



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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www.oregon.gov/LCD



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

Date: 12/30/2014
Jurisdiction: City of Grants Pass
Local file no.: 14-40500006
DLCD file no.: 007-14

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.: 007-14 {22385}
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.: **14-40500006**

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 27 - providing exception situations for block length and perimeter block length standards.

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 27 "Access"

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: Josephine County, Oregon

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. 14-5627

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS PASS AMENDING ARTICLE 27 OF THE DEVELOPMENT CODE REGARDING BLOCK LENGTH AND PERIMETER BLOCK LENGTH REQUIREMENTS.

WHEREAS:

1. The Grants Pass and Urbanizing Area Comprehensive Community Development Plan was adopted December 15, 1982; and
2. The City Council determined that multiple variances were being required based upon the connectivity requirements of Article 27; and
3. The ordinance amends Article 27 regarding block length and perimeter block length requirements allowing exceptions to the standards when impractical; and
4. The proposal is consistent with the goals and policies of the Comprehensive Plan; and
5. 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 27 of the Development Code regarding Block Length and Perimeter Block Length 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 *[Signature]* by the Mayor of the City of Grants Pass, Oregon, this 10 day of November, 2014.

[Signature]
Darin Fowler, Mayor

ATTEST:

[Signature]
Karen Frerk, City Recorder

Date submitted to Mayor: 11/6/14

Approved as to Form, Mark Bartholomew, City Attorney *[Signature]*

27.122 Connectivity Standards

The following standards shall be applied to:

1) provide a pattern of streets and accessways that ensures safe, convenient and generally direct access for motor vehicles, pedestrians, bicyclists, and transit users; and 2) ensure that proposed development will be designed in a manner which will not preclude properties within the surrounding area from meeting the requirements of this section when those properties are developed.

Exceptions to the below standards may be granted by the review body when it can be shown that meeting the standards is impractical due to existing development patterns, topography, or access restrictions.

For new residential, commercial and mixed-use development, local on-site street connections shall be provided which meeting the following:

- (1) Block lengths for local streets and collectors shall not exceed 600 feet between through streets, measured along the nearside right-of-way line of the through street.
- (2) The total length of a perimeter of a block for local and collector streets shall not exceed 1,800 feet between through streets, measured along the nearside right-of-way line.

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

**DEVELOPMENT CODE TEXT AMENDMENT
ARTICLE 27 ~ ACCESS/BLOCK LENGTH/PERIMETER BLOCK LENGTH
FINDINGS OF FACT ~ CITY COUNCIL**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	14-40500006
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 Council Staff Report:	October 28, 2014
Date of Council Hearing:	November 5, 2014
Date of Council Findings:	November 19, 2014

I. PROPOSAL:

The proposal is to amend Article 27 of the Grants Pass Development Code regarding the standards for "block length" and "perimeter block length" connectivity standards in Section 27.122 of the Development Code.

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 Section 27.122 ~ Connectivity Standards by providing a list of exceptions to meeting the block length and perimeter block length due to existing development, topography or access restrictions. The proposed amendments are consistent with the purpose statement of Article 27.

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

City Council Response: Satisfied. The proposed amendment strives to be internally consistent with the provisions outlined in the Code. The proposed amendment will not negatively affect the access standards of Article 27 or the Master Transportation Plan.

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 connectivity standards due to circumstances outside the control of the developer.

Most Effective Alternative

The alternative to approving the proposal is to retain the existing connectivity standards.

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

City Council 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). The amendment is to allow exceptions to connectivity standards due to existing development patterns, topography or access restrictions.

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 Block Length and
Perimeter Block Length Requirements, Article 27 of the Development Code Date: November 5, 2014

SUBJECT AND SUMMARY:

The proposal is to amend Article 27 of the Grants Pass Development Code regarding the standards for "block length" and "perimeter block length" connectivity standards in Section 27.122 of the Development Code.

RELATIONSHIP TO COUNCIL GOALS:

This activity contributes to the Council's goal to **Facilitate Sustainable, Manageable Growth** to provide clear and consistent 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 Planning Commission and City Council were reviewing multiple Variance applications based upon the connectivity requirements of Section 27.122. The proposed amendment includes exceptions for meeting the block length and perimeter block length requirements when the developer can show that the standards are impractical due to existing development patterns, topography, or access restrictions.

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.

EXHIBIT A
TO CC FOF

POTENTIAL MOTION:

I move the Council approve the Ordinance to amend Article 27 of the Development Code Regarding Block Length and Perimeter Block Length requirements as reflected in Exhibit "A" of the Ordinance.

