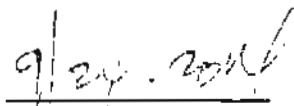
Commissioner Arthur asked, are we clearing up the discrepancies between the municipal code and the...they definitely disagree.

8. ADJOURNMENT:

Chair Fitzgerald adjourned the meeting at 6:55 P.M.



Gerard Fitzgerald, Chair
Urban Area Planning Commission



Date

These minutes were prepared by contracted minute taker, Becca Quimby.

**ARTICLE 23 ~ ZONE BUFFER
RETAIL BUILDING SIDEWALKS
FENCE HEIGHTS TEXT AMENDMENT**

- Urban Area Planning Commission
- Wednesday, September 10, 2014
- File: 14-40500005
- Type IV: City Council Decision (UAPC Recommendation)
- Applicant: Parks & Community Development Director
- Planner: Lora Glover

Recommendation

- Staff recommends the Planning Commission **RECOMMEND APPROVAL** to the City Council of the proposed code amendment.

The Council of the City of Grants Pass met in regular session on the above date with Mayor Fowler presiding. The following Councilors were present: DeYoung, Gatlin, Goodwin, Hannum, Riker, Webber, and Williams. Also present and representing the City were City Manager Cubic, Assistant City Manager Reeves, Finance Director Meredith, Interim Public Safety Director Landis, Parks and Interim Community Development Director Glover, Public Works Superintendent Canady, Human Resource Director Lange, and City Recorder Frerk. Absent: Councilor Morgan.

Mayor Fowler opened the meeting and Councilor Gatlin led the invocation followed by the Pledge of Allegiance.

1. PUBLIC COMMENT:

2. PUBLIC HEARING:

- a. Resolution selling a portion of a City owned tax lot (formerly part of Croxton Memorial Park) off NE Memorial Drive.

RESOLUTION NO. 14-6248

It was moved by Councilor DeYoung and seconded by Councilor Williams that Resolution No. 14-6248 be adopted as amended with proceeds received to be dedicated to Croxton Park improvements and the vote resulted as follows: "AYES": DeYoung, Gatlin, Hannum, and Williams. "NAYS": Goodwin and Webber. Abstain: Riker. Absent: Morgan. The resolution is adopted.

3. CONSENT AGENDA:

- a. Resolution establishing the performance evaluation criteria and evaluation schedule for the City Manager.

RESOLUTION NO. 14-6249

It was moved by Councilor DeYoung and seconded by Councilor Goodwin that Resolution No. 14-6249 be adopted and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The resolution is adopted.

- b. Resolution authorizing the City Manager to enter into a contract for the "J" street (Alder to Judson St.) Water Main Replacement; Project No. WA6253.

RESOLUTION NO. 14-6250

It was moved by Councilor DeYoung and seconded by Councilor Goodwin that Resolution No. 14-6250 be adopted and the vote resulted as follows: "AYES":

DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The resolution is adopted.

- c. Resolution authorizing the City Manager to enter into a contract for the "K" and "L" (Oak to Pine Street) Sanitary Sewer Replacement Project; Project No. SE6064.)

RESOLUTION NO. 14-6251

It was moved by Councilor DeYoung and seconded by Councilor Goodwin that Resolution No. 14-6251 be adopted and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The resolution is adopted.

- d. Resolution authorizing the City Manager to close certain streets for the running of the Grants Pass Half Marathon, 10k, 5k and kids run.

RESOLUTION NO. 14-6252

It was moved by Councilor DeYoung and seconded by Councilor Goodwin that Resolution No. 14-6252 be adopted and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The resolution is adopted.

- e. Resolution authorizing the City Manager to execute Task Order No. 24 with Murray, Smith & Associates, Inc. for Water Treatment Plant Pilot Testing.

RESOLUTION NO. 14-6253

It was moved by Councilor DeYoung and seconded by Councilor Goodwin that Resolution No. 14-6253 be adopted and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The resolution is adopted.

- f. Resolution authorizing the City Manager to implement new salary schedules for non-bargaining employees.

RESOLUTION NO. 14-6254

It was moved by Councilor DeYoung and seconded by Councilor Goodwin that Resolution No. 14-6254 be adopted and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The resolution is adopted.

- g. Motion acknowledging the receipt of the Monthly and Quarterly Financial Reports for quarter ended June 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Goodwin to acknowledge the receipt of the Monthly and Quarterly Financial Reports for quarter ended June 2014 and the votes resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The motion has passed.

- h. Motion approving the minutes of the City Council meeting of October 1, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Goodwin to Approve the minutes of the City Council meeting of October 1, 2014 and the votes resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The motion has passed.

- i. Motion acknowledging the minutes of the Committee on Public Art meeting of June 10, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Goodwin to acknowledge the minutes of the Committee on Public Art meeting of June 10, 2014 and the votes resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The motion has passed.

- j. Motion acknowledging the minutes of the Committee on Public Art meeting of July 8, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Goodwin to acknowledge the minutes of the Committee on Public Art meeting of July 8, 2014 and the votes resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The motion has passed.

