

**CITY OF PHOENIX PLANNING COMMISSION**  
**Regular Meeting and Public Hearing**  
**Monday, December 11, 2023**

Hybrid Meeting in Person and Via Zoom  
6:30 p.m. at 220 N. Main St. (Phoenix Plaza Civic Center)

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Please click the link below to join the webinar:

[https://us06web.zoom.us/j/83823693051?pwd=4aONWvTuUPGvt6NgcPC3WSJ34p\\_KuA.4SE-wR7-6PXGPzrL](https://us06web.zoom.us/j/83823693051?pwd=4aONWvTuUPGvt6NgcPC3WSJ34p_KuA.4SE-wR7-6PXGPzrL)

Passcode: 112358

Or One tap mobile :

+16694449171,,83823693051#,,,,\*112358# US  
+16699006833,,83823693051#,,,,\*112358# US (San Jose)

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 669 900 6833 US + or +1 719 359 4580 US or +1 253 205 0468 US or +1 253 215 8782 or  
+1 346 248 7799 US + or +1 305 224 1968 US or +1 309 205 3325 US or +1 312 626 6799 or  
+1 360 209 5623 US + or +1 386 347 5053 US or +1 507 473 4847 US or +1 564 217 2000 or  
+1 646 931 3860 US + or +1 689 278 1000 US or +1 929 205 6099 US or +1 301 715 8592

Webinar ID: 838 2369 3051

Passcode: 112358

International numbers available: <https://us06web.zoom.us/j/kc0q82OHUC>

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1. **Call to Order/Roll Call**
2. **Pledge of Allegiance**
3. **Approval of the Agenda**
4. **Approval of Minutes:**
  - a. October 09, 2023 (pg 2)
5. **Public Comments:** *This item is for persons wanting to present information or raise an issue, not on the agenda. Each person shall be limited to three minutes and may not allocate their time to others unless authorized by the Presiding Officer. To comment, please write your name on the sign-in sheet. When your name is called, step forward to the podium and state your name and address for the record. (In accordance with state law, a recording of the meeting will be available at city hall, but only your name will be included in the meeting minutes.) While the Planning Commission or staff may briefly respond to your statement or question, the law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances.*
6. **New Business:**
  - a. Election of Planning Commission Chair
  - b. Public Hearing: SP23-05, VAR23-01, FP23-02, LL23-02 – Arroyo, Multi-family development (pg 5)
7. **Old Business:**

None
8. **Comments from the Commissioners:**
9. **Planning Managers Report**
10. **Adjournment**

**Minutes for City of Phoenix Planning Commission  
Regular Meeting and Public Hearing  
Monday, October 09, 2023  
6:30p.m. at 220 N. Main St. (Phoenix Civic Center)  
In-Person/Zoom Hybrid Meeting**

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**1. CALL TO ORDER and ROLL CALL**

Terry Helfrich, Vice Chair, called the Planning Commission's regular meeting to order on Monday, October 09, 2023, at 6:30 p.m.

**ROLL CALL**

**PRESENT:** Jeffrey Luers, Larry Dickson, Marcia Monceaux, Milan Hanson, & Terry Helfrich

**ABSENT:**Carolyna Marshall

**STAFF PRESENT:** Zac Moody, Planning Manager  
Jeff Wilcox, Associate Planner

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF AGENDA:**

None

**4. APPROVAL OF MINUTES:**

a. September 11, 2023 Regular Meeting

**MOTION (00:02:00): I move we approve the minutes for September 11<sup>th</sup>  
MOVED BY MONCEAUX, SECONDED BY HANSON.  
MOTION PASSED WITH COMMISSIONER HELFRICH ABSTAINING.**

**5. PUBLIC COMMENT:**

None

**6. PLANNING COMISSION DISCUSSION OF NON-AGENDA ITEMS:**

None

**6. NEW BUSINESS:**

a. Public Hearing: Development Code Amendment, File # DC23-02 – Exclusive Agriculture Overlay

Staff read the Opening Statement

Staff Report, Summary (Zac Moody)



- The Phoenix Land Development Code will receive the following updates as proposed:
  - Addition 2.12 – Exclusive Agriculture Overlay
  - Modification of 2.11 – Holding Zone applying to certain parts of PH-5
- Adoption of this code allows those properties in PH-5 currently zoned Exclusive Farm Use to keep their farm assessment through Jackson County assessment until the property is developed at an urban level.
- This overlay is applied at the applicant’s request at time of annexation and extinguished at the time it is given an urban zoning designation.
- Without the approval of this overlay, those larger properties that were brought in from PH-5 will lose their farm assessment as soon as they are annexed into the city limits (1/1/2024).

Commission Questions

- How many property owners will be in the overlay, and how many have opted in? **Currently three – all owners opted in.**
- This is to help the properties that annex in, since they may not be developing right away? **Correct**
- What causes the overlay to be removed from a property? **The overlay goes away with successful application for urban development**

Public Hearing Opened

Finding no members of the public in attendance, the Public Hearing was closed so that discussion and deliberation could begin.

Commission Discussion (Staff responses in **bold**)

- None

**MOTION (00:20:30): I move to recommend City Council approve the text amendment to add Chapter 2.12 and amend Chapter 2.11 in the Phoenix Land Development Code as outlined in the Planning Commission Final Order.**

**MOVED BY LUERS, SECONDED BY HANSON.  
MOTION APPROVED BY UNANIMOUS VOTE**

**7. OLD BUSINESS:**

None

**8. COMMENTS FROM THE COMMISSIONERS (Staff responses in bold):**

- Commissioner Luers says the new website looks good. **Thank you! Please let staff know if you have any recommendations or find any issues to fix.**
- Commissioner Monceaux says she is happy to be a citizen of Phoenix.

- Commissioner Helfrich asks staff about the status of Armadillo Technical Institute. **The building permits for remodeling are still open, staff believes the project is nearing completion.** Helfrich has a concern about security. **There is a fair amount of exterior work still to do. Staff is unsure if school has resumed at this point. They are still obligated to develop the site as shown on the approved Site Plan. By time site development is complete, it will have a fence as shown on the approved Site Plan.**
- Chair Dickson announced his resignation, as required by his new appointment to serve on the City Council. Dickson thanked the commission for their service to the community.
- The commissioners thanked Chair Dickson and wished him well in his new role.


#### **9. PLANNING MANAGERS REPORT:**

- Planning commission vacancies: Staff announced there are two vacancies that need to be filled. If commissioners know any interested parties, please direct them to staff. Staff will be happy to help with any questions.
- Regular PC Meetings: Staff asked the commissioners to assume that the second Monday of the month will be a meeting. The fourth Monday of the month will only be used if that month is particularly busy.
- Upcoming applications: There is a multi-family development in the pipeline, there will be a variance component to it, so the planning commission will be the reviewing body.

#### **10. ADJOURNMENT:**

The meeting adjourned at 7:01 p.m.

Respectfully submitted by,



Jeff Wilcox  
Associate Planner

**MULTI-FAMILY, ARROYO – STAFF REPORT**

**File: SP23-05 – Site Design Review**  
**VR23-01 – Variance**  
**FP23-01 – Flood Plan Development Review**  
**LL23-02 – Lot Line Adjustment**

**Location:** 3976 S Pacific Hwy; 38-1W-09DA-3900 and 4000

**Date Notice Published:** October 12, 2023

**Date of Hearing:** December 11, 2023

**I. OWNER / APPLICANT**

Steve Arroyo  
96 W Gregory  
Medford, OR 97501

**II. AGENT**

Rogue Planning and Development Services, LLC  
1314-B Center Drive PMB #457  
Medford, OR 97501

**III. PROJECT INFORMATION**

**A. Proposal**

The proposal is for a Site Design Review with Variance to construct a multi-family development with eighteen (18) dwelling units. The subject property is located within the 100-year floodplain, so a Floodplain Development application was also submitted. The proposal also includes a property line adjustment.

**B. Location**

The subject property is located just west of the confluence of Payne Creek with Bear Creek.

**C. Development**

Currently undeveloped – in 2012, there was a swimming pool in the north corner of the property.

**D. Physical Characteristics**

There are steep slopes along the West Property Boundary, but otherwise the subject property is relatively flat. According to FEMA’s National Flood Hazard Layer (NFHL), the subject property is almost entirely encumbered by 100-year floodplains or floodway. The ODOT SRSAM Survey 2004 shows there may be wetlands along the southeast. There were trees on the subject property, but they were destroyed by the Almeda Drive Fire.

**E. Access**

The property has direct access to S. Pacific Hwy via a 30’ shared access easement

**F. Zoning / Overlays**

The subject property is zoned High Density Residential (R-3) and is within the following overlays: Interchange Development Charge and Motor Vehicle Trip Reduction Designs and Programs.

**G. Surrounding Uses**

NORTH:	High Density Residential (R-3)
EAST:	Bear Creek and Greenway
SOUTH:	Commercial-Highway (C-H)
WEST:	Commercial-Highway (C-H)



#### IV. APPLICABLE PHOENIX LAND DEVELOPMENT CODE (PLDC) STANDARDS AND CRITERIA

- PLDC, Chapter 2.2 – Residential Districts (...R-3...)
- PLDC, Chapter 3.2 – Access and Circulation
- PLDC, Chapter 3.3 – Landscaping, Street Trees, Fences, and Walls
- PLDC, Chapter 3.4 – Vehicle and Bicycle Parking
- PLDC, Chapter 3.5 – Street and Public Facilities Standards
- PLDC, Chapter 3.7 – Environmental Constraints
- PLDC, Chapter 3.8 – Storm and Surface Water Management Standards
- PLDC, Chapter 3.9 – Erosion Prevention and Sediment Control
- PLDC, Chapter 3.12 – Outdoor Lighting
- PLDC, Chapter 4.2 – ...Site Design Review
- PLDC, Chapter 4.3 – ...Lot Line Adjustments
- PLDC, Chapter 5.2 – Variances

#### V. AGENCY COMMENTS

- Rogue Valley Sewer Services (RVSS)
- Jackson County Fire District 5 (JCFD)
- Oregon Department of Fish and Wildlife (ODFW)
- Oregon Department of State Lands (DSL)

#### VI. PUBLIC COMMENTS

None

#### VII. PROJECT SUMMARY

As proposed with conditions, the Site Design Review, Floodplain Development Review and Lot Line Adjustment generally meet the standards outlined in the Phoenix Land Development Code provided that the requested variances are granted. The proposed final order outlines all applicable standards, criteria and conditions used by staff to provide a recommendation to the Planning Commission.

Residential zones within the City of Phoenix are intended to provide the full range of “needed housing” to the residents of the City and the Region in accordance with Statewide Goal 10 and ORS Chapter 197. Residential Districts are also intended to promote the livability, stability, and improvement of the City’s neighborhoods. The City’s three residential zones vary primarily by the number of dwellings that shall be constructed per acre. Developers of new housing shall adhere to the minimum and maximum density standards for the appropriate zone... the R-3 zone mandates a minimum density of 12 units per acre.

#### VIII. RECOMMENDATION

Based on the findings and site plan provided by the applicant for the Site Design Review, Variance, Floodplain Design Review and Lot Line Adjustment, staff recommends **APPROVAL** of the application, with conditions as outlined in the Proposed Final Order.

#### IX. PROPOSED MOTION

*“I move to approve SP23-05, VR23-01, FP23-01 and LL23-02, a Site Design Review with Variance, a Floodplain Development Review and Lot Line Adjustment for the development of the site with the conditions of approval as outlined in the Planning Commission Final Order.”*

#### X. EXHIBITS

- A. Applicant’s Site Plan, Elevations, Landscape Plan and Findings
- B. Agency Comments
- C. Planning Commission Proposed Final Order

Respectfully Submitted,



Jeff Wilcox, Associate Planner





Planning Department

(541) 535-2050 Fax (541) 535-5769
112 W 2nd Street/PO Box 330, Phoenix, OR 97535

# 148 - PUBLIC NOTICE
# 350 - ENG

Development Review/Site Design Review Application File No. SP23-05 Fee \$1000 - APP

NOTICE TO APPLICANT: Applicants are advised to review the list of submittal requirements indicated on each application form prior to submitting an application. Incomplete applications will not be acted upon or scheduled for a public hearing until the Planning Department receives all required submittal materials and fees. Failure to provide complete and/or accurate information may result in delay or denial of your request.

APPLICANT Amy Gunter, Rogue Planning & Development Services, LLC

Mailing address 1314-B Center Drive PMB #457

Phone 541-951-4020 Fax Email amygunter.planning@gmail.com

Applicant's interest in property Agent for property owner

Signature Date

PROPERTY OWNER Estevan "Steve" Arroyo

Mailing address 96 W Gregory, Medford OR 97501

Phone 541-973-9894 Fax Email steve@creativebld.com

Signature Amy Gunter Date 4.13.23

Property Owner's Consent: I do hereby certify that I am the legal owner of record of the property described above and as such, I am requesting that the City of Phoenix process this application in accord with state and local ordinances.

Signature Date 4.13.23

If same as applicant, mark SAME. If there is more than one property owner, please attach additional sheets as necessary.

SITE LOCATION AND DESCRIPTION

Address 3976 S Pacific Hwy Tax Map #(S) 38S1W09DA Tax Lot #(s) 3900

Address Tax Map #(S) 38S1W09DA Tax Lot #(s) 4000

Adjacent property under same ownership (list tax lot ID)

Frontage street or address 3976 South Pacific Hwy Nearest cross street W 6th

Site size (acres or square feet) .85 Dimensions 122' X 426.81'

BUSINESSES Are any businesses operating on the property? If yes, please describe. N/A

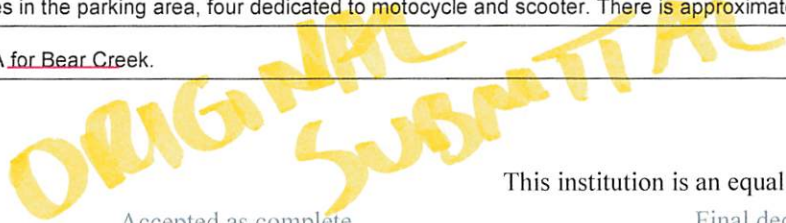
All businesses operating within the City of Phoenix must obtain a Business License.

SPECIFIC REQUEST New Use/Construction [X] Alteration [ ] Change of Use [ ]

Describe Request for approval of a 26 unit, multi-story apartment complex with offstreet parking area. The units are proposed as two bedroom/two bath.

There are 46 parking spaces in the parking area, four dedicated to motorcycle and scooter. There is approximately 8500 SF of landscape areas.