**ITEM: ORDINANCE TO AMEND THE BLOCK LENGTH AND PERIMETER
 BLOCK LENGTH REQUIREMENTS, ARTICLE 27 OF THE
 DEVELOPMENT CODE**

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

**DEVELOPMENT CODE TEXT AMENDMENT
ARTICLE 27 ~ ACCESS/BLOCK LENGTH/PERIMETER BLOCK LENGTH
STAFF REPORT ~ CITY COUNCIL**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	14-40500006
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 Council Staff Report:	October 28, 2014
Date of Council Hearing:	November 5, 2014

I. PROPOSAL:

The proposal is to amend Article 27 of the Grants Pass Development Code regarding the standards for “block length” and “perimeter block length” connectivity standards in Section 27.122 of the Development Code (*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 Planning Commission and City Council were reviewing multiple Variance applications based upon the connectivity requirements of Section 27.122. The proposed amendment includes exceptions for meeting the block length and perimeter block length requirements when the developer can show that the standards are impractical due to existing development patterns, topography, or access restrictions.

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 Section 27.122 ~ Connectivity Standards by providing a list of exceptions to meeting the block length and perimeter block length due to existing development, topography or access restrictions. The proposed amendments are consistent with the purpose statement of Article 27.

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

Planning Commission Response: Satisfied. The proposed amendment strives to be internally consistent with the provisions outlined in the Code. The proposed amendment will not negatively affect the access standards of Article 27 or the Master Transportation Plan.

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 connectivity standards due to circumstances outside the control of the developer.

Most Effective Alternative

The alternative to approving the proposal is to retain the existing connectivity standards.

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). The amendment is to allow exceptions to connectivity standards due to existing development patterns, topography or access restrictions.

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

27.122 Connectivity Standards

The following standards shall be applied to:

1) provide a pattern of streets and accessways that ensures safe, convenient and generally direct access for motor vehicles, pedestrians, bicyclists, and transit users; and 2) ensure that proposed development will be designed in a manner which will not preclude properties within the surrounding area from meeting the requirements of this section when those properties are developed.

Exceptions to the below standards may be granted by the review body when it can be shown that meeting the standards are impractical due to existing development patterns, topography, or access restrictions. If an exception is granted, a Variance to the standards listed below is not required.

For new residential, commercial and mixed-use development, local on-site street connections shall be provided which meeting the following:

- (1) Block lengths for local streets and collectors shall not exceed 600 feet between through streets, measured along the nearside right-of-way line of the through street.
- (2) The total length of a perimeter of a block for local and collector streets shall not exceed 1,800 feet between through streets, measured along the nearside right-of-way line.

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

**DEVELOPMENT CODE TEXT AMENDMENT
ARTICLE 27 ~ ACCESS/BLOCK LENGTH/PERIMETER BLOCK LENGTH
FINDINGS OF FACT ~ PLANNING COMMISSION**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	14-40500006
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

I. PROPOSAL:

The proposal is to amend Article 27 of the Grants Pass Development Code regarding the standards for "block length" and "perimeter block length" connectivity standards in Section 27.122 of the Development Code.

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.
- D. Letter submitted by Gerard Fitzgerald dated September 10, 2014, attached as Exhibit "D".

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 Planning Commission and City Council were reviewing multiple Variance applications based upon the connectivity requirements of Section 27.122. The proposed amendment includes exceptions for meeting the block length and perimeter block length requirements when the developer can show that the standards are impractical due to existing development patterns, topography, or access restrictions.

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 Section 27.122 ~ Connectivity Standards by providing a list of exceptions to meeting the block length and perimeter block length due to existing development, topography or access restrictions. The proposed amendments are consistent with the purpose statement of Article 27.

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

Planning Commission Response: Satisfied. The proposed amendment strives to be internally consistent with the provisions outlined in the Code. The proposed amendment will not negatively affect the access standards of Article 27 or the Master Transportation Plan.

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 connectivity standards due to circumstances outside the control of the developer.

Most Effective Alternative

The alternative to approving the proposal is to retain the existing connectivity standards.


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). The amendment is to allow exceptions to connectivity standards due to existing development patterns, topography or access restrictions.

VIII. 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.

IX. 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 27 ~ ACCESS/BLOCK LENGTH/PERIMETER BLOCK LENGTH
STAFF REPORT ~ PLANNING COMMISSION**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	14-40500006
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 27 of the Grants Pass Development Code regarding the standards for "block length" and "perimeter block length" connectivity standards in Section 27.122 of the Development Code. **See Exhibit 1 for mark-up text of proposed amendment.**

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 Planning Commission and City Council were reviewing multiple Variance applications based upon the connectivity requirements of Section 27.122. The proposed amendment includes exceptions for meeting the block length and perimeter block length requirements when the developer can show that the standards are impractical due to existing development patterns, topography, or access restrictions.

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 Section 27.122 ~ Connectivity Standards by providing a list of exceptions to meeting the block length and perimeter block length due to existing development, topography or access restrictions. The proposed amendments are consistent with the purpose statement of Article 27.

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

Staff Response: Satisfied. The proposed amendment strives to be internally consistent with the provisions outlined in the Code. The proposed amendment will not negatively affect the access standards of Article 27 or the Master Transportation Plan.

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 connectivity standards due to circumstances outside the control of the developer.

Most Effective Alternative

The alternative to approving the proposal is to retain the existing connectivity standards.

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). The amendment is to allow exceptions to connectivity standards due to existing development patterns, topography or access restrictions.