- k. Motion acknowledging the minutes of the Committee on Public Art meeting of August 12, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Goodwin to acknowledge the minutes of the Committee on Public Art meeting of August 12, 2014 and the votes resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The motion has passed.

- l. Motion acknowledging the minutes of the Tourism Advisory Committee meeting of July 8, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Goodwin to acknowledge the minutes of the Tourism Advisory Committee meeting of July 8, 2014 and the votes resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The motion has passed.

- m. Motion acknowledging the minutes of the Tourism Advisory Committee meeting of July 15, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Goodwin to acknowledge the minutes of the Tourism Advisory Committee meeting of July 15, 2014 and the votes resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The motion has passed.

- n. Motion acknowledging the minutes of the Tourism Advisory Committee meeting of August 19, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Goodwin to acknowledge the minutes of the Tourism Advisory Committee meeting of August 19, 2014 and the votes resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The motion has passed.

- o. Motion acknowledging the minutes of the Bikeways and Walkways Committee meeting of June 10, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Goodwin to acknowledge the minutes of the Bikeways and Walkways Committee meeting of June 10, 2014 and the votes resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The motion has passed.

- p. Motion acknowledging the minutes of the Bikeways and Walkways Committee meeting of August 12, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Goodwin to acknowledge the minutes of the Bikeways and Walkways Committee meeting of August 12, 2014 and the votes resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The motion has passed.

- q. Motion acknowledging the minutes of the Parks Advisory Board meeting of August 21, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Goodwin to acknowledge the minutes of the Parks Advisory Board meeting of August 21, 2014 and the votes resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The motion has passed.

- r. Motion acknowledging the minutes of the Urban Tree Advisory Committee meeting of May 12, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Goodwin to acknowledge the minutes of the Urban Tree Advisory Committee meeting of May 12, 2014 and the votes resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The motion has passed.

- s. Motion acknowledging the minutes of the Urban Tree Advisory Committee meeting of August 11, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Goodwin to acknowledge the minutes of the Urban Tree Advisory Committee meeting of August 11, 2014 and the votes resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The motion has passed.

- t. Motion acknowledging the minutes of the Urban Area Planning Commission meeting of August 13, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Goodwin to acknowledge the minutes of the Urban Area Planning Commission meeting of August 13, 2014 and the votes resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The motion has passed.

- u. Motion acknowledging the minutes of the Urban Area Planning Commission meeting of September 10, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Goodwin to acknowledge the minutes of the Urban Area Planning Commission meeting of September 10, 2014 and the votes resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The motion has passed.

- v. Motion acknowledging the minutes of the PAVE Committee meeting of August 28, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Goodwin to acknowledge the minutes of the PAVE Committee meeting of August 28, 2014 and the votes resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The motion has passed.

- w. Motion acknowledging the minutes of the PAVE Committee meeting of September 4, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Goodwin to acknowledge the minutes of the PAVE Committee meeting of September 4, 2014 and the votes resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker and Webber. "NAYS": Williams. Abstain: None. Absent: Morgan. The motion has passed.

4. COUNCIL ACTION:

- a. Ordinance amending the City of Grants Pass Municipal Code Title 6, Uniform Traffic Code and declaring an emergency.

ORDINANCE NO. 14-5623

Councilor Riker moved that the ordinance be read for the first reading, title only. The motion was seconded by Councilor Hannum. The voted resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Morgan. The motion passed. The ordinance is read.

Councilor Gatlin moved that the ordinance be read by title only, second reading. The motion was seconded by Councilor Riker. The vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Morgan. The motion passed. The ordinance is read.

Councilor Riker moved that the ordinance be adopted. The motion was seconded by Councilor Gatlin. Mayor Fowler asked if the ordinance should be adopted, signified by roll call vote as follows: DeYoung – yes, Gatlin – yes, Goodwin – yes, Hannum – yes, Riker – yes, Webber – yes, Williams – yes, Morgan – absent. The ordinance is adopted.

- b. Ordinance amending Grants Pass Municipal Code, Chapter 6, Section 6.03.500 ~ Parking Oversized Vehicles.

ORDINANCE NO. 14-5624

Councilor Webber made a motion that the ordinance be amended to remove Hillcrest Avenue between Hillcrest Drive and Morgan Avenue. The motion was seconded by Councilor Riker. Councilor DeYoung made a motion that the ordinance be amended as well by adding Washington Avenue from Hillcrest to Morgan Lane. The motion was seconded by Councilor Riker. The voted resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Morgan. The motion passed.

Councilor Gatlin moved that the ordinance be read for the first reading, title only as amended. The motion was seconded by Councilor Riker. The voted resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Morgan. The motion passed. The ordinance is read.

Councilor Riker moved that the ordinance be read by title only, second reading.

The motion was seconded by Councilor Hannum. The vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Morgan. The motion passed. The ordinance is read.