The property is in the SFHA for Bear Creek.



OFFICE USE ONLY.

This institution is an equal opportunity provider and employer.

120 day time limit Accepted as complete Final decision by

DLCD 45-day notice required Y/N Date mailed Date of first hearing

Planning Commission hearing date Notice mailed

Notice to media Publication date Emailed

Notice of Decision Date mailed Appeal deadline

Associated applications

## SUBMITTAL REQUIREMENT

The following items must be received in order to deem an application complete and schedule it for a hearing before the Planning Commission. If you need assistance completing the forms, please contact the Planning Department. If you do not have a copy of the deed to your property to verify ownership, contact the Jackson County Assessor at (541) 774-6059 or <https://jacksoncountyor.org/assessor>

1. Original, signed **Application form**. This information is public record and must be reproduced so please type or write clearly using dark ink.
2. All information required above and below, unless specifically waived by the Director.
3. The appropriate **fee**.
4. **7 copies** of all submittal materials for staff and Planning Commission distribution.



The following criteria must be satisfied in order to approve a request. See the specific language in Section 4.4.4.1 on page 3 of this form. Please tailor all responses to these criteria. All applications must also demonstrate compliance with applicable standards in Chapter 3 (Design Standards) of the LDC.

Is the proposed use listed as a Conditional Use in the underlying zone? Yes  No

**Describe in detail** how the characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.

The subject property is accessed via a private driveway. The zoning of the property is high density residential and the proposed use is consistent with the zoning. The property is located near S Pacific Hwy. The property is on a level pad with the Bear Creek floodplain to the northeast. There is a piped drainage and a recent wetlands delineation was conducted but a wetland was not located onsite.

**Describe in detail** how the site and proposed development are timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

The proposed development provides for high density, multi-family residential housing along a frequent transit route. There is an RVTD stop near the intersection of the driveway and the highway. The site is accessed via a paved driveway. There are adequate public utilities, water, sanitary sewer, stormdrainage and electric utilities available to service the property.

**Describe in detail** how the proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.

The proposed development is of a .85 acre, multi-family zoned property. The character of the area includes vacant and partially vacant commercially zoned properties, a high density, multi-family development and the Bear Creek Greenway. Nothing in the proposed development will impair or preclude the use of the surrounding properties to be developed to their intended use.

**Describe in detail** how the proposal satisfies the goals and policies of the City Comprehensive Plan that apply to the proposed use.

The property is zoned High Density, Multi-Family Residential. The proposal complies with density standards, provides adequate access and parking for the Comprehensive Plan goal for urbanization of residential lands near transit corridors.

Use this space to provide any additional information.  
See attached findings addressing the Phoenix Land Development Code.

**The Phoenix Land Development Code (LDC) accepts that certain uses, while not permitted outright, can be compatible uses in certain zones. The applicant bears the burden of proof to show that the proposed use is compatible or can be made compatible with the surrounding neighborhood and/or zone through appropriate mitigation.**

*Electronic submittals to accompany this application form are encouraged. All text submittals should be provided in a Microsoft Word document; plans and other images should be formatted as a PDF.*

**The application will not be scheduled for a hearing until deemed complete.**

*Use additional sheets if necessary.*



Chapter 4.2 – Development Review and Site Design Review

4.2.1 – Purpose

The purpose of this Chapter is to:

- Provide rules, regulations, and standards for efficient and effective administration of site development review.
- Carry out the development pattern and plan of the City and its comprehensive plan policies;
- Promote the public health, safety, and general welfare;
- Lessen or avoid congestion in the streets, and secure safety from fire, flood, pollution and other dangers;
- Facilitate adequate transportation, water supply, sewage, and drainage;
- Encourage the conservation of energy resources;
- Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

4.2.2 – Applicability

Development Review or Site Design Review shall be required for all new developments and modifications of existing developments, except that regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair shall be exempt. Development Review or Site Design Review applications shall be processed as a Type I, II or III application pursuant to Table 4.2.2, below.

Type of Use	DR	SDR	SDR
	Type I	Type II	Type III
Single Family Detached	X*		
Duplex	X		
Triplex	X		
<b>Multifamily 4+ and Single Family Attached 5+ units</b>		X	
<b>Additions &gt;50% of existing structure footprint</b>		X	
Minor Modifications	X		
Site approval for CUPs	X		
Temporary Use (see 4.9.1)	X		
Home Occupation (see 4.9.2)	X		
<b>Accessory Structure &gt;50% of existing structure area</b>			X
<b>Mobile Food Vendors</b>	X		
<b>Commercial up to 14 off-street parking spaces</b>	X		
<b>Commercial 15 or more off-street parking spaces</b>		X	
Clearing >2 acres			X
Change of access for Commercial or Industrial		X	

\*only if required as a condition of approval

4.2.3 - Development Review.

Development Review is a non-discretionary or ministerial review conducted by the Planning Director without a public hearing. (See Chapter 4.1 – Types of Applications and Review Procedures for review procedure.) It is for less complex developments and land uses that do not require Site Design Review approval. Development Review is based on clear and objective standards and ensures compliance with the basic development standards of the land use district, such as building setbacks, lot coverage, maximum building height, and similar provisions of Chapter 2. Development Review is required for all of the types of development listed in Table 4.2.2.

A. **Approval Criteria.** Development Review shall be conducted only for the developments listed in Table 4.2.2 and shall be conducted as a Type I procedure, as described in Chapter 4.1.3 – Type I Procedure (Ministerial). Prior to issuance of building permits, the following standards shall be met:

1. The proposed land use is permitted by the underlying land use district (See Chapter 2);
2. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any sub-districts are met (See Chapter 2);
3. All provisions of Chapter 3 – Design Standards are met;
4. All applicable building and fire code standards are met; and
5. The approval shall lapse, and a new application shall be required, if a building permit has not been issued within one year of Site Review approval, or if development of the site is in violation of the approved plan or other applicable codes.

4.2.4 – Site Design Review.

Site Design Review is a discretionary review conducted by the Planning Director and/or the Planning Commission with or without a public hearing. (See Chapter 4.1 – Types of Applications and Review Procedures for review procedure.) It applies to all developments in the City, except those specifically listed under “A” (Development Review). Site Design Review ensures compliance with the basic development standards of the land use district (e.g., building setbacks, lot coverage, maximum building height), as well as the more detailed design standards and public improvement requirements in Chapters 2 and 3. Site Design Review requires a pre-application conference in accordance with Chapter 4.1.7 – General Provisions, Section C.

Site Design Review shall be conducted as a Type II or Type III procedure as specified in Table 4.2.2, using the procedures in Chapter 4.1 – Types of Applications and Review Procedures, and using the approval criteria contained in Chapter 4.2.6 – Site Design Approval Criteria.

4.2.5 – Site Design Review Application Submission Requirements

All of the following information is required for Site Design Review application submittal:

A. **General Submission Requirements.** The applicant shall submit an application containing all of the general information required by Chapter 4.1.4 – Type II Procedure (Administrative) or Chapter 4.1.5 – Type III Procedure (Quasi-Judicial), as applicable. The type of application shall be determined in accordance with subsection A of 4.2.4 – Site Design Review Application Review Procedure. Site Design Review requires a pre-application conference in accordance with Chapter 4.1.7 – General Provisions, Section C.





**Planning Department**  
 (541) 535-2050 Fax (541) 535-5769  
 112 W 2<sup>nd</sup> Street/PO Box 330, Phoenix, OR 97535

**RECEIVED  
 PLANNING DEPT**

OCT 10 2023

1023-01

**VARIANCE APPLICATION**

File No. VAR \_\_\_\_\_ CITY OF PHOENIX Fee \$ \_\_\_\_\_

**NOTICE TO APPLICANT:** Applicants are advised to review the list of submittal requirements indicated on each application form prior to submitting an application. **Incomplete applications will not be acted upon or scheduled for a public hearing until the Planning Department receives all required submittal materials and fees. Failure to provide complete and/or accurate information may result in delay or denial of your request.**

**APPLICANT** Amy Gunter from Rogue Planning & Development Services, LLC

**Mailing address** 1314-B Center Drive PMB #457

**Phone** 541-951-4020 **Fax** \_\_\_\_\_ **Email** amygunter.planning@gmail.com

**Applicant's interest in property** Agent for property owner

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**PROPERTY OWNER** Estevan Arroyo

**Mailing address** 96 W Gregory Road, Central Point, OR 97502

**Phone** 541-973-9894 **Fax** \_\_\_\_\_ **Email** steve@creativebld.com

**Property Owner's Consent:** I do hereby certify that I am the legal owner of record of the property described above and as such, I am requesting that the City of Phoenix process this application in accord with state and local ordinances.

**Signature** \_\_\_\_\_ **Date** 09-14-2023

*If same as applicant, mark SAME.* If there is more than one property owner, please attach additional sheets as necessary.

**SITE LOCATION AND DESCRIPTION**

**Address** 3976 South Pacific Hwy **Tax Map #(s)** 38S 1W 09 DA **Tax Lot #(s)** 3900

**Address** \_\_\_\_\_ **Tax Map #(s)** 38S1W09DA **Tax Lot #(s)** 4000

Adjacent property under same ownership (*list tax lot ID*) \_\_\_\_\_

**Frontage street or address** 3976 South Pacific Hwy (Adj. property N Main address) **Nearest cross street** 6th Street

**Site size (acres or square feet)** \_\_\_\_\_ **Dimensions** \_\_\_\_\_

**BUSINESSES** Are any businesses operating on the property? If yes, please describe. None  
*All businesses operating within the City of Phoenix must obtain a Business License.*

**SPECIFIC REQUEST** Land Division  New Use/Construction  Alteration  Change of Use

**Describe** Request for variance to \_\_\_\_\_

**SUBMITTAL REQUIREMENTS**

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1. Original, signed **Application form**. This information is public record and must be reproduced so please type or write clearly using dark ink.
2. All information required above and below, unless specifically waived by the Planning Director.
3. The appropriate **fee**.
4. **7 copies** of all submittal materials for staff and Planning Commission distribution.

<b>OFFICE USE ONLY.</b>		This institution is an equal opportunity provider and employer.	
120 day time limit	Accepted as complete _____	Final decision by _____	
DLCD 45-day notice required	Y/N Date mailed _____	Date of first hearing _____	
Planning Commission hearing date	_____	Notice mailed _____	
Notice to media	Publication date _____	Emailed _____	
Notice of Decision	Date mailed _____	Appeal deadline _____	
Associated applications	_____		

The following criteria must be satisfied in order to approve a request. Please tailor all responses to these criteria. All applications must also demonstrate compliance with applicable standards in Chapter 3 (Design Standards) of the LDC.

Describe in detail how the proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity:

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Describe in detail how a hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district):

The property has no street frontage upon a public right-of-way. The property is located below the grade of the public street. The property is below the grade of the driveway accessing the site.

Describe in detail how the use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land:

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Describe in detail how existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard:

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Describe in detail how the hardship is not self-imposed.

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Describe in detail how the variance requested is the minimum variance that would alleviate the hardship.

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Use this space to provide any additional information.

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*Electronic submittals to accompany this application form are encouraged. All text submittals should be provided in a Microsoft Word document; plans and other images should be formatted as a PDF.*

**The application will not be scheduled for a hearing until deemed complete.**

*Use additional sheets if necessary.*



## City of Phoenix Land Development Code Chapter 5.2 – Variances

### **5.2.1 – Purpose**

- A. Purpose.** The Planning Director, through an administrative review or the Planning Commission with a Public Hearing may grant a variance from strict compliance with standards contained in this Code in cases where documented evidence proves that it is impossible or impractical to comply with the standard for one or more of the reasons set forth in the following Subsections.
- B. Applicability.** The facts and conclusions relied upon to grant a variance from a particular standard shall clearly be set forth in the FINAL ORDER of the Administrative Review or the review by the Planning Commission.
1. The variance standards are intended to apply to individual platted and recorded lots only, and in the case of signs, the applicant may be the business agent with a written letter of consent from the property owner.
  2. An applicant who proposes to vary a specification standard for lots yet to be created through a subdivision process may only utilize the Type II or Type III variance procedure.
  3. A variance shall not be approved which would vary the permitted uses of a land use district (Chapter 2).
  4. Exceptional or extraordinary conditions applying to the subject property which do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control make strict compliance impossible or impractical; or,
  5. A Variance from the design standard for reasons set forth, will result in equal or greater compatibility with the architectural and/or site planning style and features that exist in adjacent and nearby buildings; or the proposed design is a functional requirement of the proposed use.

### **5.2.2 – Type II Variances**

- A. Type II variances.** Due to their discretionary nature, the following types of variances shall be reviewed using a Type II administrative procedure, in accordance with Chapter 4.1.4 – Type II Procedure (Administrative):
1. Variance to Lot Setbacks, Landscaping, or Sign Standards, including up to a 10 percent change to the setback standard required in the base land use district, up to 10 percent reduction in landscape area (overall area or interior parking lot landscape area), or up to a 10 percent difference in size (wall or cabinet, and height requirements). The Planning Director may grant a variance to the requirements after finding the following:
    - a. The variance is required due to the lot configuration or other conditions of the site;
    - b. The variance does not result in the removal of trees, or it is proposed in order to preserve trees.
  2. Variance to minimum housing density standard (Chapter 2). The Planning Director may approve a variance after finding that the minimum housing density provided in Chapter 2 cannot be achieved due to physical constraint that limits the division of land or site development. "Physical constraint" means steep topography, unusual parcel configuration, or a similar constraint. The variances approved shall be the minimum variance necessary to address the specific physical constraint on the development and division of the site.
  3. Variance to Chapter 3.2 – Access and Circulation. Where vehicular access and circulation cannot be reasonably designed to conform to Code standards within a particular parcel, shared access with an adjoining property shall be considered. If shared access in conjunction with another parcel is not feasible, the Planning Director may grant a variance to the access requirements after finding the following:
    - a. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;
    - b. There are no other alternative access points on the street in question or from another street;
    - c. The access separation requirements cannot be met;
    - d. The request is the minimum adjustment required to provide adequate access;
    - e. The approved access or access approved with conditions will result in a safe access; and
    - f. The visual clearance requirements of Chapter 3.2 will be met.
  4. Variances to Chapter 3.3 – Landscaping, Street Trees, Fences, and Walls. The Planning Director may approve, approve with conditions, or deny a request for a variance to the street tree requirements in Chapter 3.3, after finding the following:
    - a. Installation of the tree would interfere with existing utility lines;
    - b. The tree would cause visual clearance problems; or
    - c. There is not adequate space in which to plant a street tree; and
    - d. Replacement landscaping is provided elsewhere on the site (e.g., parking lot area trees).
  5. Variance to Chapter 3.4 – Vehicle and Bicycle Parking
    - a. The Planning Director may approve variances to the minimum or maximum standards for off-street parking in Chapter 3.4.3 – Vehicle Parking Standards upon finding the following:
      - i. The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity;

- ii. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and
- iii. All other parking design and building orientation standards are met, in conformance with the standards in Chapter 2 and Chapter 3.
- b. The Planning Director may approve a reduction of required bicycle parking per Chapter 3.4.4 – Bicycle Parking Requirements, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.
- c. The Planning Director may allow a reduction in the amount of vehicle stacking area required in for drive-through facilities if such a reduction is deemed appropriate after analysis of the size and location of the development, limited services available and other pertinent factors.
- 6. Variance to Maximum or Minimum Yard Setbacks to Reduce Tree Removal or Impacts to Wetlands (Chapter 2 and Chapter 3.3 – Landscaping, Street Trees, Fences, and Walls). The Planning Director may grant a variance to the applicable setback requirements of this Code for the purpose of preserving a tree or trees on the site of proposed development or avoiding wetland impacts. Modification shall not be more than is necessary for the preservation of trees on the site.
- 7. Variance to the required design standards for the proposed structure will result in a better function for the building, i.e. relief from the balcony standard in a multi-unit Alzheimer's facility.