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 27.122 ~ Connectivity Standards

27.122 Connectivity Standards

The following standards shall be applied to:

1) provide a pattern of streets and accessways that ensures safe, convenient and generally direct access for motor vehicles, pedestrians, bicyclists, and transit users; and 2) ensure that proposed development will be designed in a manner which will not preclude properties within the surrounding area from meeting the requirements of this section when those properties are developed.

Exceptions to the below standards may be granted by the review body when it can be shown that meeting the standards are impractical due to existing development patterns, topography, or access restrictions.

For new residential, commercial and mixed-use development, local on-site street connections shall be provided which meeting the following:

- (1) Block lengths for local streets and collectors shall not exceed 600 feet between through streets, measured along the nearside right-of-way line of the through street.
- (2) The total length of a perimeter of a block for local and collector streets shall not exceed 1,800 feet between through streets, measured along the nearside right-of-way line.



September 10-2014

UAPC Commissioners

Development Code Text Amendment; Article 27.

Dear UAPC Commissioners,

Please consider the following as part of your careful deliberation tonight. I desire only to impart this information to you, since you may not have been exposed to this aspect of Article 27. You may remember that I stated this position at our previous UAPC Meeting and I had hoped that the changes submitted tonight, for our consideration, included the following issues. Since the submittal does not rectify the issues stated below, I felt obligated to give you some data as additional material for your deliberations tonight. Please consider adding some language that will deal with this shortcoming.

The word *impractical* is defined several different ways. However, none of the many definitions for the word *impractical* include the word *impossible* in the list of synonyms for *Impractical*.

Since one of the real issues within Article 27, is whether or not the applicant can obtain permission or be granted permission to create a road that would satisfy the required block length code. Lacking clarity in the Article, one is left to assume their own interpretation as to whether or not permission is relevant to the obligation the applicant has, to provide access and connectivity. I suggest that since our City is burdened with many ODOT controlled highways, roadways and intersections, and that we are very much aware of these ODOT controls and their enforcement application, we are obligated to consider whether an applicant can obtain permission for access. If the applicant's access is denied by ODOT, for instance, the applicant cannot comply with Article 27, through no fault of his / her own.

My position is that we need to reflect on whether or not this is the time to correct Article 27 to take into account the permission or access issue. I say "yes", we need to do so and now is the correct time to add the needed language that would provide the long overdue solution. This lack of clarity has burdened development projects for decades.

Requiring the applicant to submit to the UAPC Variance procedure is not the solution. We need to correct the Article's language and provide proper and fair treatment for applicants that find themselves in possession of an ODOT Denial. Let us be pro-active and provide the solution.



We know that ODOT possesses absolute "control" over access in many ways.

- Access Control Lines
- Division 51 Rule
- Highway designations like *Expressway and Freight Corridor*
- ODOT approval of developments that front ODOT controlled roads.
- TIA approval etc.

ODOT uses these different methods to protect ODOT's Highways and Roadways from side street access that prevents optimal traffic flow. ODOT uses different methods at their disposal, to control access onto these ODOT Highways, thus ensuring adequate flow rates. When "access" could interfere with the designated load carrying ability of the ODOT Highway, the result is the same...the applicant is DENIED or PROHIBITED from obtaining said access, thus the connecting road is not possible for the applicant to obtain.

The City code requires the applicant to make application to the UAPC for a **Variance to the block length requirement of the City Code**, regardless of the fact that the applicant is prohibited for complying by ODOT. The variance process subjects the applicant's project to possible appeal by party or parties unknown. Yes, even competitors of the applicant will be provided an opportunity to cause the applicant undo harm, delays, and additional expense via the appeal process. This is not what the variance process was intended to do. This is one of those unfortunate and unintended consequences, where the intention is admirable but the outcome may be disastrous.

I would like to see Article 27's Text include language that allows for the applicant to secure a waiver or be excused if the access is denied by ODOT. The applicant shall not be required to subject their project to the variance process, in order to secure permission from the UAPC for something that they were prohibited from obtaining, by a higher authority than the City, i.e. ODOT, State of Oregon, Federal.

If the applicant is being prevented from compliance with the Code, I would suggest an alternative path be provided in the text change language. The present language does not afford a safe harbor, only peril.

The use of the word "impractical" implies that the applicant can somehow obtain the access and thus provide connectivity, but is choosing not to, because it is "impractical". I suggest we replaced the word *impractical* with "**PROHIBITED**". Since the applicant is being prohibited from complying with our City Code, applicable to block length and connectivity. The applicant has no choice but to comply with the authority (i.e. ODOT) that is controlling the access that would allow the connectivity to be accomplished.



Exposing the applicant's project to the perils of the appeal process is a disservice to the applicant, the project, and the appeal process. We (the City) had prior knowledge of the prohibition that is preventing the applicant from compliance. To purposely disregard that previous knowledge we possess, and then subject the applicant to the UAPC Variance procedure seems to be less than fair and perhaps not defensible.