Councilor Gatlin moved that the ordinance be adopted as amended. The motion was seconded by Councilor Hannum. Mayor Fowler asked if the ordinance should be adopted, signified by roll call vote as follows: DeYoung – yes, Gatlin – yes, Goodwin – yes, Hannum – yes, Riker – yes, Webber – yes, Williams – yes, Morgan – absent. The ordinance is adopted.

5. MATTERS FROM MAYOR, COUNCIL AND STAFF:

- a. Appoint two members to the Urban Tree Advisory Committee.

MOTION

It was moved by Councilor Riker and seconded by Councilor Hannum to appoint Clifford Ostermeier and Bill Reinert to the Urban Tree Advisory Commission and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Morgan. The motion passed.

- b. Appoint one member to the Parks Advisory Board.

MOTION

It was moved by Councilor Riker and seconded by Councilor Hannum to appoint Marian Szewc to the Parks Advisory Board and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Morgan. The motion passed.

- c. Appoint two members to the PAVE Committee.

MOTION

It was moved by Councilor Riker and seconded by Councilor Hannum to appoint Layne Lange and Paul Mitchell to the PAVE Committee and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Morgan. The motion passed.

Councilor Morgan arrived at 7:50pm.

6. EXECUTIVE SESSION: (e) Real property transactions-negotiations, and (h) With city attorney re: rights/duties, current-likely litigation (news media not allowed without specific permission)

MOTION

It was moved by Councilor Morgan and seconded by Councilor Hannum to enter into executive session and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: None. The motion passed.

MOTION

It was moved by Councilor Webber and seconded by Councilor Morgan to leave executive session and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: None. The motion passed.

7. ADJOURN:

There being no further business to come before the Council, Mayor Fowler adjourned the meeting at 8:28 p.m.

The ordinances, resolutions and motions contained herein and the accompanying votes have been verified by:

City Recorder

The Council of the City of Grants Pass met in regular session on the above date with Mayor Fowler presiding. The following Councilors were present: DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker, and Webber. Also present and representing the City were City Manager Cubic, Assistant City Manager Reeves, City Attorney Bartholomew, Finance Director Meredith, Interim Public Safety Director Landis, Parks and Community Development Assistant Director Glover, Public Works Director Haugen, Human Resource Director Lange, and City Recorder Frerk. Absent: Councilor Williams.

Mayor Fowler opened the meeting and Councilor Webber then led the invocation followed by the Pledge of Allegiance.

City Recorder Frerk swore in Don Hendricks and Ward Warren to the Historic Building and Sites Commission.

Presentation: Project of the Year Award.

1. PUBLIC COMMENT:

2. PUBLIC HEARING:

- a. Ordinance amending the Landscape and Buffer Requirements, Article 23 of the Development Code.

ORDINANCE NO. 14-5626

Councilor Morgan moved that the ordinance be read for the first reading, title only. The motion was seconded by Councilor Gatlin. The vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The motion passed. The ordinance is read.

Councilor Riker moved that the ordinance be read by title only, second reading. The motion was seconded by Councilor Morgan. The vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The motion passed. The ordinance is read.

Councilor Gatlin moved that the ordinance be adopted. The motion was seconded by Councilor Riker. Mayor Fowler asked if the ordinance should be adopted, signified by roll call vote as follows: DeYoung - yes, Gatlin - yes, Goodwin - yes, Hannum - yes, Morgan - yes, Riker - yes, Webber - yes, and Williams - absent. The ordinance is adopted.

- b. Ordinance amending the Block Length and Perimeter Block Length Requirements, Article 27 of the Development Code.

ORDINANCE NO. 14-5627

Councilor Morgan moved that the ordinance be read for the first reading, title only. The motion was seconded by Councilor Gatlin. The vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The motion passed. The ordinance is read.

Councilor Riker moved that the ordinance be read by title only, second reading. The motion was seconded by Councilor Morgan. The vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The motion passed. The ordinance is read.

Councilor Gatlin moved that the ordinance be adopted. The motion was seconded by Councilor Riker. Mayor Fowler asked if the ordinance should be adopted, signified by roll call vote as follows: DeYoung - yes, Gatlin - yes, Goodwin - yes, Hannum - yes, Morgan - yes, Riker - yes, Webber - yes, and Williams - absent. The ordinance is adopted.

- c. Ordinance vacating the temporary cul-de-sac bulb on Liberty Drive adjacent to TL 1539, Assessor's Map 36-05-30-AB.

ORDINANCE NO. 14-5628

Councilor Gatlin moved that the ordinance be read for the first reading, title only. The motion was seconded by Councilor Goodwin. The vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The motion passed. The ordinance is read.

Councilor Riker moved that the ordinance be read by title only, second reading. The motion was seconded by Councilor Hannum. The vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The motion passed. The ordinance is read.

Councilor Morgan moved that the ordinance be adopted. The motion was seconded by Councilor Riker. Mayor Fowler asked if the ordinance should be adopted, signified by roll call vote as follows: DeYoung - yes, Gatlin - yes, Goodwin - yes, Hannum - yes, Morgan - yes, Riker - yes, Webber - yes, and Williams - absent. The ordinance is adopted.