### **5.2.3 – Type III Variance**

**A. Purpose.** The purpose of this Section is to provide standards for variances that exceed the Types II variance review procedure.

#### **B. Approvals Process and Criteria**

- 1. Type III variances shall be processed using a Planning Commission review procedure, as governed by Chapter 4.1.5 – Type III Procedure (Quasi-Judicial), using the approval criteria in subsection 2, below. In addition to the application requirements contained in Chapter 4.1.5, the applicant shall provide a written narrative or letter describing the proposed variance, from which standards the variance is requested, why it is required, alternatives considered, and findings showing compliance with the criteria in subsection 2.
- 2. The Planning Commission shall approve, approve with conditions, or deny an application for a variance based on finding that all of the following criteria are satisfied:
  - a. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;
  - b. A hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);
  - c. The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
  - d. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;
  - e. The hardship is not self-imposed;
  - f. The variance requested is the minimum variance that would alleviate the hardship.

### **5.2.4 – Variance Application and Appeals**

The variance application shall conform to the requirements for Type II or III applications (Chapters 4.1.4 – Type II Procedure (Administrative) and 4.1.5 – Type III Procedure (Quasi-Judicial)), as applicable. In addition, the applicant shall include findings that provide a narrative or letter explaining the reason for his/her request, alternatives considered, and why the subject standard cannot be met without the variance. Appeals to variance decisions shall be processed in accordance with the provisions of Chapter 4.1 – Types of Applications and Review Procedures.

**RECEIVED 10/10/2023**

SITE PLAN AND ARCHITECTURAL REVIEW

# 18 UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT

3976 South Pacific Highway 38S IW 09DA; TAX LOT 3900 & 4000



**PROPOSAL:**

Request for Site Plan and Architectural Review for an 18-unit, multi-family residential apartment development. There are two, two story structures proposed. Building A has ten units and Building B is proposed to have eight units.

Variances to site design review standards for length of building, access standards for pedestrian access separated from the vehicular access within the existing limited access easement and to vehicular parking in the “front yard” where there is not a public right-of-way to orient the buildings towards.

The request includes a Floodplain Development Review due to the location of the property within the Bear Creek Floodplain.

**SUBJECT PROPERTY:**

**Property Address:** 3976 South Pacific Hwy  
**Map & Tax Lot:** 38S 1W 09DA; 3900 & 4000  
**Zoning:** High Density Residential  
**Adjacent Zones:** High Density Residential and Commercial  
  
**Overlay Zones:** FEMA Floodplain Overlay

**PROPERTY OWNER/  
APPLICANT:** Estevan B. Arroyo  
96 W Gregory Road  
Central Point, OR 97502

**ARCHITECT:** Ron Grimes Architecture  
14 N Central Avenue  
Medford, OR 97501

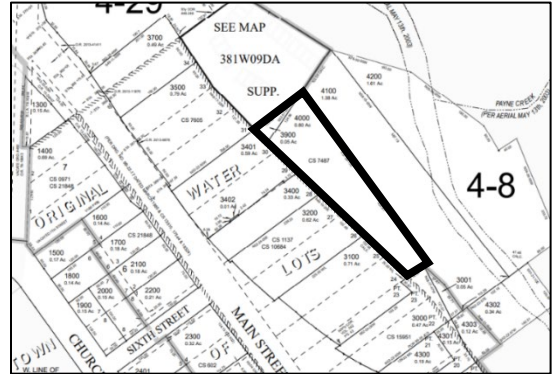
**ENGINEERING:** CEC Engineering  
PO BOX 1724  
Medford, OR 97501

**APPLICANT’S AGENT:** Rogue Planning & Development Services  
1314-B Center Dr., PMB#457  
Medford, OR 97501



**PROPERTY DESCRIPTION:**

The subject property consists of two parcels (3900 and 4000) they total .85 acres (37,026 SF). The property is to the east of South Pacific Hwy (Main Street). A separate boundary line adjustment application to relocate the shared property line to provide each building within the development with a separate parcel of record.

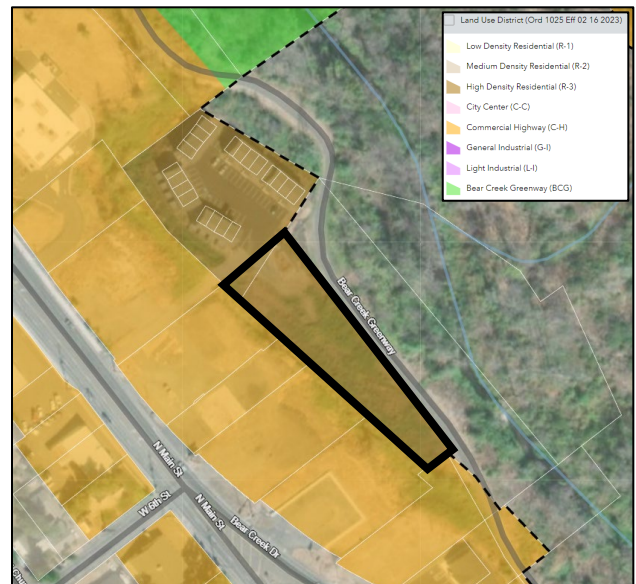


The subject property was legally created via a deed in 1958 and recorded on Jackson County Survey #7487. Access to the subject properties is via an access easement (OR 78-27288) from South Pacific Hwy, a publicly maintained street. The paved driveway serves the properties to the north and the two lots to the west that abut the highway.

The subject property is zoned High-Density Residential (R-3).

The adjacent property to the north is also R-3 and it was recently redeveloped with a townhouse development complex.

The properties to the west are zoned Commercial and are vacant or occupied by commercial businesses. The city limits are adjacent to the east property boundary. The property to the east is owned by the Oregon Department of Transportation and is occupied by Bear Creek, the Bear Creek Greenway and a large natural stormwater treatment area and wetland area.



The site is accessed via a shared driveway that provides access through the Commercial zoned properties that abut the Highway/North Main Street. The paved driveway provides access to the subject properties and the adjacent residential development to the north. The property is downhill from the highway and not visible from the public right of ways.

The site is relatively flat with a gentle slope generally from southwest to northeast. The property is within the Federal Emergency Management Area (FEMA), Flood Insurance Rate Map (FIRM) AE zone floodplain

and a portion of the floodway touches the eastern property line. There are base flood elevations for Bear Creek.

Potential wetlands on the property have been studied. It has been found that the area of the potential wetlands is not a regulated area. Following the wetlands study and site visit by the state of Oregon Department of State Lands, the state of Oregon biologist confirms that there is not adequate hydrology, soil types or vegetation to support delineation and preservation of the potential wetlands. Further, the study area and to fill or disturb the wetlands is less than 50 cu yards of material which is the wetlands threshold for regulated development.

There are no existing trees or significant vegetation or topography to maintain as part of the site development. The site is vacant of structures. There were foundations for some sort of structure present on the site that were removed following the Almeda Fire. There are various ground coverage plants on the property post fire.





**PROPOSAL:**

Request for Site Plan and Architectural Review for an 18-unit, multi-family residential apartment development. There are two, two story structures proposed. One structure with ten-units and an eight-unit structure.

Variances to site design review for length of building exceeding standards, access standards for pedestrian access outside of the vehicle access within the existing limited access easement, and parking in the “front yard”.

The request requires a Floodplain Development Review due to the location of the property and the development area within the Bear Creek floodplain.

The proposed units are all two-bedroom, two bath apartment units. There is a ground floor, accessible unit within each building. A private patio area or private deck area that exceeds 40 square feet is proposed for each unit.

The proposed multi-family residential structures are in the southwest portion of the property in the areas of the shallowest potential flooding. The structures are setback as far from the potential flood source to the maximum extent possible.

The proposed apartment development provides a needed housing type. The proposed development to the intended zoning and density addresses the city of Phoenix Comprehensive Plan designation of the property as high-density multi-family residential and provides adequate access, parking, open spaces, accessible dwellings adjacent to existing high-density residential dwellings.

**Density:**

The total lot area is .85 acres in area. The minimum density in the R-3 zone is 12 dwelling units per acre. There is no maximum density. The proposed 18 units comply with the minimum density for .85 acres (.85 X 12 = 10.2).

**Building Design:**

The proposed two-story buildings are architecturally interesting, visually pleasing multi-family apartment units.

The proposed exterior elevations are traditional with board & batten style vertical siding on the ground floor, a wide belly band and horizontal lap siding on the upper story. The structure has a gabled roof

form with architectural grade composition roofing. Eyebrow roofs are included on the front of the building to provide break up the massing of the linear roof line. Each unit has a sense of entry, with front doors and a down shrouded yard light and unit number, large windows with divided light uppers break up the façade of the ground floor. The exterior building material choices are reflective of the adjacent residential units.

The front façade of both structures is broken into smaller elements using reveals, recesses, trim, window sizes, and door locations. The end units are single level. This allows for an accessible unit on the ground floor in each structure. The unit on the second floor is accessed via a stairway on south end of the structure that leads to a deck walkway leading to the entrance. This decking reduces the overall mass of the building and further varies the front façade of the structures.

Proposed Building A (10-units) has a footprint of 4,630 square feet. The two-story building is proposed to be 9,260 square feet in area. Building B (8 units) has a footprint of 3,697 square feet in area. This two-story building is 7,394 square feet. The building area is similar in residential development pattern as the adjacent property to the north. The proposed buildings are similar in height, massing, scale, area, and are in the style of attached townhouse development found in the multifamily zone. The proposed building is of a similar scale consistent with the commercial structures that are possible on the adjacent properties. The buildings are not overwhelming adjacent to the residential development to the north across the driveway.

#### **Landscape:**

The proposal includes a conceptual landscape plan that complies with the standards of Chapter 3.3. The proposed landscape plan provides screening and other visual buffers for residential use and addresses compatibility with the commercial properties and adjacent uses. With site plan modifications the landscape plan will be amended to provide a plan for the increased landscape areas.

A solid masonry block enclosure area will screen the trash receptacles. There is a trash enclosure area for each building proposed that will contain adequate area for a recycling bin and a rubbish bin. The areas are in accordance with accepted locations to meet the needs of the service provider.

#### **Parking:**

The site plan demonstrates parking in accordance with the previously required standards and exceeds the recommended standards. The parking area provides for 37 vehicle parking spaces, two of which are van accessible, ADA parking spaces. There are also three motorcycle/scooter parking spaces. The parking area is proposed on a paved surface lot with a 26-foot drive aisle.

Newly adopted parking regulations pertaining to climate energy action planning will be met through the imposition of conditions of approval. The building permit plan sets will provide the measures recently adopted as part of the Climate Friendly and Equitable Communities Code amendments.

Shade trees providing parking lot shade protection will be identified on the final landscape plan submitted with the building permit plan set.

**Utilities:**

The public utility service necessary to the property and extend through the property in various easements is available. The proposal includes relocation of some of the utility service lines. The conceptual civil engineering plans from Construction Engineering Consultants, Inc., detail the extensions of the proposed utilities. There are no service constraints or moratoriums in place that affect this proposed development.

The proposed stormwater detention facilities will capture and retain in small retention ponds before being metered back into the stormwater system through overflow pipes. The proposed facility has been designed by Construction Engineering Consultants (CEC) Inc., to the standards of the Rogue Valley Storm Water Quality Drainage Manual.

**Transportation:**

The proposed building is not adjacent to a public street and no public streets are proposed for the development of an apartment complex. The property is accessed via a shared access easement. This easement is limited in width to 30-feet and provides adequate width for the Fire Department required 26-foot travel lane.

There is not adequate width within the easement to now include a separate pedestrian walkway from the driveway surface. The pavement is on the subject property side of said easement. All the paved driving surface is on the south side of the easement leaving no room for additional pavement or cement surfacing to provide a separate pedestrian walkway.

This is a pre-existing condition that cannot be remedied without taking property from the adjacent property owners, which is not feasible for the allowed use. The existing multifamily residentially zoned properties that are accessed via the same shared driveway cannot add pedestrian amenities excepting signage to watch for pedestrians and bicycles.

The subject property is located conveniently close to commercial uses, grocery, restaurants, medical services, convenience stores, fuel and food services, transportation services and schools. The property is in the high-density zone and the proposed 18 apartment units are a needed housing type proposed to address the housing needs addressed in the city of Phoenix Comprehensive Plan, Housing Element. The proposed apartments will enhance the livability of the small residentially zoned neighborhood that is found just east of the commercial corridor and nearly surrounded by commercial uses.

There are connected pedestrian walkways leading from the shared driveway access to and through the area of site development. The shared driveway serves as the pedestrian walkway through the adjacent commercial development properties to the public sidewalks abutting South Pacific Highway for the 20+ residents of the adjacent residential development, the additional pedestrian and bicycle presence will improve the ability of residents to feel more comfortable leaving their cars parked and using the transportation amenities in the immediate area.

South Pacific Highway is part of the Rogue Valley Transit District (RVTD) Route 10 frequent transit route. There is a public transportation stop located 885-feet to the northwest and another north bound stop approximately 975-feet to the south. There is a south bound bus stop to the northwest approximately 1100 to the northwest and another stop 975-feet to the south. RVTD provides frequent service Monday – Saturday. RVTD also provides the Valley Lift Service for individuals needing additional transportation services.