The UAPC and the UAPC Appeal Procedure are designed to afford the applicant and the public every opportunity to receive a full and fair hearing, based upon the criteria and the evidence. Let's make sure that the text change we are considering corrects this imperfection and not allow the process to be abused in some unintended fashion.

Thanks for your service on the UAPC; I am honored to serve with you!!!

Regards,



Gerard Fitzgerald,
Chair UAPC

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

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, as we move forward with a couple of the proposed amendments the two tonight are focused on what we have been seeing most of our variance applications on. City Council asked us to go back and review the variances over the past three or four years and probably two-thirds of them were related to block and perimeter block length and then also our next amendment which would be the zone buffers. The proposal on this amendment is to provide some exceptions when a developer cannot meet the standards of the block length. This would be due to existing development patterns, topography, or access restrictions such as the problems we had with ODOT along the Parkway. We have another exhibit that has been presented tonight by Commissioner Fitzgerald that is going to be attached to your staff report as it moves forward as Exhibit 2. His concern seems to be based around the word "impractical". He is recommending that we use the term "prohibited" instead. I will let you read that a little later on and I will confer with our legal counsel as to which word he feels is the strongest or the best word to recommend to be brought forward. Later on if you want you can go through and read his discussion there around the limitations of that word. In the meantime staff felt that the easiest way to help developers go through the process and meet the standards of Article 27 was to allow those exceptions. They can show that through their site plan maybe a street profile if it is topography that will be reviewed by the City engineer. If they can meet those qualifications under an exception at a staff review that would still come before the Planning Commission or the appropriate review body then a variance itself would not be necessary and so they would not be under the burden of trying to meet the variance criteria. At that, staff recommends that you recommend approval of the text amendment. We will visit the discussion from Mr. Fitzgerald about the appropriate term to use that is the strongest or that provides us the ability of meeting the standards of the code. I will run those through Mark Bartholomew later this week for his discussion.

Chair Fitzgerald asked, any questions for Lora on Article 27? None? My issue is not just the word. The issue is the fact that if you read "the exception to the below standards may be granted by the review body" the idea is if the person cannot comply by virtue of the fact that ODOT or a control line that we already know exists. It seems to me we are putting the applicant through an unnecessary variance procedure where the only possibility is a possible negative impact by having his project appealed and going through that for no reason because he could not comply. Not because of his/her volition or his/her wish or his/her desire but because it was denied by ODOT and there was no way that you could over turn it. Why do we have to put them through that when we already know it?

Assistant PCD Director Glover stated, that is what this exception language will allow. As an example we are working on property off of Redwood Highway, Ringuette and Union, it is four tax lots. ODOT came into the meeting and said there were access restrictions on the first two but they have come back now and said the other two have access availability. At that point they will be able to meet those access requirements. If not, the intent of this amendment is if they came in and said access is denied on all four lots that is an exception. They have met it. They do not need to go through a variance.

Chair Fitzgerald stated, it does not say that. It does not say the applicant has no need to go through. We know that the applicant must make an application to us and go through a variance we just did it. I am saying can we put something in so in specific cases where we have ODOT control lines already on the ground like on the Parkway. We know they are not going to let us cross it why can't we put in place those specific exceptions and not put the person through the process at all. If they secure (inaudible) denial that is their ticket.

Assistant PCD Director Glover stated, that is exactly the intent of the language in the amendment.

Chair Fitzgerald stated, I love intent but I would like to see it say that. It does not quite say it.

Assistant PCD Director Glover stated, the language says "exceptions to the below standards may be granted by the review body when it can be shown that meeting the standards are impractical due to the existing development patterns, topography, or access restrictions" –

Chair Fitzgerald stated, "may".

Assistant PCD Director Glover stated, that is correct.

Chair Fitzgerald stated, (inaudible) are.

Assistant PCD Director Glover stated, again, it would come back in to the review body. If we have an applicant that comes in and goes this just is not working for me it is kind of impractical and the review body did not agree with that then maybe a variance is necessary.

Chair Fitzgerald stated, I agree with the fact that it needs to be something specific. When you go and submit a request for an access from ODOT and they give you a flat denial in writing that should be worth something.

Assistant PCD Director Glover stated, that is the exception and then we bypass the variance.

Chair Fitzgerald stated, if they bring that in and say look I have done my application and I cannot meet your block length or your connectivity because ODOT won't allow me to here is my letter –

Assistant PCD Director Glover stated, that would be the exception.

Chair Fitzgerald asked, why do they need to come to us at all?

Assistant PCD Director Glover stated, what I'm saying is they would still come either through you or the director or a hearings officer as a major site plan review. The major site plan still gets reviewed (inaudible) one, two, or three.

Chair Fitzgerald stated, yes I understand that issue is not (inaudible).

Assistant PCD Director Glover stated, if they have that denial in their hand or they have a road profile that shows it is impractical to punch a road through and connect then that is checked off. They do not have to do a variance. They just do a standard site review.