3. CONSENT AGENDA:

- a. Resolution authorizing the City Manager to submit an application for grant funding for community-wide brownfields assessment.

RESOLUTION NO. 14-6257

It was moved by Councilor DeYoung and seconded by Councilor Morgan that Resolution No. 14-6257 be adopted and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The resolution is adopted.

- b. Resolution authorizing the City Manager to execute Task Order No. 06 with Keller Associates, Inc. for Storm Water Master Plan Phase 5.

RESOLUTION NO. 14-6258

It was moved by Councilor DeYoung and seconded by Councilor Morgan that Resolution No. 14-6258 be adopted and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The resolution is adopted.

- c. Resolution to close SW Isham Street at the intersection of SW "G" Street and SW Booth Street; and a portion of the alley between Foundry and Isham Streets and Dimmick and Booth Streets.

RESOLUTION NO. 14-6259

It was moved by Councilor DeYoung and seconded by Councilor Morgan that Resolution No. 14-6259 be adopted and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The resolution is adopted.

- d. Resolution authorizing the City Manager to execute Task Order No. 25 with Murray, Smith & Associates, Inc. for Water Emergency Operations Plan Update.

RESOLUTION NO. 14-6260

It was moved by Councilor DeYoung and seconded by Councilor Morgan that Resolution No. 14-6260 be adopted and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The resolution is adopted.

- e. Resolution authorizing the City Manager to enter into an interagency agreement with ODOT for the reconstruction of Redwood Avenue Phase II.

RESOLUTION NO. 14-6261

It was moved by Councilor DeYoung and seconded by Councilor Morgan that Resolution No. 14-6261 be adopted and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The resolution is adopted.

- f. Motion acknowledging the receipt of the Monthly Financial Report for July and August 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Morgan to acknowledge the receipt of the Monthly Financial Report for July and August 2014 and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The motion passed.

- g. Motion approving the minutes of the City Council meeting of October 15, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Morgan to approve the minutes of the City Council meeting of October 15, 2014 and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The motion passed.

- h. Motion approving the minutes of the Special City Council meeting of October 20, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Morgan to approve the minutes of the Special City Council meeting of October 20, 2014 and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The motion passed.

- i. Motion approving the minutes of the City Council Quarterly Budget Workshop of October 9, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Morgan to approve the minutes of the City Council Quarterly Budget Workshop of October 9, 2014 and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The motion passed.

- j. Motion acknowledging the minutes of the Urban Tree Advisory Committee meeting of September 8, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Morgan to acknowledge the minutes of the Urban Tree Advisory Committee meeting of September 8, 2014 and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The motion passed.

- k. Motion acknowledging the minutes of the Bikeways and Walkways Committee meeting of September 9, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Morgan to acknowledge the minutes of the Bikeways and Walkways Committee meeting of September 9, 2014 and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The motion passed.

l. Motion acknowledging the minutes of the Parks Advisory Board meeting of September 18, 2014.

It was moved by Councilor DeYoung and seconded by Councilor Morgan to acknowledge the minutes of the Parks Advisory Board meeting of September 18, 2014 and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The motion passed.

m. Motion acknowledging the minutes of the Urban Area Planning Commission meeting of September 24, 2014.

It was moved by Councilor DeYoung and seconded by Councilor Morgan to acknowledge the minutes of the Urban Area Planning Commission meeting of September 24, 2014 and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The motion passed.

n. Motion acknowledging the minutes of the Urban Area Planning Commission meeting of October 8, 2014.

It was moved by Councilor DeYoung and seconded by Councilor Morgan to acknowledge the minutes of the Urban Area Planning Commission meeting of October 8, 2014 and the vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The motion passed.

4. COUNCIL ACTION:

a. Ordinance amending Grants Pass Municipal Code, Chapter 6, Section 6.03.500 ~ Parking Oversized Vehicles.

ORDINANCE NO. 14-5629

Councilor Riker moved that the ordinance be read for the first reading, title only. The motion was seconded by Councilor DeYoung. The vote resulted as follows: "AYES": DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. "NAYS": None. Abstain: None. Absent: Williams. The motion passed. The ordinance is read.

Councilor Gatlin moved that the ordinance be read by title only, second reading. The motion was seconded by Councilor DeYoung. The vote resulted as follows:

“AYES”: DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. “NAYS”: None. Abstain: None. Absent: Williams. The motion passed. The ordinance is read.

Councilor Gatlin moved that the ordinance be adopted. The motion was seconded by Councilor Riker. Mayor Fowler asked if the ordinance should be adopted, signified by roll call vote as follows: DeYoung - yes, Gatlin - yes, Goodwin - yes, Hannum – yes, Morgan – yes, Riker – yes, Webber – yes, and Williams – absent. The ordinance is adopted.

- b. Resolution awarding Chinook Brewing Company, LLC (509 SW 'G' Street) a building renovation loan in the amount of \$50,000.