The Bear Creek Greenway is upon the adjacent abutting property allowing direct access is optional and not proposed at this time due to the ODOT Permitting process. This will be pursued but is not part of this application.

**Floodplain Development:**

The property is subject to the standards from Section 3.7.3 – Flood Damage Prevention Regulations. The property is within the Federal Emergency Management Agency (FEMA), Flood Insurance Rate Maps (FIRM) Area of Special Flood Hazard (SFHA) AE Zone. (Map Panel #41029C1989F). There are Base Flood Elevations (BFE) identified and the BFE is 1475’.

The proposed development will comply with the floodplain development permit standards from FEMA, the state of Oregon Building Codes and the city of Phoenix standards for development. Including that the finished floors of the structures will be elevated a minimum of one foot above the BFE as required. Additionally, foundation venting in the structures that relieves the hydrostatic pressures of the floodwaters that may flow through the site, will be provided. Evidence of compliance with the Floodplain

Development Permit requirements will be provided on the building permit construction plan sets. No development proposed within the FEMA Floodway.

**Conclusion:**

In conclusion, the city of Phoenix Planning Commission can be find that the proposed multi-family residential development to two parcels of record in the High-Density Multi-Family Residential zone immediately adjacent to commercial businesses, other residential uses, and multi-modal transportation with the limited exceptions requested due to the unique location, shape, size, and areas of the property meets or can meet the criteria from the Phoenix Land Development Ordinance.

Most importantly, the proposed housing provided needed housing as required by both the state legislature and the Comprehensive Plan Goals of the city of Phoenix.

The proposed residential units provide needed housing. The proposed residential development can be found to meet identified needed housing as described in ORS 197.303, "needed housing" which means all housing on land zoned for residential use...that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes... "Needed housing" includes the following housing types: Attached and detached single-family housing and multiple-family housing for both owner and renter occupancy.

Findings of fact addressing the city of Phoenix Land Development Ordinance Site Plan and Architectural Review for the development of multiple family residential dwellings, the requested exceptions or variances, and the requested floodplain development standards are found on the following pages.

Thank you for your consideration.



Amy Gunter  
Rogue Planning & Development Services, LLC

**Attachments:**

- Architectural Site Plan – Revised
- Architectural Floor Plans – Revised
- Easement record for utilities and access
- Stormwater Quality Management Letter from Engineer
- Fire District 5, Engineer Dave Meads Comment

AMENDED FINDINGS  
38 S 1W 09DA; 3900 & 4000  
10.10.2023

## Criteria from the Phoenix Land Development Ordinance

### 4.2.6 – Site Design Approval Criteria

The Planning Director shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

**A.** The application is complete, as determined in accordance with Chapter 4.1 – Types of Applications and Review Procedures and Chapter 4.2.5 – Site Design Review Application Submission Requirements, above.

#### Finding:

It can be found that the proposed apartment housing development application provides adequate information in accordance with the standards from Chapter 4.2.5 – Site Design Review Application Submission Requirements for the Planning Director to make written findings recommending approval of the proposed development.

The site development area is shared between the two legal lots of record which are accessed via a mutual access easement through the adjacent properties. The proposed layout includes development of two apartment buildings. There is a ten-unit building (Building A) and an eight unit building (Building B) of much needed housing proposed.

The proposed conceptual development plan demonstrates the Planning Director can recommend approval of the site layout including the proposed vehicle and bicycle parking areas, open spaces, landscape layout and planting, utilities, lighting, etc. comply or can made to be comply with the imposition of conditions of approval. The findings address the entire site development excepting building setbacks from the adjusted property lines and density. Both standards are met with the pending Boundary Line Adjustment and demonstrated as such on the site plans. The entire site area complies with the standards for development of R-3 zoned property.

Adequate easement for utility, access, maintenance, of any shared facilities will be provided upon the final property line adjustment plat map.

**B.** The application complies with the all of the applicable provisions of the underlying Land Use District (Chapter 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;

Finding:

The proposed development complies, albeit necessary variances or exceptions, or can comply through the imposition of conditions with the standards from the High-Density Multi-Family Residential zoning district standards from Chapter 2 including building and yard setbacks, lot area and dimensions, density, floor area, site coverage, building height, orientation, architecture and other standards that apply to multi-family housing development.

**Chapter 2.2 - Residential Districts**

The subject properties are zoned High Density Residential (R-3) Zone which mandates a minimum density of 12 dwelling units per acre with no maximum density. The zone allows for townhouse type and multi-family residential projects.

The proposed apartment complex development is a permitted use in the R-3 Zone.

**2.2.4 – Building Setbacks**

**A. Front Yard Setbacks** 1. Residential Uses (single-family, duplex, triplex, and multi-family housing types).

a. All setbacks shall be as shown in Table 2.2.2.

c. multi-family housing shall also comply with the building orientation standards in Chapter 2.2.7 – Building Orientation

Finding:

According to the PLDO definition of the front yard is the yard extending the full width of the front of a lot between the front (street) right of way and the side building line. The purpose of the front yard is to provide a building setback from the street, provide sunlight, air circulation, and promote a human scale design and traffic calming by reducing the presence of garages and parking between the building and the street.

This property has no street frontage. The property is setback more than 100-feet from the street and is completely below the grade of the street.

Due to these factors, the “front yard” is best suited adjacent to the Bear Creek Greenway/ODOT property along the East property line. This is due to the floodplain and the need to have the structures in the area of least impact from the source of the flood.

Increasing the setback from the natural features and the bike/pedestrian pathway and decreasing the setback from the hillside to the Commercially zoned properties above.

Building A: Front setback = 52' 7" from the east property line which exceeds the minimum front yard setback of 20-feet.

Building B: 33' – 4" from the east property line which exceeds the minimum front yard setback of 20-feet.

**B. Rear Yard Setbacks.** All setbacks shall be as shown in Table 2.2.2.

Finding:

The property does not have street frontage and the Bear Creek Greenway will be considered the 'front' for setback purposes.

The rear yard abuts the rear yard of the commercial property adjacent, opposite of the "front" setback.

The rear yard building setbacks exceed the minimum of five feet from the rear property line in compliance with Table 2.2.2.

**C. Side Yard Setbacks.** All setbacks shall be as shown in Table 2.2.2.

Finding:

Side yard setbacks are met with substantially more than four feet from the side property lines from each building on each parcel, in compliance with Table 2.2.2.

## 2.2.6 – Building Height

Finding:

No maximum building height in the R-3 zone.



### **2.2.5 – Maximum Lot Coverage**

A. Maximum Lot Coverage shall be as set forth in Table 2.2.2, except Neighborhood Commercial and Public/Institutional Uses shall have a maximum coverage of 80 percent.

B. Maximum lot coverage includes all primary and accessory structures.

C. For attached/common wall/cottage/multifamily projects with shared open space, Lot Coverage may be calculated based on the total project area rather than by individual lots.

#### **Finding:**

The maximum lot coverage in the R-3 Zone is 75 percent. Lot coverage is defined as the area of a lot covered by a building or buildings, expressed as a percentage of the total lot area.

The lot coverage of the structures is 22.6 percent. The site landscape plan provides for 8,654 square feet of landscape areas, 23.5 percent of the site as landscaped with vegetation, stormwater facility landscaping, and bark mulched or rock mulch surfaces.

### **2.2.7 – Building and Site Orientation**

A. Purpose. The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more “eyes on the street.”

B. Applicability. This Section applies to single-family attached townhouses that are subject to Site Design Review (3 or more attached units); multi-family housing;

#### **Finding:**

The property is unique in that it does not have frontage upon a public street. The property is not visible from the public street due to the topography. Future commercial development will further prevent view of the structures with only the roofline of the two-story structures visible from the public street.

The are no public streets adjacent to the property.

The orientation standards cannot be applied because there is not a street to place the building close too, no street to orient towards to create a human scale neighborhood, with the intent of slowing traffic and encourage walkability of the neighborhood street.

The Bear Creek Greenway is a public pedestrian and bicycle right of way. It is for this reason that the property has been oriented with the “front” facing the Greenway. The design provides a wide walkway accessing the units on the east side of the structure for residents to have “eyes” on the parking area and the Greenway providing additional safety.

C. Building orientation standards. All developments subject to this subsection shall be oriented toward a street when the lot is of sufficient size to allow for this. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Table 2.2.2

Finding:

The lot is not of a sufficient enough size to allow for the orientation standards to be met.

The setbacks comply with the setback standards in the from Table 2.2.2 when ODOT property that contains the Bear Creek Greenway is declared the ‘frontage’.

The property does not have typical frontages upon a public street which determine the frontage and the resulting property setbacks for ‘yards’ based on the front property line abutting the public street.

The property has ‘frontage’ upon the ODOT property where the Bear Creek Greenway is located, but not a public street.

The proposed development setbacks provide the largest building setback along east side of the property adjacent to the Greenway. The west property boundary becomes the rear property line. This abuts the rear property lines of the commercial property adjacent. The north and south property lines are the side property lines.

The proposed setbacks comply with the proposed ‘orientation’ and lot layout.

2. The primary façade of the primary structure shall be built parallel to the principal frontage line to the maximum extent possible.

Finding:

The primary façade is parallel to the 'principal' frontage line to the maximum extent possible considering the physical location preventing compliance with the standard.

The structures are oriented towards the parking area and the 'front'. This layout is necessitated by the location and shape of the site, the adjacent property topography, zoning and uses.

The buildings are not oriented towards the street because the property is not adjacent to a public street.

The parking area is adjacent to the building in the area that would be considered the front yard. Due to the unique lot shape, its location and lack of frontage, the floodplain and floodway, shared access, topography of the adjacent properties, etc. this multi-family zoned property is physically constrained in manners that are beyond the control of the property owner.

3. All buildings shall have their primary entrances oriented toward the street. Multi-family and neighborhood commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Chapter 3.2 – Access and Circulation. In this case, at least one entrance shall be provided not more than 20 feet from the closest sidewalk or street.

Finding:

This standard does not apply. The standard is discussing orientation towards streets, front or sides. The buildings cannot be oriented towards the street as one does not exist.

4. Parking shall be located in the rear of the building unless lot configuration makes this impracticable. If parking is not located in the rear, it shall be located on the side of the building. Side parking shall be set back 20 feet from the street right-of-way and screened from view with landscaping.

Finding:

The lot configuration prevents the parking from being located in the rear. Due to the lot configuration, the parking cannot be located to the side of the building. There is not a public street from which the parking should be screened from.

The parking area is adjacent to the building in the area that would be considered the “front” yard. Due to the unique lot shape, its location and lack of street frontage, the floodplain and floodway, shared access easements, topography of the adjacent properties, etc. this multi-family zoned property is physically constrained in manners that are beyond the control of the property owner.

**D. Off-street parking**

1. Off-street vehicular parking shall be provided as required in Chapter 3.4.

3.4.3 – Vehicle Parking Standards

A. Number of Spaces Recommended can be determined by the table.

Finding:

The proposal provides for 37 parking spaces in a surface parking area. There are three motorcycle/scooter parking spaces.

The number of disabled access parking spaces complies with the Americans with Disabilities Act and the Oregon Building Codes.

The parking area will have tree canopy covering at least 50 percent of the parking lot at maturity. There are deciduous trees shown on the conceptual landscape plan and canopy coverage areas of the trees can be provided on the final landscape plan.

A curb and sidewalk are present adjacent to the parking area to provide pedestrian access outside of the drive aisle.

There are more than five units proposed. The provisions of electrical service capacity as defined in ORS 455.417 (E.g., EV charging station conduit, EV chargers, etc. as determined by the final code provisions) to accommodate the required number of EV compatible parking spaces will be provided with the building permit submittals.

#### 3.4.4 – Bicycle Parking Requirements

Finding:

Bicycle parking, one space per unit in a long-term covered space on the back patio of each unit is proposed.

A U-rack for short-term bicycle parking is proposed in the parking area adjacent to the motorcycle/scooter parking spaces.

The bike parking rack will provide for six feet long, with five-foot maneuvering aisle, hard surfaced, U-rack that will allow for the locking of the frame to the structure.

The bike rack will be provided in accordance with 3.4.4.B.2.

#### **2.2.8 – Architectural Standards**

All buildings subject to this section shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.

1. Building Form. The continuous horizontal distance of individual buildings, as measured from end-wall to end-wall, shall not exceed 80 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the above figure. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:

- a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of four feet;
- b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of four feet; and/or
- c. Offsets or breaks in roof elevation of two feet or greater in height.

Finding:

This standard is superseded by the standards from 2.2.9.E.1.

2. Eyes on the Street. All exterior walls visible from a street right of way shall provide doors, porches, balconies, windows, and/or other architectural features. A minimum of 60 percent of front (i.e., street-facing) elevations, and a minimum of 30 percent of side and rear building elevations, as applicable, shall meet this standard. Percent of elevation is measured as the horizontal plane (linear feet) containing doors, porches, balconies, terraces, and/or windows. The standard applies to each full and partial building story.

Finding:

Though not on a street, the exterior walls that are visible from the parking area provide doors, front porches, windows and other architectural features. There is a front entrance for each of the ground floor units spanning the façade of the structure that faces the front entry and the parking area. There are extensive windows, entry doors and openings along the front façade of the structures that exceed 60 percent of the front wall area.

The rear of the buildings includes a covered patio for the ground floor of each unit and the units have a door and windows on the rear wall of the building. This provides access and views into the rear private yard areas and common spaces.

3. Detailed Design. All buildings shall provide consistency in architectural design treatment along all exterior walls (i.e., front, rear and sides). Detailed design shall be provided by using at least three of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

Finding:

Both structures are consistent in the architectural design treatment. The front and the rears of the buildings use consistent materials on the front and rear. Excepting that the front ground floor siding has a vertical, board and batten treatment to vary the materials on the visually prominent façade. Additionally, the trim treatment and wide posts on the front façade provide visual relief.

Both buildings include dormers, varying size and spacing of dormers, split shingle treatment in the gable ends, covered porch entries, posts, wide eaves, wide window trim, balconies, and covered patios, horizontal and vertical siding use and belly bands to provide a visual relief to the horizontal siding.

The rear of the structure will not be visible to most adjacent properties.

All exterior lighting will be dusk to dawn with automatic shut off. All exterior light fixtures will be directed downwards to prevent direct illumination of adjacent properties. The parking lot light will provide safety, security and provide a utility function. The building permit submittals will provide lighting specs that demonstrate direct compliance with the standard from Phoenix LDO 3.12.