Chair Fitzgerald asked, do you see that in here? I don't see it. I know that is what you are saying and I know that is what everyone is interpreting it as being, but I do not see it in writing saying that is so. I would like to see something that specifically addresses this issue we go over and over. We know where they are and we know what they are. Why can't we put something in place that so as long as the applicant gets and e-ticket of denial from ODOT that says no we're not changing our mind? You're prohibited from crossing. We're not going to grant the access to you we don't care what you do, period. All they need to do is submit that. Why do they need to put their project through the possibility of the appeal process which they can have –

Assistant PCD Director Glover stated, the applications are still reviewed through a site plan or a subdivision.

Chair Fitzgerald stated, I understand that, but –

Assistant PCD Director Glover stated, they just would not need a variance –

Chair Fitzgerald stated, but they should not (inaudible) get a variance –

Assistant PCD Director Glover stated, they would not need a variance. That is what (inaudible)-

Chair Fitzgerald stated, it does not say that. It says "may". It does not say that there is no need for that. What I'm saying is –

Assistant PCD Director Glover stated, so if we say –

Chair Fitzgerald stated, if the person gets this they don't have to do that –

Assistant PCD Director Glover stated, if we simply say in the language you're recommending then "exceptions may be granted no variance needed for the following." Is it that simple?

Chair Fitzgerald stated, yes specific. If you go through the process with ODOT and they give you the get out of jail free card then you are fine. If they say no then we should have something in place. I do not want to leave it for the person to go through the issues and pay the money. I do not care about the money so much it is the issue of having the possibility of subjecting the

project to an appeal that would not be necessary. That process would not be open to anybody, a competitor of theirs or anybody else, if it was automatic. I am not saying this has to go away I am saying could we put something else in that says in these particular specific instances this is what we do. That is what I was looking for.

Commissioner Reagan asked, if you put impractical or prohibited would that work in your eyes?

Chair Fitzgerald stated, it still says "may". I am saying it should equal the fact that the applicant is excused from having to meet that criteria because they cannot to do connectivity and they cannot do block length because they cannot get access from ODOT, period. Without the access there is no connectivity and without the access block length stays the long way.

Commissioner Arthur asked, [off mic] what about the other two exceptions?

Chair Fitzgerald stated, I do not have a problem with those. The one I have a problem with is the fact that the applicant is completely denied the opportunity to do so by an authority much higher than us.

Commissioner Arthur stated, I agree with you on that but on the other two we have had cases where the topography...I can't think of the name of the street –

Chair Fitzgerald stated, I think that we need to weigh in on that. The only one I am talking about is specifically the one where the ability to be able to get the access is specifically denied.

Commissioner Arthur stated, I hear you and I agree let's go on to the next one.

Chair Fitzgerald stated, I do not have a problem with anything else. I think we should weigh in on the other ones.

Commissioner Arthur stated, Sinclair was one of those where they left an opening to extend –

Chair Fitzgerald stated, no I think Lora gets it exactly. It needs to have a little something that says in these particular instances.

Commissioner Arthur stated, they left an opening, remember up at the end of Sinclair, to continue the street through –

Assistant PCD Director Glover stated, if an acceptant is granted a variance will not be required. I am play with language here. We can add anything in there that –

Chair Fitzgerald stated, their proof of that is they need to submit that denial.

Assistant PCD Director Glover stated, it could be a denial. It could be a road profile that shows the steepness of the road will exceed our grade requirements. It could be multiple things. It could be a development pattern. I do not want to start itemizing things because there is always going to be that unique situation that comes up that is not on my list. I want to allow it to be access restricted, topography, or development pattern. If I start putting every –

Chair Fitzgerald stated, there is only one opportunity that tells us a denial. Topography does not submit a letter of denial, ODOT does. Topography does not give us a problem with a control strip. ODOT has them all along the Parkway.

Assistant PCD Director Glover stated, it is not always just ODOT we're having this issue with. We have had it for all these different items: existing development patterns, topography, and access control. If we could with that in there and you are comfortable saying that a variance will not be required because we have all these things and as we go through the urban growth boundary expansion we're going to come into different development issues. I do not want to just say submit your denial. I think we can cover that through this process. For example, if it is your application to review, as a Type III and you accept it then you've met that requirement variance not necessary. I think staff is going to be supportive of that especially if it is topography. My engineer is going to look at this and agree this is not going to be a safe road because we cannot get fire trucks up there or whatever. Development patterns are going to be pretty easy to look at –

Chair Fitzgerald stated, that is still subjective. I am talking about the matter of the denial from ODOT is absolute –

Assistant PCD Director Glover stated, that is one of the three things though. I am not going to have it every time.

Chair Fitzgerald stated, it is absolute when –

Commissioner Arthur stated, nobody is arguing that. What you arguing about Gerard?

Chair Fitzgerald stated, I am saying that is a specific issue that we should address separately by itself. The rest of them –

Commissioner Arthur asked, it is not an access restriction?

Chair Fitzgerald stated, what I am saying is that it is a denial of an access. Other accesses can still be there but if you have the denial from ODOT or another higher authority other than the City that says you cannot get this access, period. That is it. You should not have to do any more than that.