RESOLUTION NO. 14-6262

It was moved by Councilor Webber and seconded by Councilor Gatlin that Resolution No. 14-6262 be adopted as amended and the vote resulted as follows: “AYES”: DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. “NAYS”: None. Abstain: None. Absent: Williams. The resolution is adopted.

- c. Resolution awarding Redwood Towers (306 NW 6th Street) a grant in the amount of \$50,000 for emergency egress and fire and life safety improvements.

RESOLUTION NO. 14-6263

It was moved by Councilor Morgan and seconded by Councilor Goodwin that Resolution No. 14-6263 be adopted and the vote resulted as follows: “AYES”: DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. “NAYS”: None. Abstain: None. Absent: Williams. The resolution is adopted.

- d. Resolution awarding G Street Bar & Grill (125 SE 'G' Street) a design grant in the amount of \$5,000.

RESOLUTION NO. 14-6264

It was moved by Councilor Riker and seconded by Councilor Hannum that Resolution No. 14-6264 be adopted and the vote resulted as follows: “AYES”: DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. “NAYS”: None. Abstain: None. Absent: Williams. The resolution is adopted.

- e. Resolution awarding Caveman Plaza Shopping Center, LLC (144 SW 'G' Street) a design grant in the amount of \$5,000.

RESOLUTION NO. 14-6265

It was moved by Councilor Morgan and seconded by Councilor DeYoung that Resolution No. 14-6265 be adopted and the vote resulted as follows: “AYES”: DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker and Webber. “NAYS”: None. Abstain: None. Absent: Williams. The resolution is adopted.

5. MATTERS FROM MAYOR, COUNCIL AND STAFF:

6. EXECUTIVE SESSION: None

7. ADJOURN:

There being no further business to come before the Council, Mayor Fowler adjourned the meeting at 8:16 p.m.

The ordinances, resolutions and motions contained herein and the accompanying votes have been verified by:

City Recorder

ORDINANCE NO.

AN ORDINANCE AMENDING ARTICLE 23 OF THE DEVELOPMENT CODE REGARDING LANDSCAPING AND BUFFER REQUIREMENTS

WHEREAS:

1. The Grants Pass and Urbanizing Area Comprehensive Community Development Plan was adopted December 15, 1982; and
2. The ordinance amends Article 23 regarding Landscaping and Buffering requirements; 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 amendment to Article 23 of the Development Code regarding Landscaping and Buffering requirements as set forth in Exhibit "A" is hereby adopted.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 5th day November, 2014, with the following specific roll call vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

SUBMITTED to and _____ by the Mayor of the City of Grants Pass, Oregon, this ____ day of November, 2014.

Darin Fowler, Mayor

ATTEST:

City Recorder

Date submitted to Mayor: _____

Approved as to Form, Mark Bartholomew, City Attorney _____

EXHIBIT C
ACE FOF

23.033 Type C: Outdoor Industrial Front and Exterior Yards

- ⁶(1) The following landscape standards shall apply to outdoor industrial uses in outdoor industrial zones; and to residential, commercial, and indoor industrial uses in outdoor industrial zones:
- (2) Required front and exterior yards shall be landscaped, and building setbacks shall be maintained, according to the Type C Concept Sketch and Schedule 23-3. Minimum landscape requirements per 1000 square feet of a required yard, or any portion thereof, shall be the following:
 - ⁶(a) Three trees at least ten feet in height and two inches in caliper measured three feet from the base. Select from street tree list, Section 23.076, and plant within 10 feet of the right-of-way as per Type C Concept Sketch. Trees shall be kept trimmed of branches up to 14' from base five years following planting.
 - (b) Fifteen five-gallon shrubs or accent plants.
 - (c) Remaining area treated with attractive living ground-cover, as defined in Article 30. Coverage with shrubs and living ground-cover shall be at least 50% upon installation and 80% after 3 years.
- (3) No vehicle parking or maneuvering shall be permitted within a required landscaped yard.
- (4) Approved plant materials installed in the area between the curb and the sidewalk may be used in meeting the landscaping requirements for front and exterior yards.
- (5) Outdoor Industrial development to Residential, Commercial or Indoor Development at street shall meet the following design features:
 - (a) Windows and person-doors for customer entrances are permitted into office areas, lobbies and similar areas that do not contain noise or odor producing equipment, materials, or machinery.
 - (b) Overhead doors and other openings are prohibited.

- (c) The development must comply with the sound standards of Section 24.170.

23.034 Type D: Buffering Between Zones or Conflicting Uses. Buffering shall be required between zones or conflicting uses on abutting properties.

- Commercial or Indoor Industrial to Residential
- Outdoor Industrial to Residential, Commercial or Indoor Industrial.

Exceptions to Zone Buffer requirements may be granted by the review body when adjoining or abutting properties are developed with similar uses.

The property owner of each proposed development is responsible for the installation and maintenance of required buffers. The Director may waive the buffering requirements of this Section where such has been provided on the adjoining property in conformance with this Code.