4. Repetition of Residential Façades. Variability in design is encouraged. A detached single-family dwelling that has the same appearance or a mirrored reverse appearance as another detached single-family dwelling facing the same street may not be constructed adjacent to or across the street from that single-family dwelling. A different appearance for purposes of this section involves a different roof line and/or footprint.

Finding:

The façade varies on the front of the buildings. There are three different gables along the primary roofline, there are entry doors with double hung style, windows on the ground floor and slider windows on the second floor. The south end of the buildings includes a ground floor unit and a unit above. The unit on the second floor includes a deck entry that provides a material variation in the façade. There are various gable dimensions, material treatments in the gable ends, eyebrow gables on the roof.

The eyebrow gables provide for a substantially varied roof line.

There are also siding material changes to the façade on the ground floor with a belly band and different materials on the second story.

These are not single-family detached dwellings.

### **2.2.9 – Special Standards for Certain Uses**

This Section supplements the standards contained Sections 2.2.1 through 2.2. 8. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Residential District:

**E. Multi-family housing.** Multi-family housing means housing that provides more than three dwellings on an individual lot (e.g., multiplexes, apartments, condominiums, etc.). New multi-family developments shall comply with all of the following standards:

1. Building Mass Supplemental Standard. The maximum width or length of a multiple family building shall not exceed 150 feet (from end-wall to end-wall).

#### Finding:

Building A is proposed to be 154' – 4" in length. Building B building has a 102' – 6" façade length. An exception to this design standard is requested. The development provides for a high density, needed housing development in a multi-family zone. The property is in the Floodplain and the area of physical development is limited by the long, linear shape of the property. The linear shape of the property limits the buildable dimensions of the site when considering setbacks, functional floorplans for a two-bedroom unit, adequate parking, drive aisles, and open spaces. The shape of the property and the extenuating circumstances to the site development, an exception to extend the building four foot, four inches, a 2.9 percent increase in the overall building length. The mass and scale of the building is addressed in the design standards and the additional length will be negligible in the overall design of the multi-unit building and provides a needed housing unit that is still of modest floor area.

2. Common open space standard. Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as common open space in all multiple family developments. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required public land dedication and public and private streets. Sensitive lands and historic buildings or landmarks open to the public and



designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.

Finding:

There is a common area on the north side of the ten-unit building, between the two buildings, along the west side of each building and at the northeastern side of the driveway and parking area. There are no public land dedications.

The surface areas within the common open space area include lawn area, crushed rock areas beyond the patios of the units, and the landscape screen along the west property boundary.

The 36,891 square foot lot requires 7,378 SF of common area. The site plan provides for 8,654 square feet of landscape areas, 23.5 percent of the site will be landscaped with vegetation, stormwater facility landscaping, and bark mulched or rock mulch surfaces.

3. Private open space standard. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following standards:
  - a. All ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);

Finding:

The ground level rear patios are 48 square feet in area.

- b. All upper-floor housing units shall have balconies or porches measuring at least 48 square feet.

Finding:

The upper floor units will have a minimum deck area of 48 square feet, each unit also has a small area near their stairs as open space area.

- c. Private open space areas shall be oriented toward common open space areas and away from adjacent single-family residences, trash receptacles, parking and drives to the greatest extent practicable; and

Finding:

The private patios are at the rear of the structure and oriented towards the west side of the property common area, there is one patio on the north side of the structure. To the maximum extent feasible most private outdoor patio and deck area are not oriented towards the parking areas.

The vacant property adjacent is commercially zoned and it is required to be buffered from the subject property because of its residential zoning. This increases the future setbacks of the commercial structure from the private and common open space provided along the west property line.

4. Exemptions. Exemptions may be granted when these developments are within a quarter mile (measured walking distance) of a public park and there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), and maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides an active recreation area such as a ball field, children's play area, sports court, track, or similar facility.

Finding:

No exemptions requested.

5. Trash receptacles. Trash receptacles and recycling areas shall be oriented away from adjacent residences and shall be screened with a solid masonry wall not less than 6 feet in height.

Finding:

There are two separate trash receptacle areas. One is adjacent to the east property line and one on the south end of the project site in an area that is most convenient for the Sanitary Service provider. The Trash receptacle will be screened with a six-foot-tall solid masonry wall and fencing.

**4.2.6.**

**C.** The applicant shall be required to upgrade any existing development that does not comply with the applicable land-use district standards, in conformance with Chapter 5.3 – Non-Conforming Uses and Developments;

Finding:

The site is vacant of structures.

The site is accessed from the public right-of-way (S Pacific Hwy/North Main Street) via a shared access easement. This access easement is limited in width, preventing upgrading of the driveway development beyond additional paved width with sidewalk or pedestrian walkway outside of the shared driveway surface. An exception to the standards is requested because the non-conforming nature of the driveway accessing the site cannot be upgraded to the applicable land use standards.

**D.** The application complies with the Design Standards contained in Chapter 3. All of the following standards shall be met:

**Chapter 3.1 – Design Standards Administration**

Finding:

It can be found that the proposal complies with the development standards of Chapter 3. Where direct compliance cannot be achieved due to the location of the property without street frontage and access only via a shared easement, shape of the parcel (long and narrow) and the physical constraints of the parcel location (floodplain, floodway, a access easement, slope adjacent to existing improved access easement, exception/variance to the standards are warranted.

**Chapter 3.2 – Access and Circulation**

**3.2.2 – Vehicular Access and Circulation**

Finding:

The property has direct access to a public street and access is provided via an existing, 30-foot wide, paved to 26-foot, reciprocal access easement. The paved driveway within the existing access easement area is developed to the maximum extent. The pavement of the driveway is shifted to the west property line of the subject property and is abutting a driveway slope. The easement language states that a portion of the easement includes parallel parking. These are preexisting, non-conforming situations that cannot be remedied through providing access in an alternative manner due to lack of public street frontage. There are no changes to the existing street system or to the right-of-way of OR Hwy 99/South Pacific Hwy., /N Main Street.

A Traffic Study was conducted for a 26-unit apartment complex. The Traffic Engineers have found that there are no circulation issues created by a 26-unit apartment complex. Therefore, it can be reasonably deduced that an 18 unit development will also have not impact on the level of service, the driveway functions or create other transportation access issues that would require modifications or mitigation to the transportation system.

Adequate fire apparatus access is provided and all vehicles, including emergency services will enter and exit the site in a forward manner. The Jackson County Fire District 5 comments noted they require a 26-foot clear width, driveway will be declared a fire apparatus access road and signed as such as required by the Oregon Fire Codes and by the Building Official. The proposed driveway does provide for a 26-foot, clear width, 14-foot of vertical clearance, rolled curbs and hydrant. As required by fire and building codes fire suppression systems will be provided with the building permit submittals.

### **3.2.3 – Pedestrian Access and Circulation**

#### Finding:

A continuous, accessible sidewalk is provided within the development. This walkway connects all primary entry doors, connects to the common areas and leads to the parking areas.

The building styles have front stoops. The which provides a covered entry with direct connection to the walkway that provides access to the front entries from the pathways and the parking area.

The continuous pathway provides a safe, direct and convenient connection to the buildings and to the paved access easement which then leads to the public street.

There is a no future connection to the Bear Creek Greenway path shown because approval of access across the property boundary and on to the pathway is through the Oregon Department of Transportation (ODOT), access is not guaranteed and a separate application to that agency will be necessary. It is not part of this application, and gate access cannot be conditioned as the city is not the approval authority on access to the greenway on the ODOT property.

Per 3.2.3.A. 1. Pedestrian Access and Circulation, Continuous Pathway requirements, the developer “may” be required to connect or stub pathways to adjacent streets in accordance with Chapter 3.2.2.

It can be found that due to the dedicated 30-feet of width and the paved width of the private access easement, a continuous walkway cannot be provided from the property through adjacent properties, connecting the public sidewalk along the street. The physical constraint of the existing improvements within the access easement prevents development of a pedestrian pathway. The pavement within the easement is shifted to the subject property side of the easement leaving no room behind the paved width for a raised, curbed pathway with a barrier of vegetation, berm or other physical barrier adjacent to the driving surface. The opposite side of the easement has vegetation associated with the redevelopment within the 'unimproved' portion of their side of the easement.

Along the property frontage of the paved driveway, there is a grade change adjacent to the driveway surface in the setback area of the structure from the property line that prevents widening the improvements to add a pedestrian pathway on the south side of the easement.

The limited width of the easement, the location of the paved access within the easement, the slope adjacent to the existing improvements on the subject property side of the easement and the lack of public street frontage are due to physical constraints that cannot be remedied with this application.

Exception to this standard is requested herein.

### **Chapter 3.3 – Landscaping, Street Trees, Fences, and Walls**

#### Finding:

There are no areas of significant vegetation to preserve. There were potential wetlands areas identified. The potential wetlands did not meet the State of Oregon DSL criteria for wetlands preservation. Additionally, the area of the potential wetland study area was below the threshold for development.

The Wetland Delineation report found that the soil type and lack of hydrology prevents the small areas that were considered potential wetlands to declared protected wetlands that require permitting or protections. See attached report.

A conceptual landscape plan has been provided that generally complies with the standards from PLDO 4.2.5. The conceptual landscape plan provides for 8,654 square feet of landscape

areas, 23.5 percent of the site as landscaped with vegetation, stormwater facility landscaping, and bark mulched or rock mulch surfaces. The plant materials include trees, parking lot shade trees, shrubs, ground cover plants, bark mulches and gravel mulch.

A stormwater detention pond area is proposed between the parking area and the Bear Creek Greenway. The stormwater detention facilities have been designed by an Oregon Licensed Civil Engineer and will demonstrate compliance with the Rogue Valley Stormwater Quality Design Manual and Best Management Practices for construction at the time of the building permit submittal. A letter from the project engineer was provided that assures compliance with the current standards.

A boundary fence near the property line adjacent to the Bear Creek Greenway and parallel with the FEMA floodplain and not encroaching into the FEMA Floodway, matching the adjacent property in material, is proposed to provide delineation of the project boundary.

Similarly, to the adjacent property, direct access from the property is not outright permitted without approval of the Oregon Department of Transportation. This can be sought if required as a condition of approval, but a gate is not part of this proposal as it cannot be guaranteed approval.

There is not a front yard setback adjacent to a public street. A fence of up to six feet tall measured at the highest grade at the base of the fence is proposed along the property boundaries and without intrusion into the mapped FEMA floodway. Any chain link fence will match that of the existing property, provide site security from the greenway, and provide property delineation. The fence will be constructed parallel to the floodplain. Where perpendicular to the floodplain, barbless wire or similar openings will be constructed to the BFE.

### **Chapter 3.4 – Vehicle and Bicycle Parking**

#### Finding:

The proposal provides for 37 parking spaces in a surface parking area. The proposed parking area does not exceed the recommended parking ratio of 1.75 spaces per two bedrooms.

The number of disabled access parking spaces will comply with the Americans with Disabilities Act and the Oregon Building Codes for Accessible Parking at the time of building permit submittal.

The parking area will have tree canopy covering at least 50 percent of the parking lot at maturity. There are deciduous trees shown on the conceptual landscape plan and canopy coverage areas of the trees can be provided on the final landscape plan submitted with the building permits.

The parking space sizes, dimensions, backup area, access aisles, etc., comply with the standards from 3.4.

A curb and sidewalk are present adjacent to the parking area to provide pedestrian access outside of the drive aisle.

There are more than five units proposed. The provisions of electrical service capacity as defined in ORS 455.417 (E.g., EV charging station conduit, EV chargers, etc. as determined by the final code provisions) to accommodate the required number of EV compatible spaces will be provided at building permit submittal.

#### **3.4.4 – Bicycle Parking Requirements**

Finding:

Bicycle parking, one space per unit in at the back of each unit is proposed and shown on the site plans.

A bike rack for short-term bicycle parking will be provided outside of the building at the grade of the main floor of the 10-unit building. It is within the parking area adjacent to the motorcycle parking spaces just north of the 10-unit building.

The bike parking rack will provide for six feet long, with five-foot maneuvering aisle, hard surfaced, U-rack that will allow for the locking of the frame to the structure. The U Rack provides for the required two short-term bike parking spaces required.

### **Chapter 3.5 – Street and Public Facilities Standards**

Finding:

The proposed development has access to the street via a private access easement. A Traffic Assessment was conducted and found that there are no modifications or mitigations to the public right-of-way triggered by the increase in vehicular traffic from the proposed development.

New access or connection to the public street is proposed as it is an existing driveway apron.

There are no public use areas proposed.

The Conceptual Civil Engineering documents provide preliminary connections to the sanitary sewer and water service. Easements to the existing public utilities are not impacted. The other utilities such as power will be provided underground.

### **Chapter 3.6 – Signs**

Finding:

None proposed.

### **Chapter 3.7 – Environmental Constraints**

Finding:

The subject property is adjacent to the Bear Creek Greenway and as the name suggests, Bear Creek. Bear Creek is a Goal 5 Resource and is considered a Class 1 stream. The property is more than 50-feet from the highwater line, and no riparian vegetation is present on the subject property.

The site development is approximately 98-feet from the highwater line and is separated from the creek by the physical improvements of the Bear Creek Greenway bicycle and pedestrian right-of-way.

The site is not subject to the Riparian Preservation Standards due to the substantial physical distance to Bear Creek.



The property is subject to the standards from Section 3.7.3 – Flood Damage Prevention Regulations. The property is within the Federal Emergency Management Agency (FEMA), Flood Insurance Rate Maps (FIRM) Area of Special Flood Hazard (SFHA) AE Zone. (Map Panel #41029C1989F). There are Base Flood Elevations (BFE) identified and the BFE is 1475’.

The proposed structures are located in the area of shallowest potential flooding. All finished floors will be elevated to at least one foot above the BFE. Foundation venting to reduce the hydro static pressure of the water with Smart Vents that provide one-square inch of venting per 100 square feet of crawlspace or building footprint.

An Oregon Licensed Surveyor will provide the data necessary to provide a visual reference to the required BFE and the one foot above for the finished floor framing and utility installation that requires above ground infrastructure pre and post construction. Smart Vents and floodproofing as allowed in the State of Oregon Building Codes Division standards for construction in the regulatory floodplain will be provided on the building permit plan sets.

The project is designed in a manner that minimizes the flood damage by providing the parking area nearest the flood source and the structures in the area furthest from the source. All site improvements and utilities including sewer, gas, electrical, and water will be constructed to minimize or eliminate damage and infiltration of floodwaters. All structures and improvements will be anchored to prevent floatation collapse or lateral movement.