Commissioner Arthur stated, nobody is disagreeing with you.

Assistant PCD Director Glover stated, they are not going to have to.

Chair Fitzgerald stated, Loree I said it needs to be separate.

Commissioner Arthur asked, how would you word it?

Chair Fitzgerald stated, I said just that. That is a separate issue. It needs to be worded separately. Where there are control lines and ODOT and other higher authorities it needs to be addressed separately. Those others about topography and development, those are multiple. They have people looking at them differently. The denial only has yes or no. If you do not have a denial you can go forward if you do have a denial you can't go anywhere. That is it. It is done. School is out.

Assistant PCD Director Glover stated, again I will take that back to Mark Bartholomew and have him review that.

Chair Fitzgerald stated, I appreciate it.

Commissioner Arthur asked, now on the other items how do we know what the criteria are for deciding on those? For the topography and –

Chair Fitzgerald stated, those will have –

Assistant PCD Director Glover stated, the way I envision it is obviously a development pattern you are going to see if somebody is blocked in and cannot punch that street through because it is on the backside of Wal-Mart or something, as an example. When it comes to topography I think you would probably base that off of the recommendation from our City engineer.

Chair Fitzgerald stated, it will still be experts telling us that we cannot accomplish it and why. Then we can say we think they are valid or not valid.

Assistant PCD Director Glover stated, it could be due to the steep slope cuts, the grades of the roads, or the inability to loop a road that we can't get a fire truck back down there. It could be a number of different scenarios. That is why I really hesitate to start itemizing well it could be this or that. Based on the variances we have seen, I think it comes down to development, access control, and topography.

Commissioner Arthur stated, the one we just looked at had both of those criteria, the golf course one.

Assistant PCD Director Glover stated, the golf course –

Chair Fitzgerald stated, the golf course one was –

Commissioner Arthur stated, had both topography and –

Assistant PCD Director Glover stated, development criteria –

Chair Fitzgerald stated, it came under the criteria when they had an alternative route they just didn't want to use it. Therefore, as Mr. Kellenbeck pointed out, the need for the variance could be interpreted as being self-created. They could put the road on their property, but they specifically gave us a long presentation telling us they didn't want it there. Not wanting it there took them out of the realm of being able to meet the criteria for that variance.

Unknown Speaker asked, [off mic] how could they (inaudible)?

Chair Fitzgerald stated, easily. They'd just have to put it around the outside edge of that lower portion. They said, no, they don't want it there.

Commissioner MacMillan stated, I'm really confused because I feel like there is a circular argument I'm not getting. I'm going to go back to your wording, you don't like the word "may". When I read that, Gerard, I'm seeing that "may" is allowing Council to make a decision. I don't think that is something we want to change so I –

Chair Fitzgerald stated, it also implies it may not.

Commissioner MacMillan stated, "may" is a legal term saying that this body has the power to make that decision.

Chair Fitzgerald stated, it is not "shall" it is "may" so it has movement on it. It can be interpreted whether it may or may not be.

Commissioner MacMillan stated, if you put "shall" then we are hemmed in to always doing it.

Chair Fitzgerald stated, no I said it needs to be separate, Lois. It needs to be a separate issue not incorporated here. I am not trying to change that. I'm trying to say that when you run across the situation where you have ODOT giving you a letter of denial, period, you will not get access. It is over so why do you need to come to us and go through all the process again of having us say yes we agree with ODOT. There is no arbiter to ODOT. They said no it is no. When that person has that and there is no access that is a separate issue. It is not about interpretation, it is final. That is binding on the City, it is binding on the County, and it is binding on us. All I said is it needs to be separate Loree.

Commissioner Arthur asked, how do you want to see it?

Chair Fitzgerald stated, I think that Mr. Bartholomew will probably want to put certain language to make sure it is very specific and it is controlled. It needs to be addressed separately, not as part of the normal fare because it is specific. That is all I'm asking to be considered.

Commissioner Arthur asked, how do you get these numbers? Is it just because of our traditional block length and perimeter or is it some industry-standard? Where do the 600 and 1800 come from? We have had a lot of over 1800s.

Assistant PCD Director Glover stated, I think it was built off of a model code.

Chair Fitzgerald stated, the other thing about block length is it does not specify. We talk about it in residential and others but industrial properties, by their very way of going about things, they are huge. They are not going to meet block length anyway. If you have a large manufacturing facility we are going to exceed our block lengths, but hopefully that will be in the industrial not in the (inaudible). If we are going to clean it up I am just saying these are the things we need to clean-up or partially clean-up.

Commissioner Arthur stated, it is not mentioned here the exceptions for steep slope area. Why isn't it mentioned?

Assistant PCD Director Glover stated, it is under topography.

Commissioner Arthur stated, well yeah it says topography, but it does not say what is already allowed. We're already allowed a longer length, right?

Assistant PCD Director Glover stated, no we have pretty minimal standards in a sense for cul-de-sacs, I think it is 150 or 200 feet, and for steep slopes it is 400 feet so we have the standards in place already. Topography could also include a creek or stream crossing besides the steep slopes.