- (1) Required buffer strips shall be landscaped, and building setbacks shall be maintained, according to the appropriate Type D Concept Sketch and Schedule 23-4.
- (2) Buffer strips facing a property line shall require minimum planting of at least one row of trees, not less than eight feet high and one and one-half inches in caliper for deciduous trees and five feet high for evergreen trees at the time of planting, and spaced not more than 15 feet apart. Appropriate species may be counted as parking lot trees on an interior buffer, but only for those parking spaces abutting the buffer strip. The area beneath the trees shall be planted with a living ground-cover or shrubs giving 50% coverage at planting and 100% coverage within 3 years.
- (4) No parking, loading or vehicle maneuvering area shall be permitted within a required buffer strip, excepting only a bike path.
- ⁶(5) Type D-2 interior buffers may be approved only upon the written agreement of all abutting parties, and the filing of a reciprocal maintenance and use easement by

the appropriate party. Installation of plant materials and irrigation shall be at the expense of the party initially developing and as found in Section 23.050, responsibility for ongoing maintenance shall be specified in the easement document as required in Schedule 23-4.

- (6) Sound obscuring walls shall be of attractive masonry construction, or a combination of masonry and earth mound. Masonry materials shall be limited to brick, slump block or split block, all with integral color other than gray.

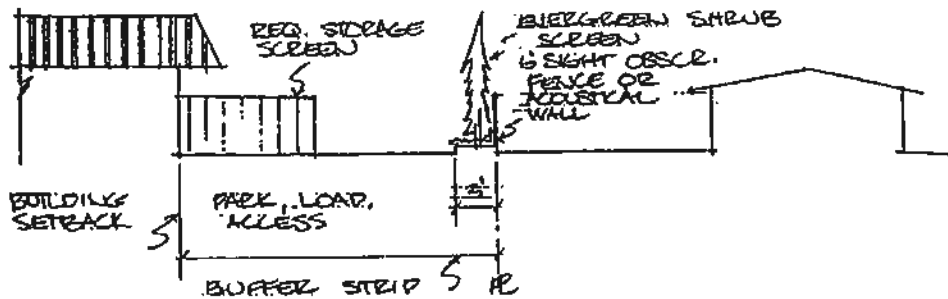
⁷Zone Buffer Building Setback and Buffer Strip - Schedule 23-4

Buffering Between Zones	Buffer Type	Building Setback Line*	Buffer Strip	Facing Wall Building Openings	Fence or Wall Height
Commercial or Indoor Industrial or Outdoor Industrial to Residential at Property Line	D-1 D-1 D-1	20' 20' 30'	3' 3' 3'	Yes No No	Fence 6' Fence 6' Wall 8'
Outdoor Industrial to Commercial or to Indoor Industrial at Property Line	D-1	30'	3'	No	As required to meet sound standards Section 24.170
Manufactured Housing Park	D-1	10'	5'	Yes	Fence 6'
Commercial or Indoor Industrial or Outdoor Industrial to Residential Property Line Option	D-2 D-2 D-2	5' 5' 10'	Easement Easement Easement	No No No	Wall 6' Wall 6' Wall 8'

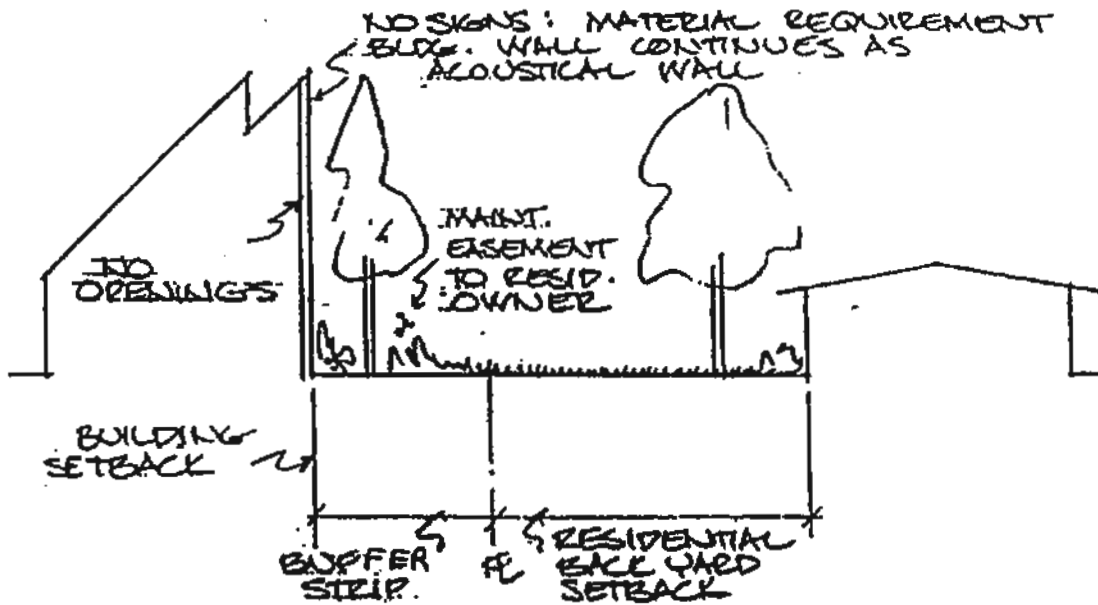
Fence = Sight obscuring fence
Wall = Sound obscuring wall, of attractive materials as provided in Section 23.034 (6)