The proposed chain-link fencing at the perimeter of the property will allow the passage of water by having openings in the areas at or below the BFE to allow flood water and debris to flow freely.

There are no alterations to any water course and there are no improvements within the regulatory floodway that encroaches slightly onto the property.

### **Chapter 3.8 – Storm and Surface Water Management Standards**

#### Finding:

Stormwater detention facilities to collect detain and treat the drainage from the impervious surfaces is proposed. The proposed stormwater detention facilities are to the east of the parking area. There are plant materials to increase the infiltration and evapotranspiration of the

captured stormwater. The site has 20.5 percent of the site as landscape area which reduces impervious areas in reduces stormwater runoff.

The building permit submittals will demonstrate compliance with the standards from the most current Stormwater Management Plan and the RVSS Stormwater Quality Design Manual for design, construction, and maintenance of the stormwater facility.

### **Chapter 3.9 – Erosion Prevention and Sediment Control**

#### Finding:

A Conceptual Erosion Prevention and Sediment Control Plan has been prepared by an Oregon Licensed Civil Engineer. Erosion control fabric will be provided along the entire eastern boundary to provide a barrier to the deposition of soil or sediment from the construction project across the property line. A stabilized pad of gravel will be constructed and maintained at the entrance / exit to the construction site to prevent soil deposits on the roadway or in the drainage ways.

The project site area is less than one acre. The project site has been designed to minimize disturbance to the site topography. There is no native vegetation, and the soil has been manipulated.

It can be found that the plan complies or can comply with the applicable technical guidelines, as determined by the Public Works Director.

### **Chapter 3.10 – Other Design Standards**

#### Finding:

This chapter does not appear to apply to the proposal.

### **Chapter 3.11 – Agricultural Buffering and Mitigation**

#### Finding:

This chapter does not appear to apply to the proposal.

### **Chapter 3.12 – Outdoor Lighting**

Finding:

Lighting that complies with the Lighting Area Classification of LZ-2 for the R-3 zone will comply with the standards required in this chapter. The photometric plan as required will be designed by a lighting specialist and provided with the building permit plan sets.

**E.** Conditions required as part of a Land Division (Chapter 4.3 – Land Divisions and Lot Line Adjustments), Conditional Use Permit (Chapter 4.4 – Conditional Use Permits), Planned Unit Developments (Chapter 4.5 – Planned Unit Developments), or other approval shall be met.

Finding:

There are no existing conditions of approval from previous development approvals on the subject property affecting the development said property.

**F.** Exceptions to criteria D.1-6, above, may be granted only when approved as a Variance (Chapter 5.2 – Variances).

Finding:

An Exception to criteria 4.2.6.D. 1 (Chapter 3.2.3 – Pedestrian Access and Circulation) is requested.

**Chapter 5.2 - Variances**

**B.** Applicability. The facts and conclusions relied upon to grant a variance from a particular standard shall clearly be set forth in the FINAL ORDER of the Administrative Review or the review by the Planning Commission.

Finding:

Variance to 2.2.9.E.6 – Special Standards for Certain Uses, Multi-Family

Variance to 2.2.7 – Building and Site Orientation, 4. Parking location

And an Exception to criteria 4.2.6.D. 1 (Chapter 3.2.3 – Pedestrian Access and Circulation) is requested which is also processed as a Variance.

1. The variance standards are intended to apply to individual platted and recorded lots only, and in the case of signs, the applicant may be the business agent with a written letter of consent from the property owner.

Finding:

The requested variances are property and development specific and apply only to an individual platted lot.

2. An applicant who proposes to vary a specification standard for lots yet to be created through a subdivision process may only utilize the Type II or Type III variance procedure.

Finding:

The proposed variances are Type II procedures per 5.2.2.A.3 – Variance to Chapter 3.2 Access and Circulation the Planning Director may grant the variance.

3. A variance shall not be approved which would vary the permitted uses of a land use district (Chapter 2).

Finding:

The variances requested does not vary the permitted use of the land use district.

4. Exceptional or extraordinary conditions applying to the subject property which do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control make strict compliance impossible or impractical; or,

Finding:

There are exceptional conditions applicable to this property which do not apply generally to the other properties in the same zone or vicinity. The shape of the site is long and narrow, constrained by the hillside to the west, and by the FEMA floodplain and Bear Creek on the east.

The property does not have public street frontage which typically defines resulting setbacks, orientation and access location.

The property is below the grade of the street and is below the grade of the paved surface of the existing access easement.

There are only two multi-family zoned parcels in the immediate vicinity, the subject property and that to the north accessed via the same shared access easement. The properties between the subject property and the public street are zoned for commercial development with large

scale building potential. The adjacent property where the Bear Creek Greenway is located is a private parcel owned by the Oregon Department of Transportation and access to that property though required by the city of Phoenix is not guaranteed by the property owner responsible for the greenway.

These circumstances are not under the control of the applicant which makes strict compliance impracticable or impossible.

5. A Variance from the design standard for reasons set forth, will result in equal or greater compatibility with the architectural and/or site planning style and features that exist in adjacent and nearby buildings; or the proposed design is a functional requirement of the proposed use.

Finding:

The variance from the design standards will result in compatibility with multi-family architecture. The proposed design standard variance allows for a structure that will be more functional. The variance allows for a multi-family structure to be similar in scale and mass as the predominate zoning of adjacent properties which is commercial with only a minor exception in the total allowed building length. The proposed wall length is less than a three percent increase in the standard.

The variance to the location of the parking in the “front” yard area and between the building and the street is unavoidable. The lot dimensions, location without street frontage and accessed via only a shared access easement prevent orientation to a public street.

### 5.2.2 – Type II Variances

**A. Type II variances.** Due to their discretionary nature, the following types of variances shall be reviewed using a Type II administrative procedure, in accordance with Chapter 4.1.4 – Type II Procedure (Administrative):

1. Variance to Lot Setbacks, Landscaping, or Sign Standards, including up to a 10 percent change to the setback standard required in the base land use district, up to 10 percent reduction in landscape area (overall area or interior parking lot landscape area), or up to a 10 percent difference in size (wall or cabinet, and height requirements). The Planning Director may grant a variance to the requirements after finding the following:

Finding:

AMENDED FINDINGS  
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A variance to increase the maximum length of a multi-family building by less than 10 percent. PDC 2.2.9.E.6 Building Mass Supplemental Standard limits the maximum length of a multiple family building to 150 feet (from end-wall to end-wall).

- a. The variance is required due to the lot configuration or other conditions of the site;

Finding:

The eight-unit building is 154' – 4" in length. The property is in the Floodplain and the area of physical development area is limited by the long, linear shape of the property. The linear shape of the property limits the buildable dimensions of the site when considering setbacks, functional floorplans for a two-bedroom unit, adequate parking, drive aisles, and open spaces. The shape of the property and the extenuating circumstances to the site development, warrant an exception to extend the building 4'-11", or a 2.9 percent increase in the overall building length.

This is a minimal request. The mass and scale of the building is addressed in the design standards and the additional length feet will be negligible in the overall design but will provide a much-needed dwelling unit that is of modest floor area.

Adjacent commercial development will be of similar scale, massing and will eventually block the view of this structure from the public street.

- b. The variance does not result in the removal of trees, or it is proposed in order to preserve trees.

Finding:

There are no trees to remove or preserve.

3. Variance to Chapter 3.2 – Access and Circulation. Where vehicular access and circulation cannot be reasonably designed to conform to Code standards within a particular parcel, shared access with an adjoining property shall be considered. If shared access in conjunction with another parcel is not feasible, the Planning Director may grant a variance to the access requirements after finding the following:

- a. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;

Finding:

A request to not provide a separated, pedestrian pathway from the public street to the subject property within the existing access easement is requested (3.2.3.) and should be granted under the standards of 3.2.3.A.1., which finds that this standard may be applied and the standard is not a “shall” be applied standard. Furthermore, according to 3.2.3.A.5.e., that the Planning Commission may make a determination that based on the record that a pathway is impractical due to physical or topographic constraints.

It can be found that due to the dedicated 30-feet of width and the paved width of the private access easement, a continuous walkway cannot be provided from the property through adjacent properties, connecting the public sidewalk along the street. There is not adequate physical space to widen the improvements within the easement.

The physical constraint of the existing improvements within the access easement prevents development of a separate pedestrian pathway. The pavement within the easement is shifted to the subject property side (south) of the easement leaving no room behind the paved width for a raised, curbed pathway with a barrier of vegetation, berming or other physical barrier adjacent to the driving surface. The north side of the easement has vegetation associated with the redevelopment within the ‘unimproved’ portion of their side of the easement.

Along the property frontage of the paved driveway, there is a grade change adjacent to the driveway surface. This grade changes in the setback area of the structure from the property line. The grade change prevents widening the improvements to add a pedestrian pathway on the south side of the easement.

The text of the easement and paint indicators on the ground state that a portion of the easement is for parking for the property at 600 N Main (north side of shared easement). Though not allowed per Phoenix LDO codes today, the easement existed prior to the pedestrian access standards and conditions of approval cannot be made that violate existing legal agreements between property owners that pre-date development ordinances.

The limited width of the easement, the location of the paved access within the easement, the slope adjacent to the existing improvements on the subject property side of the easement and the lack of public street frontage are due to physical constraints that cannot be remedied with this application.

b. There are no other alternative access points on the street in question or from another street;

Finding:

There are no other alternative access points on the street or from another street.

Any private connection to the adjacent Greenway trail would require approval of the t Oregon Department of Transportation (ODOT), and access is not guaranteed and a separate application to that agency will be necessary. It is not part of this application, and a gate access cannot be conditioned as the city is not the approval authority on access to the greenway on the ODOT property.

c. The access separation requirements cannot be met;

Finding:

Access separation requirements are met with the existing driveway location from the public street.

d. The request is the minimum adjustment required to provide adequate access;

Finding:

The request is the minimum adjustment required to provide adequate access when the improvements within the easement prevent a raised, curbed, separated pedestrian pathway within the access easement.

Pedestrian access is within the existing paved surface as it presently exists and serves an adjacent multi-family residential development that was not required to install pedestrian access when the development plans of 600 N Main changed between direct rebuild to the approved post fire rebuild.

e. The approved access or access approved with conditions will result in a safe access; and

Finding:

A condition of approval requiring a sign to “watch for pedestrians and bicyclists” is a reasonable condition of approval that will result in safe access within the existing access easement.



f. The visual clearance requirements of Chapter 3.2 will be met.

Finding:

The driveway intersection with the highway complies with vision clearance requirements of Chapter 3.2.

5. Variance to Chapter 3.4 – Vehicle Parking

a. The Planning Director may approve variances to the minimum or maximum standards for off-street parking in Chapter 3.4.3 – Vehicle Parking Standards upon finding the following:

i. The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity;

Finding:

A variance to 2.2.7.4 – Building and Site Orientation, 4. Parking location to the rear unless the lot configuration makes this impracticable is requested.

The subject property lacks street frontage and determination of the property setbacks for purposes of spacing between structures and property lines is addressed through determination of the Bear Creek Greenway as the “frontage” which is the direction the residential entries are oriented.

The long and narrow property dimensions with access predetermined by a paved driveway within an access easement force the vehicles to enter the property near the “front” property line. This access pushes the structure to the “rear” property line and the parking within the front yard area necessitating this exception to Orientation standards because the lot configuration and vehicle access makes this impractical.

ii. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and

Finding:

The proposed number of parking spaces complies with the standards.

iii. All other parking design and building orientation standards are met, in conformance with the standards in Chapter 2 and Chapter 3.

Finding:

All other parking design and building orientation standards are met in conformance with Chapter 2 and Chapter 3.

It can be found that the lot size, shape, topography of the subject site and the adjacent properties are circumstances beyond the applicant's control.

The lack of public street frontage creates unclear and unobjective development standards when it comes to the development of the property for multi-family housing which is the intended use in the zone. The development is within allowed density, provides adequate access, includes off-site parking due to lack of publicly available on-street parking, bicycle parking, and provides adequate open spaces.

The unclear standards for orientation to the "front", declaration of the "front" as the only logical boundary line when there is no public street frontage. This then requires a variance to parking between the front of the building and the "front property line". This unclear and objective standard on the development of multi-family housing in the zone creates an undue burden to development by requiring a variance to a development standard that can never be met due to a lack of street frontage and topography.

The proposed layout is due to the physical constraints of the floodplain, floodway and Bear Creek Greenway along one side of the property, a steep slope on the opposite side of the property, access from an easement on one side of the property and a very narrow dimension on the opposite side of the property.

There are very few instances where there is a multi-family zoned property accessed via a driveway easement that is beyond the property owners control that has legal constraints (parking within the driveway to the benefit of adjacent property), physical constraints (existing pavement on south side of easement), and topographical constraints (slope of applicant's property directly adjacent to pavement of driveway easement) that prevent direct adherence to the access standards for the separate pedestrian pathway that may be required, not shall be required.

# MEMORANDUM

To: City of Phoenix  
Planning Division  
112 W. 2<sup>nd</sup> Street  
Phoenix, OR 97535

Date: 10/04/2022

Project: 26-Unit Apartment Complex – 3976 S. Pacific Highway (Main Street)

Subject: Trip Generation and Parking Assessment

Southern Oregon Transportation Engineering was retained to provide a trip generation and parking assessment for a proposed 26-unit apartment complex on 0.85 acres located at Township 38S Range 1 West Section 9DA, tax lots 3900 and 4000 in Phoenix, Oregon. Our assessment is provided below.

## BACKGROUND

A 26-unit apartment complex is proposed for development along the east side of S. Pacific Highway (Main Street), northeast of 6<sup>th</sup> Street in Phoenix, Oregon. The subject property is currently zoned R-3 High Density Residential. Multifamily housing is permitted within R-3. Access is provided through an existing driveway on Main Street (see below).





**TRIP GENERATION**

The proposed development occupies two tax lots (3900 and 4000) at 381W09DA. The subject property is not within the Exit 24 IAMP Trip Budget Overlay Area. It's currently vacant and shares access with an apartment complex to the north.

Trip generation calculations for proposed development were prepared using the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11<sup>th</sup> Edition*. An ITE rate was used for land use code 220 – Multifamily Housing. All trips were considered new trips on the transportation system. A summary is provided in Table 1. ITE graphs and descriptions are provided in the attachments.