Commissioner Arthur stated, I'm definitely in favor of it I am just not absolutely sure that it is covered, that it is sufficient.

Chair Fitzgerald stated, by virtue of the fact (inaudible) access restrictions there are other access restrictions. This is one that is not subject to interpretation.

Commissioner Arthur stated, [off mic] nobody is arguing –

Chair Fitzgerald stated, that is why I'm saying it shouldn't be wrapped in with those other ones. It should be separate. That is all I'm saying.

Commissioner Arthur stated, I am not convinced that the other two are totally facilitated, the topography and the...they may be but I do not actually see it there.

Chair Fitzgerald stated, that is why it says "may".

Commissioner Macmillan stated, [off mic] could you repeat because I am a little confused I will be honest [on mic] just help me out here little bit. We have been together 15 years or I don't know we've been together a long time. Can you give me an example of when somebody applied for a variance and had already been denied by ODOT? Can you give me an example of when that has happened in the past? Am I clearly seeing what...is that the example you are saying?

Chair Fitzgerald stated, we have had situations where the individual has been rejected and cannot get the access and they then have to come to us as a body and apply for a variance to the block length because they cannot make the connectivity and therefore they cannot get it. They have to go through the process.

Commissioner Macmillan asked, (inaudible) say no again no matter what because ODOT already said no? Is that your point?

Chair Fitzgerald stated, no my point is –

Assistant PCD Director Glover stated, we granted the variance.

Chair Fitzgerald stated, my point is the applicant should not be subjected to that because it was taken out of their control by ODOT when ODOT put in the denial, period.

Commissioner McIntire asked, why don't we shelve this? Let's put this before the City attorney and let's get his opinion and interpretation on it and if so when he agrees to that we can put it –

Chair Fitzgerald stated, I do not have any problem with that. I just think we should hand it off to him and say look we think you ought to look at this and maybe look at it as being separate.

Commissioner McIntire stated, fine let's head off any problems and let Bartholomew give his opinion and have it worded correctly.

Commissioner Macmillan stated, I have not made my mind up. I would like to hear what he is saying because I see it is already there but maybe I'm wrong.

Chair Fitzgerald stated, it is not there. I did not spend this time going through and writing this letter because it is there.

Commissioner Macmillan asked, I am allowed to disagree?

Chair Fitzgerald stated, I am saying it is not there otherwise I would not have done it.

Commissioner Macmillan stated, I am not saying you did not go through the work I am saying I am not quite seeing it and I don't know where I fall right now. I would like to hear –

Chair Fitzgerald stated, the reason is (inaudible) come to us and our variance for the block length and we do not say to them we are going to give you a variance because you were denied access by ODOT but we take it into consideration. I am saying we do not have that prerogative to take that into consideration. The person is not failing or not saying I will not do it I would like to do something else. The person cannot comply with that, cannot, not because he doesn't want to but because he is denied.

Assistant PCD Director Glover stated, that is one of the reasons as we have had these various situations that we have reviewed such as the PECO application, which was on the Parkway and denied access, that staff and the Planning Commission or the review body has always been supportive. We keep granting these variances over and over again. The whole need for the variance should be a very limited situation, a very unusual one. When we are having 10 variances for the same issue and we're approving every one of them then there is something wrong with the code. That is why we are bringing it before you. We were trying to keep it simple and basic to go through. We can change some of the language. I think the language is in there that says if it is access restricted. There could be other access restrictions. It might be our own is not just ODOT. Once they come through and a show that they can not get the access off of ODOT we take them through and say sorry I can get you there but it is going to take a variance. Now I can say you are going to fall into one of the exceptions and you do not need to have the variance. You do not go through the vulnerability of applying for a variance. Variances scare people. That is why we want to make this a simpler and easier process for the developers to go through. Topography covers our steep slope, it covers our flood plain, and it covers everything that we can with a simple word. I was trying not to go back through and list five or six items and then realize we had missed a seventh one later. I was doing very broad. Again, with the development patterns maybe there would be an application that comes through and you do not think that the development pattern prohibits their connectivity that they need to do. They need to show that. That is going to be the burden on the developer. If you want we can clarify with the language that says if an exception is granted a variance is not needed.

Commissioner Kellenbeck stated, I would recommend we move this forward and recommend approval to the Council and let staff work with the legal counsel and let the Council wrestle with it.

Chair Fitzgerald asked, so you would pass it on as a recommendation to be considered?

Commissioner Kellenbeck stated, a recommendation of approval and to maybe consider a little different language.

Assistant PCD Director Glover stated, at least with this amended language here. This would not be heard before the Council until October 15th so we have time to bring amended language from the City attorney to you.

Commissioner Kellenbeck stated, I think the last sentence covers your concerns.

Chair Fitzgerald stated, I do not have a problem with that. I say we can just pass it on to them and let them wrestle with it but the idea is that they need to consider this.