Type D-1 Concept Sketch

Commercial/Industrial Buffering at Property Line



Type D-2 Concept Sketch
Commercial/Industrial Buffering Option at Property Line

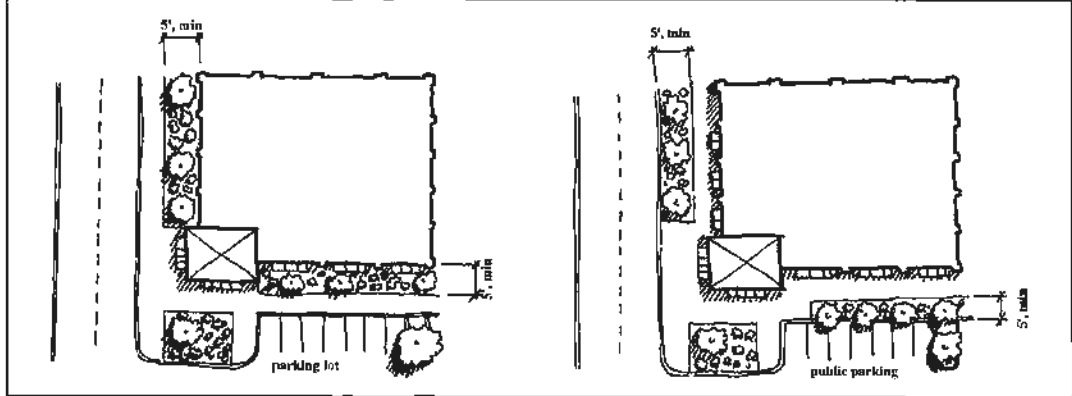


Section 23.035 (Continued)

- (4) Landscaping Adjacent to Building. Development subject to the commercial design standards of Article 20 shall comply with the provisions of this Subsection. See *Figure 23-3.*
- (a) Where a building face does not abut a landscaped yard or public sidewalk, landscape beds or planters at least 5 feet deep shall be incorporated adjacent to the building. If a concrete sidewalk with a minimum depth of 10 feet is present adjacent to the building, the landscape beds or planters may be located within the sidewalk area.
- (b) The landscape beds or planters required in Subsection (a):
- (i) shall be present along at least 30 percent of the building face when a sidewalk is present, or
- (ii) along the full building face when a sidewalk is not present, except at points where pedestrian or vehicular access is present, such as a door or a loading dock.
- (iii) are not required along the building face of a service corridor, service drive, or service courtyard that meets the requirements of Article 20.
- (c) Landscape planters between parking spaces or at the end of a parking row do not count as part of the landscape bed or planter required by this Section.
- (d) Minimum landscape requirements per 1000 square feet of required planter, or any portion thereof, shall be the following:
- (i) Ten five-gallon and twenty one-gallon shrubs or accent plants.
- (ii) Remaining area treated with attractive living ground-cover, as defined in Article

30. Coverage with shrubs and living ground-cover shall be at least 50% upon installation and 100% after 2 years.

Figure 23-3. Landscaping Adjacent to Building



- (e) In addition to the above requirements, any retail building 30,000 square feet or larger subject to this section shall provide all of the following along the façade. See Figure 23-4.

Figure 23-4. Additional Sidewalks and Landscaping for Retail Development 30,000 Square Feet or Larger



Furnishing Zone

Street Trees, Light Poles, Trash Cans, Benches, Bicycle Racks, Flower Pots Benches

Pedestrian Zone

Clear Pedestrian Path

Frontage Zone

Planters, Outdoor Seating, Windows/Doors, Canopy/Awning, Façade Treatments

23.037 Fencing

(1) Fences in residential zones shall be subject to the following:

- (a) ¹⁰Maximum height within required front yard: 4 feet (except decorative arbors, gates and similar features). A fence up to 4.5 feet in height may be placed a minimum of five feet from the front property line.
(See Figure 23-8)
- (b) Maximum height within required exterior yard: 6 feet with a 3 ft. setback from exterior property line. Three foot setback area must be maintained with trees, shrubs or living ground-cover.
- (c) The use of barbed wire or razor fences are prohibited in the residential zones.
- (d) Maximum height within required interior yards: 6 feet (See Figure 23-9)
- (e) Requirements for fencing in all zones shall also apply. See Section 23.037(4)