Table 1 – Development Trip Generations									
Land Use	Unit	Size	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total	(In)	(Out)	Total	(In)	(Out)
220 – Multifamily Housing	DU	26	175	10	2	8	13	8	5
<b>Total Trips</b>			<b>175</b>	<b>10</b>			<b>13</b>		

DU = dwelling unit

As shown in Table 1, the proposed 26-unit apartment complex is estimated to generate 175 average daily trips (ADT) with 10 occurring during the a.m. peak hour and 13 during the p.m. peak hour.

**AGENCY REQUIREMENTS**

**City of Phoenix**

The City of Phoenix requires a traffic analysis to address Land Development Code Sections 2.4.3(E), 3.5.2(A)(5)(a-h), and 4.2.5(a)(9).

**Section 2.4.3 - Development Standards**

**E. Traffic.** The proposed use shall not impose an undue burden on the public transportation system. For developments that are likely to generate more than 200 average daily motor vehicle trips (ADTs), the applicant shall provide a traffic impact study to demonstrate that level of impact to the street system will not exceed a V/C ratio of 0.85.

*The proposed development is estimated to generate 175 ADT on S. Pacific Highway (Main Street). This is less than the 200 ADT used to determine whether a development could impose an undue burden.*

**Section 3.5.2 – Transportation Standards**

**A. Development Standards**

5. When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:

- a. A change in zoning or a plan amendment designation;

*The proposed use does not require a change in zoning or GLUP map.*

- b. The road authority indicates in writing that the proposal may have operational or safety concerns along its facility(ies);

*No road authority has indicated that S. Pacific Highway (Main Street) in the project vicinity has operational or safety concerns.*

- c. An increase in site traffic volume generation by 200 Average Daily Trips (ADT) or more;

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*The proposed development is estimated to generate 175 ADT on the transportation system, which is below the 200 ADT threshold.*

d. An increase in peak hour volume of a particular movement to and from a street or highway by 10 percent or more; or

*The proposed development is estimated to generate 10 a.m. trips and 13 p.m. trips on S. Pacific Highway (Main Street). Main Street is classified as a District Highway and Arterial Street. Under existing conditions, it carries approximately 1140 trips during the a.m. peak hour and 1430 trips during the p.m. peak hour. The projected number of development trips represents approximately 1% of the existing a.m. and p.m. peak hour trips on Main Street. A manual count is attached.*

e. An increase in use of adjacent streets by vehicles exceeding the 20,000 pounds gross vehicle weight by 10 vehicles or more per day;

*Proposed development is not estimated to generate 10 or more vehicles per day of vehicles over 20,000 pounds gross vehicle weight.*

f. The location of an existing or proposed approach or access connection does not meet minimum spacing or sight distance requirements or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;

*No new access is proposed for this development. There is an existing access that serves apartments to the north of the site.*

*The existing site driveway on S. Pacific Highway (Main Street) has an unobstructed view to the northwest well over 500 feet through the Bolz Road / Main Street signalized intersection as long as a driver pulls forward to the sidewalk. There are some tree saplings with low limbs at the back of sidewalk on the northeast corner of the intersection that have grown since the Alameda Fire in 2020 burned down buildings on the site. The saplings will likely be removed when the property re-develops. To the southeast, a horizontal curve and signage limits sight distance to a little over 350 feet. The minimum stopping sight distance recommended by the American Association of State Highway and Transportation Officials (AASHTO) is 200 feet for a roadway with a posted speed of 30 miles per hour (mph). Sight distance is, therefore, shown to be adequate.*

g. A change in internal traffic patterns may cause safety concerns; or

*No change in internal traffic patterns is anticipated.*

h. A TIA is required by ODOT pursuant with OAR 734-051.

*A TIA is not required by ODOT to address OAR 734-051. The only requirement from ODOT is to determine whether a Change of Use (COU) is occurring, which will be addressed under the ODOT Agency section.*

#### **Section 4.2.5 (A)(9) – Site Design Review**

Uses that are likely to generate significant levels of vehicle traffic (e.g., due to shipping, receiving, and/or customer traffic) shall require a Conditional Use Permit, in accordance with Chapter 4.4 – Conditional Use Permits. “Significant traffic” means that the average number of daily trips, or the average number of peak hour trips, on any existing street would increase by 15 percent or greater as a result of the development. The City may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application complete and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by Oregon Department of Transportation (ODOT) for developments that increase traffic on state highways. The Conditional Use Permit shall include appropriate transportation improvement requirements, as identified by the traffic analysis and/or ODOT, in conformance with Chapter 3.5.2 – Transportation Standards.

*The proposed development is not estimated to generate a significant amount of traffic on any of the surrounding local streets. The development is estimated to generate 175 ADT with 10 a.m. peak and*



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13 p.m. peak hour trips. Main Street is estimated to carry approximately 14,280 ADT based on manual count data. Traffic from the proposed 26-unit apartment complex represents approximately 1% of Main Street traffic.

**Oregon Department of Transportation (ODOT)**

ODOT's Change of Use (COU) criteria determines whether a change of use on a private highway connection triggers a TIA as a result of proposed new development. The thresholds for whether a COU is occurring (that would trigger the need for a traffic analysis) is an increase of 50 peak hour trips and a 20% increase in peak hour trips, or 500 ADT and a 20% increase in ADT. As shown in Table 1, the proposed apartment complex is estimated to generate 175 ADT (+1% in ADT) with 10 a.m. peak hour trips (+1% in a.m. trips) and 13 p.m. peak hour trips (+1% in p.m. trips). COU criteria is, therefore, not met and a traffic analysis is not shown to be required.

**PARKING GENERATION**

The City of Phoenix requires 46 parking spaces for the proposed 26-unit apartment complex based on 1.75 spaces per unit. The Phoenix code allows a 20% reduction (or 9 spaces) if it's supported by a parking analysis and additional bicycle parking (beyond what is required by Table 3.4.4) is provided in an amount equal to the number of vehicle parking spaces being reduced.

The ITE *Parking Generation Manual*, 5<sup>th</sup> Edition provides recommended parking ratios for proposed land uses, which can be used as supplemental information to the Phoenix code. The number of required parking spaces recommended by ITE using Land Use 220 - Multifamily Housing ranges from 29-31 spaces for 26 apartment units within a general urban/suburban area (no rail within ½ mile), which works out to be less than the 1.75 parking space per dwelling unit requirement in the Phoenix code. In determining whether the lower number of spaces is reasonable for the site, we considered location and proximity to services. This site is close to, if not considered part of, the downtown core of Phoenix and within walking distance of shopping, eating facilities, schools, and a transit stop. Based on this, it is our conclusion that a 20% reduction in vehicular parking spaces is justified and can adequately support proposed development.

This completes our trip generation and parking assessment. Please feel free to contact us with any questions.

Respectfully,



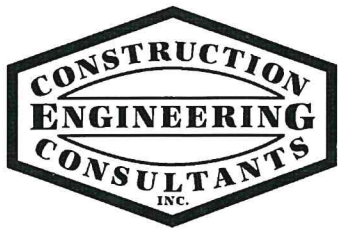
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Kimberly Parducci, PE PTOE  
Firm Principal  
Southern Oregon Transportation Engineering, LLC

Attachments: Site Plan  
ITE Graphs  
Count Data  
Sight Distance Visuals







**RECEIVED 5/23/2023**

P.O. BOX 1724 • MEDFORD, OR 97501 • PH (541) 779-5268

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May 18, 2023

Rogue Planning and Development Services  
Attn: Amy Gunter

**RE: 38-1W-09D TL 3900 & 4000; File # SP23-05 - Stormwater Quality Management**

Dear Mrs. Gunter,

The Civil site construction plans will include a stormwater facility as required by the Rogue Valley Stormwater Design Manual. Site specific details and calculations will be provided at the time of construction plan submittal. RVSS review and approval of the stormwater facility design will be obtained and submitted to the City of Phoenix for record.

Sincerely,

Tony Bakke, P.E.  
Construction Engineering Consultants, Inc.

**RECEIVED 5/23/2023**

**From:** [David Meads](#)  
**To:** [zac.moody@phoenixoregon.gov](mailto:zac.moody@phoenixoregon.gov)  
**Subject:** Re: Pre-Application Meeting PA21-04 - 3976 S. Pacific Hwy  
**Date:** Monday, June 21, 2021 10:02:40 AM

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Zac,

I did have some conversations with the developer on this project. Unfortunately, the lot is odd shaped and limits the space for a turn around at the south end, so we will not require one. We also feel that having a T shaped access that covers 610 N main and the proposed development will improve access and the ability to turn at both property entrances. However, we did talk about COAs

In my communications I explained the need for a 26 foot access. The plan shows 24 feet, so that will need to be addressed. Rolling the curbs at the entrance and non-parking areas is also needed. I see some of that in the notes.

The Fire District also required a hydrant (shown on the plan) in the parking lot. The hydrant that served 610 N. Main (to the north) last tested at 850 gpm. So, I would suspect that's about what we would get out of the parking lot hydrant. If additional flow was needed, a second supply line could be established from Main Street. I don't see an FDC on the plan, but I would be happy to work with the developer on location and design.

Engineer Dave Meads  
Jackson County Fire District 5  
5811 S. Pacific Highway  
Phoenix, Oregon 97535  
541 535 4222



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**From:** [zac.moody@phoenixoregon.gov](mailto:zac.moody@phoenixoregon.gov) <[zac.moody@phoenixoregon.gov](mailto:zac.moody@phoenixoregon.gov)>  
**Sent:** Friday, June 18, 2021 8:38 AM  
**To:** David Meads <[Meads@JCFD5.com](mailto:Meads@JCFD5.com)>  
**Subject:** Pre-Application Meeting PA21-04 - 3976 S. Pacific Hwy

Dave,

Applicant is proposing a twenty-six (26) unit multiple story apartment complex with off-street parking between the proposed units and the eastern property line. Units include twenty-six (26) two-bedroom/one bath units. As proposed, the development will include 8,481 square feet of landscaping and a total of 46 parking spaces, four (4) dedicated to motorcycle/scooter parking.

Jeff Ballard (City Engineer) had some concerns about water flow to any needed fire hydrants and we need to verify that his access meets any applicable fire code requirements.

Look forward to hearing back and getting any comments you may have.

Thanks,

Zac

**Zac Moody**  
Planning Manager  
City of Phoenix  
112 W. 2nd St. (P.O. Box 330)  
Phoenix, OR 97535  
541-535-1955

[zac.moody@phoenixoregon.gov](mailto:zac.moody@phoenixoregon.gov)



12.42 210

78-27288

AGREEMENT OF EASEMENT

THIS AGREEMENT, made and entered into this 29<sup>th</sup> day of November, 1978, by and between James E. Holt, herein after called "Grantor", and James L. Bennett, Louis Mahar, Michael T. Mahar, and David M. Alex, herein after called "Grantees".

W I T N E S S E T H

Whereas the parties hereto are owners of certain adjacent properties and whereas Grantor desires that certain quantities of soil be removed from his property and further desires that certain water facilities be made available to his property and certain paying improvements be made to his property, and

Whereas the Grantees desire an easement across the Grantors property to construct a water pipeline and electrical services and further desire an easement of way across Grantors property, and

Whereas

(1) Grantor is the owner of Lots 31, 32, and 33 of the Water Subdivision of the City of Phoenix, Jackson County, Oregon,

(2) Grantees are the owners of Tax Lots 3900 and 4000 in the City of Phoenix, Jackson County, Oregon, which property abuts and is adjacent to Grantors property.

78-27288

NOW THEREFORE in consideration of the mutual covenants and conditions contained herein:

Grantor conveys to Grantees, their heirs, successors and assignments, a perpetual non-exclusive easement to use a strip of land seven and one-half (7½) feet in width along the West boundary of Tax Lot 3900 for the purpose of ingress, egress, and access to the adjacent property.

Grantees convey to Grantor, his heirs, successors and assignments, a perpetual non-exclusive easement to use a strip of land seven and one-half (7½) feet in width along the Eastern boundary of Lots 31, 32 and 33, which is adjacent to the above easement conveyed by Grantor, and is for the purpose of providing a driveway fifteen (15) feet in width, the center line of which is the property line of the Grantors and Grantees property.

Grantees agree to construct the above driveway and to finish said driveway with asphaltic concrete.

Grantor conveys to Grantee a perpetual non-exclusive easement to a strip of land five (5) feet in width for the purpose of a water pipeline six inches in diameter, and electrical services along the North five (5) feet of Lot 33 as close to the property line between Grantor and Grantee as possible, according to the engineering requirements of the City of Phoenix.

In constructing said water and electric lines, Grantees will work within a fifteen(15) foot wide area along the above

Agreement of Easement - 2

78-27288

easement. The above water line and electrical service will be conveyed to the City of Phoenix by Grantees.

Grantees hereby convey to Grantor a connection to said water line and agree to install a saddle, or other connector, approximately 125 feet East of the Northwest corner of Lot 33, to enable Grantor to connect a two (2) inch water meter to serve his property.

It is understood and agreed that Grantees will:

(a) Construct a driveway along the Southern thirty (30) feet of Lot 31 upon an existing easement for the purpose of ingress and egress, in accordance with the requirements of the State of Oregon, and the City of Phoenix. The finished grade of Grantors driveway will be constructed to an elevation that does not interfere with the development of the most Easterly part of Grantors property. The driveway finished service will be asphaltic concrete.

(b) Grantee further agrees to remove certain quantities of soil and earth from Grantors property prior to finishing construction of the above driveway.

(c) Grantees expressly agree that all costs and expenses in connection with all the above item. is to be born solely by Grantees. Grantees expressly agree to hold Grantor harmless therefrom and to keep Grantors property free from all liens arising out of the above transaction, and further agree to reimburse Grantor for all judgments, costs and attorneys fees incurred in defense against any such liens.

Exhibits A,B,and C are attached hereto as a part hereof.