Commissioner Macmillan asked, can I make sure because maybe I am not understanding because of the way you are speaking but do you agree that that last sentence gets to what your concern is?

Commissioner Arthur stated, no he does not.

Chair Fitzgerald stated, no (inaudible) word "may". We do not need to put the applicant through that whatsoever if they have one issue which is the denial, period. "May" means it could be "may not" and I'm saying we do not have that issue. We do not have that right. We should be okay you tried, you can't get it, fine you fall in that category, you are done, and you do not go anywhere.

Commissioner Kellenbeck stated, let's live with it for a while.

Chair Fitzgerald stated, we have been.

Commissioner Kellenbeck stated, no I mean this is new.

Chair Fitzgerald asked, this one like this for awhile? No. This is the time to solve it. We know where they are why ignore it? Why kick it down the road?

Commissioner Kellenbeck stated, I made a motion let's go with it.

Chair Fitzgerald asked, would you mind restating your motion, what it is exactly?

MOTION/VOTE

Commissioner Kellenbeck moved and Commissioner Macmillan seconded to recommend approval of the Article 27 text amendment to City Council and let staff work with legal counsel as to Chair Fitzgerald's recommendation as stated in Exhibit 2. 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.

Councilor Riker stated, I want to wear the other hat, land use consultant. The most frustrating part when you come in as a consultant and you have an application is to feel that everything is locked in, is black and white, is in concrete, and you can't change anything. It needs to be flexible. I like Lora's approach. There needs to be some wiggle room in there. Sometimes the ordinances need to be flexible because you can never anticipate every situation that you are going to find. The more broad the language...and trust the review body to make the proper decision whether it is appropriate or not appropriate upon reviewing the facts. Gerard, as you said the word "may" or "may not" encompasses both of that. To start going into detail, as a consultant, I would rather go in and sit down with staff and have staff say this will work or this does not work. If you have a situation where it does not work then staff can also inform you of what your options may be. There was a time even with ODOT when they denied an access restricted area if you just so happened to have another driveway at another location you could move that driveway, back in the olden days, a couple hundred feet and not have to go through an exception process or actually be denied by ODOT. Now the rules have changed and that option is no longer there is my understanding.

Chair Fitzgerald stated, even on the Parkway you can still file for access but it is extraordinarily costly, number one, and they tell you up front you have about zero chance of getting it because it is already existing.

Councilor Riker stated, the thing I feel is as the applicant is if there is an opportunity to proceed I should be aware of it, even if it is costly. I can decide if it is worth the cost, but to have everything locked in language-wise –

Chair Fitzgerald stated, as you know that is in the denial letter. It tells you you're denied and then it tells you what you can do if you do not like it. The idea is I agree. I am not having any

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

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

9/24.2014
Date

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

**ARTICLE 27 ~ ACCESS
BLOCK/PERIMETER BLOCK LENGTH
TEXT AMENDMENT**

- Urban Area Planning Commission
- Wednesday, September 10, 2014
- File: 14-40500006
- Type IV: City Council Decision (UAPC Recommendation)
- Applicant: Parks & Community Development Director
- Planner: Lora Glover

EXHIBIT C

TO UAPC FOR

Proposed Amendment

- The proposed amendment provides exceptions for meeting the block length and perimeter block length requirements (rather than a Variance).
- The developer will be required to show that meeting the standards are impractical due to:
 - Existing Development Patterns;
 - Topography; or
 - Access Restrictions

Call to Action

- Approve the amendment as proposed;
- Revise the amendment;
- Postpone the amendment; or
- Deny the amendment.

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 27 OF THE DEVELOPMENT CODE REGARDING BLOCK LENGTH AND PERIMETER BLOCK LENGTH REQUIREMENTS

WHEREAS:

1. The Grants Pass and Urbanizing Area Comprehensive Community Development Plan was adopted December 15, 1982; and
2. The City Council determined that multiple variances were being required based upon the connectivity requirements of Article 27; and
3. The ordinance amends Article 27 regarding block length and perimeter block length requirements allowing exceptions to the standards when impractical; and
4. The proposal is consistent with the goals and policies of the Comprehensive Plan; and
5. 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 27 of the Development Code regarding Block Length and Perimeter Block Length 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
→ ce FOF

27.122 Connectivity Standards

The following standards shall be applied to:

1) provide a pattern of streets and accessways that ensures safe, convenient and generally direct access for motor vehicles, pedestrians, bicyclists, and transit users; and 2) ensure that proposed development will be designed in a manner which will not preclude properties within the surrounding area from meeting the requirements of this section when those properties are developed.

Exceptions to the below standards may be granted by the review body when it can be shown that meeting the standards is impractical due to existing development patterns, topography, or access restrictions.

For new residential, commercial and mixed-use development, local on-site street connections shall be provided which meeting the following:

- (1) Block lengths for local streets and collectors shall not exceed 600 feet between through streets, measured along the nearside right-of-way line of the through street.
- (2) The total length of a perimeter of a block for local and collector streets shall not exceed 1,800 feet between through streets, measured along the nearside right-of-way line.