Figure 23-8. Fence Profile

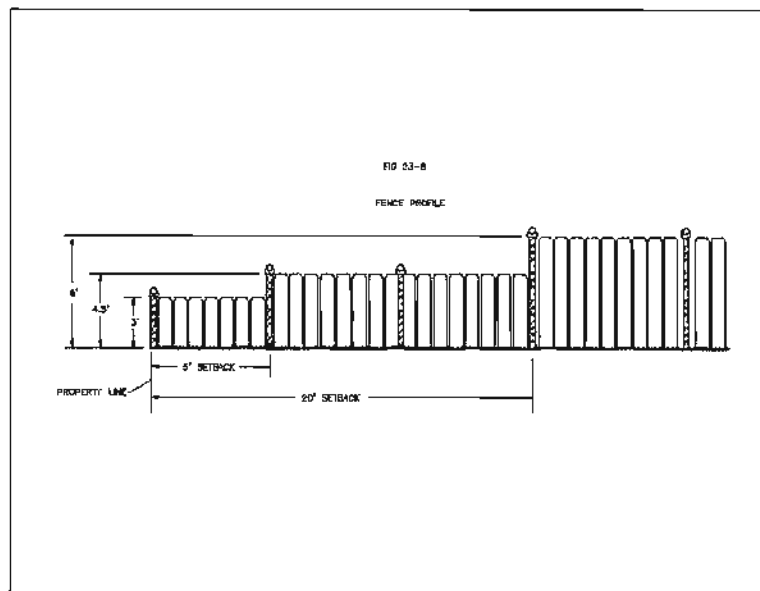
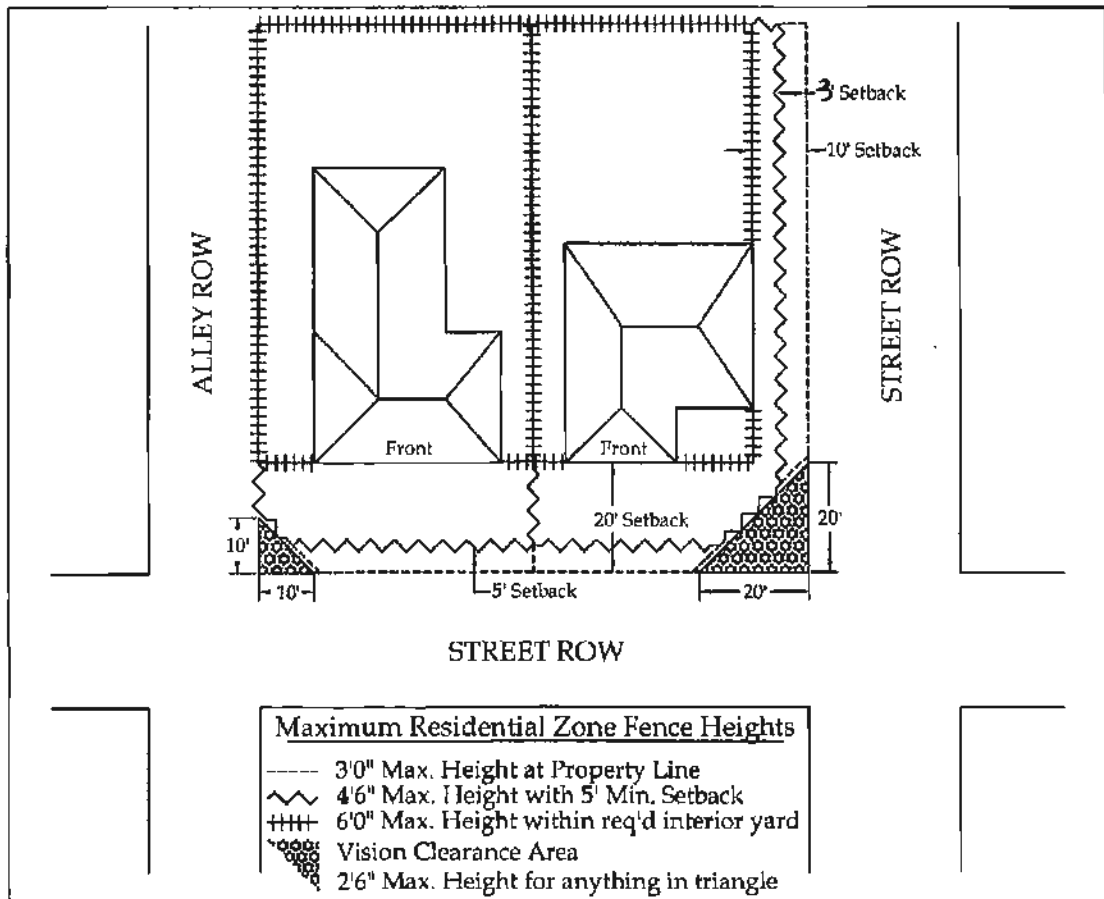


Figure 23-9. Residential Zone Fencing Requirements



NOTE: Property owners are strongly encouraged to hire a licensed surveyor to locate property lines prior to the construction of a fence.

ⁱ Revised 10-20-94

ⁱⁱ Revised 5-30-97