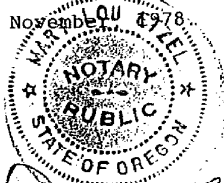
Agreement of Easement - 3



78-27288

James E. Holt  
JAMES E. HOLT  
"Grantor"

SUBSCRIBED AND SWORN to before me this 29<sup>th</sup> day of



Mary Lou Stal  
Notary Public for Oregon  
My commission expires 2/16/1982

James L. Bennett  
JAMES L. BENNETT

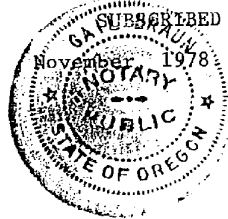
Louis Mahar  
LOUIS MAHAR

Michael T. Mahar  
MICHAEL T. MAHAR

David M. Alex  
DAVID M. ALEX

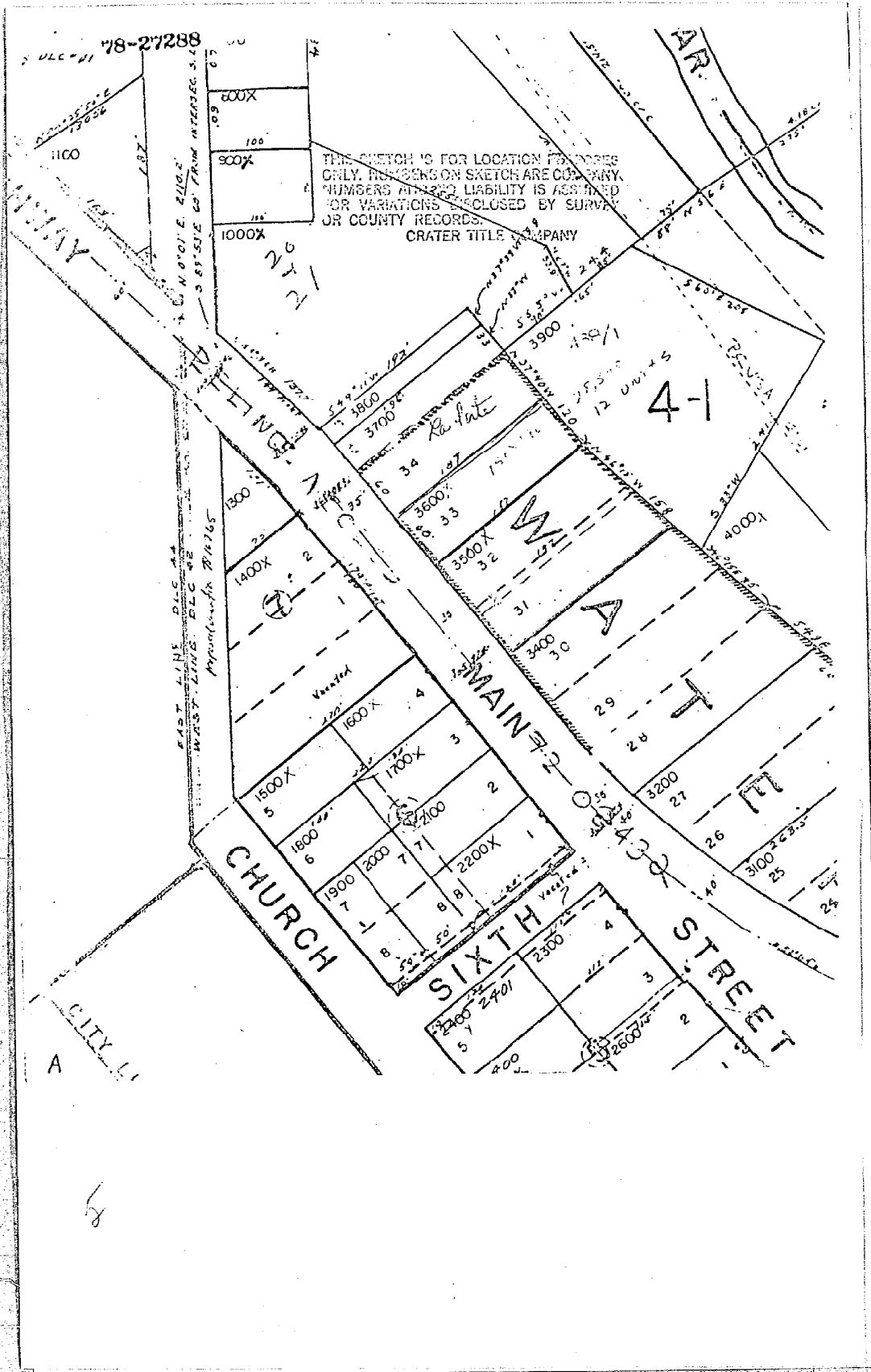
"Grantees"

SUBSCRIBED AND SWORN to before me this 30<sup>th</sup> day of



David M. Alex  
Notary Public for Oregon  
My commission expires 8/16/82

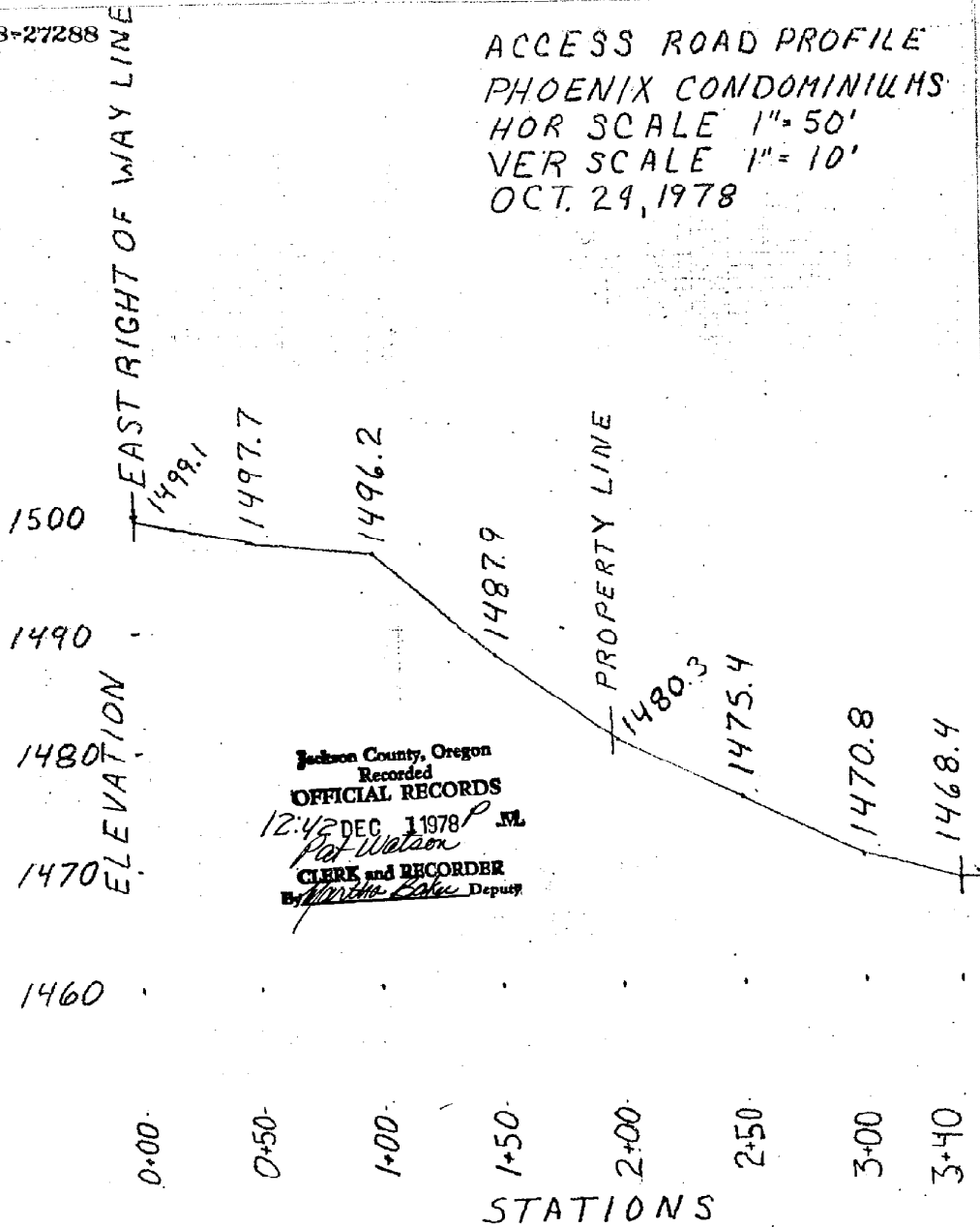
Agreement of Easement - 4





78-27288

ACCESS ROAD PROFILE  
PHOENIX CONDOMINIUMS  
HOR SCALE 1" = 50'  
VER SCALE 1" = 10'  
OCT. 29, 1978



Jackson County, Oregon  
Recorded  
OFFICIAL RECORDS  
12:42 DEC 11 1978 P.M.  
*Pat Watson*  
CLERK and RECORDER  
By *Martha Lake* Deputy

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95-15350

AGREEMENT FOR EASEMENT

RECORDED AT THE REQUEST OF  
KEY TITLE COMPANY  
03-27652

THIS AGREEMENT, Made and entered into this 27th day of April, 1995, by and between ASSOCIATION OF UNIT OWNERS OF BEAR CREEK TOWNHOUSES hereinafter called the first party, and WALTER R. SOKOLOWSKI hereinafter called the second party;

WITNESSETH:

WHEREAS: The first party is the record owner of the following described real estate in JACKSON County, State of Oregon, to-wit:

The common elements as defined in Declaration submitting Phase I of BEAR CREEK TOWNHOUSES to Oregon Ownership Law, recorded January 25, 1979, as Instrument No. 79-01818, Official Records of Jackson County, Oregon.

(38-1W-9DAA, TL 90000CA)

and has the unrestricted right to grant the easement hereinafter described relative to the real estate; NOW, THEREFORE, in view of the premises and in consideration of One Dollar (\$) by the second party to the first party paid and other valuable considerations, the receipt of all of which hereby is acknowledged by the first party, they agree as follows:  
The first party does hereby grant, assign and set over to the second party

AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE FOLLOWING DESCRIBED TRACT:

SEE ATTACHED EXHIBIT "A"

(Insert here a full description of the nature and type of the easement granted to the second party.)

— OVER —

AGREEMENT FOR EASEMENT  
BETWEEN  
UNIT OWNERS OF BEAR CREEK TOWNHOUSES  
AND  
Walter R. Sokolowski  
After recording return to (Name, Address, Zip):  
Key Title Co.  
1459 E. McAndrews Rd.  
Medford, OR 97504

SPACE RESERVED  
FOR  
RECORDER'S USE

STATE OF OREGON,  
County of ..... } ss.  
I certify that the within instrument was received for record on the ..... day of ..... 19..... at ..... o'clock ..... M., and recorded in book/leaf/volume No. .... on page ..... of as fee/file/instrument/microfilm/reception No. .... Record of ..... of said county.  
Witness my hand and seal of County affixed.  
NAME TITLE  
By ..... Deputy

95-15350

The second party shall have all rights of ingress and egress to and from the real estate (including the right from time to time, except as hereinafter provided, to cut, trim and remove trees, brush, overhanging branches and other obstructions) necessary for the second party's use, enjoyment, operation and maintenance of the easement hereby granted and all rights and privileges incident thereto.

Except as to the rights herein granted, the first party shall have the full use and control of the above described real estate.

The second party hereby agrees to hold and save the first party harmless from any and all claims of third parties arising from second party's use of the rights herein granted.

The easement described above shall continue for a period of in perpetuity always subject, however, to the following specific conditions, restrictions and considerations: (1) Area subject to easement, if damaged by heavy equipment, would be repaired by Second Party; (2) In event driveway eliminates visitor parking, an equal number of parking spaces will be provided by Second Party; (3) At such time that construction is completed by Second Party, cost of pool maintenance will be split on a percentage basis of number of units owned by Second Party in relationship to total units owned by both First Party and Second Party; (4) Prior to putting in water line on Phase II, Second Party will discuss with First Party the possibility of sharing expenses of common water line.

If this easement is for a right-of-way over or across the real estate, the center line of the easement is described as follows:

and second party's right of way shall be parallel with the center line and not more than                      feet distant from either side thereof.  
During the existence of this easement, maintenance of the easement and costs of repair of the easement damaged by natural disasters or other events for which all holders of an interest in the easement are blameless shall be the responsibility of (check one):  the first party;  the second party;  both parties, share and share alike;  both parties, with the first party being responsible for                     % and the second party being responsible for                     %. (If the last alternative is selected, the percentages allocated to each party should total 100.)

During the existence of this easement, those holders of an interest in the easement that are responsible for damage to the easement because of negligence or abnormal use shall repair the damage at their sole expense.

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto but also their respective heirs, executors, administrators and successors in interest.

In construing this agreement, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this agreement shall apply equally to individuals and corporations. If the undersigned is a corporation, it has caused its name to be signed and its seal (if any) affixed by an officer or other person duly authorized to do so by its board of directors.

IN WITNESS WHEREOF, the parties have hereunto set their hands in duplicate on this, the day and year first hereinabove written.

Edith A. Eggers President  
Edith Eggers, President of Association of Unit Owners of Bear Creek Townhouses  
First Party

Walter P. Sokolowski  
Walter P. Sokolowski  
Second Party

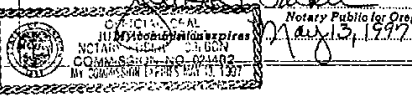
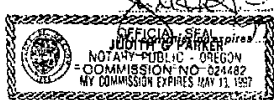
STATE OF OREGON, } ss.  
County of JACKSON, }

STATE OF OREGON, } ss.  
County of JACKSON, }

This instrument was acknowledged before me on April 27th, 1995, by Edith Eggers, as President

This instrument was acknowledged before me on April 27th, 1995, by Walter P. Sokolowski as individual

of Association of Unit Owners of Bear Creek Townhouses





95-15350

EXHIBIT "A"  
INGRESS/EGRESS EASEMENT

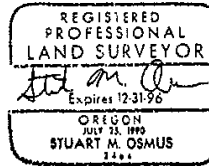
Commencing at a 5/8 inch iron pin, being North 46° 17' 10" West, (Record North 46° 15' West) 85.00 feet from the Southeast corner of Water Lot 29 of the Town of Phoenix, Oregon, said 5/8 inch iron pin also being South 51.39 feet and East 2009.34 feet from a brass cap monumenting the South-Southeast corner of Donation Land Claim No. 41 in Township 38 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence North 46° 17' 10" West (Record North 46° 15' West) 36.38 feet to the Initial Point of Bear Creek Townhouse Condominiums, Phase I, being the Point of Beginning of said easement; thence along the southwesterly line of said Bear Creek Townhouse Condominiums, Phase I, North 46° 17' 10" West, 30.17 feet; thence North 49° 47' 38" East, 82.00 feet; thence South 46° 17' 10" East, 30.17 feet to the southeasterly line of said Bear Creek Townhouse Condominiums, Phase I; thence along said southeasterly line, South 49° 47' 38" West, 82.00 feet to the Point of Beginning.

Jackson County, Oregon  
Recorded  
OFFICIAL RECORDS

8:50 JUN 09 1995 AM

KATHLEEN S. BECKETT  
CLERK and RECORDER

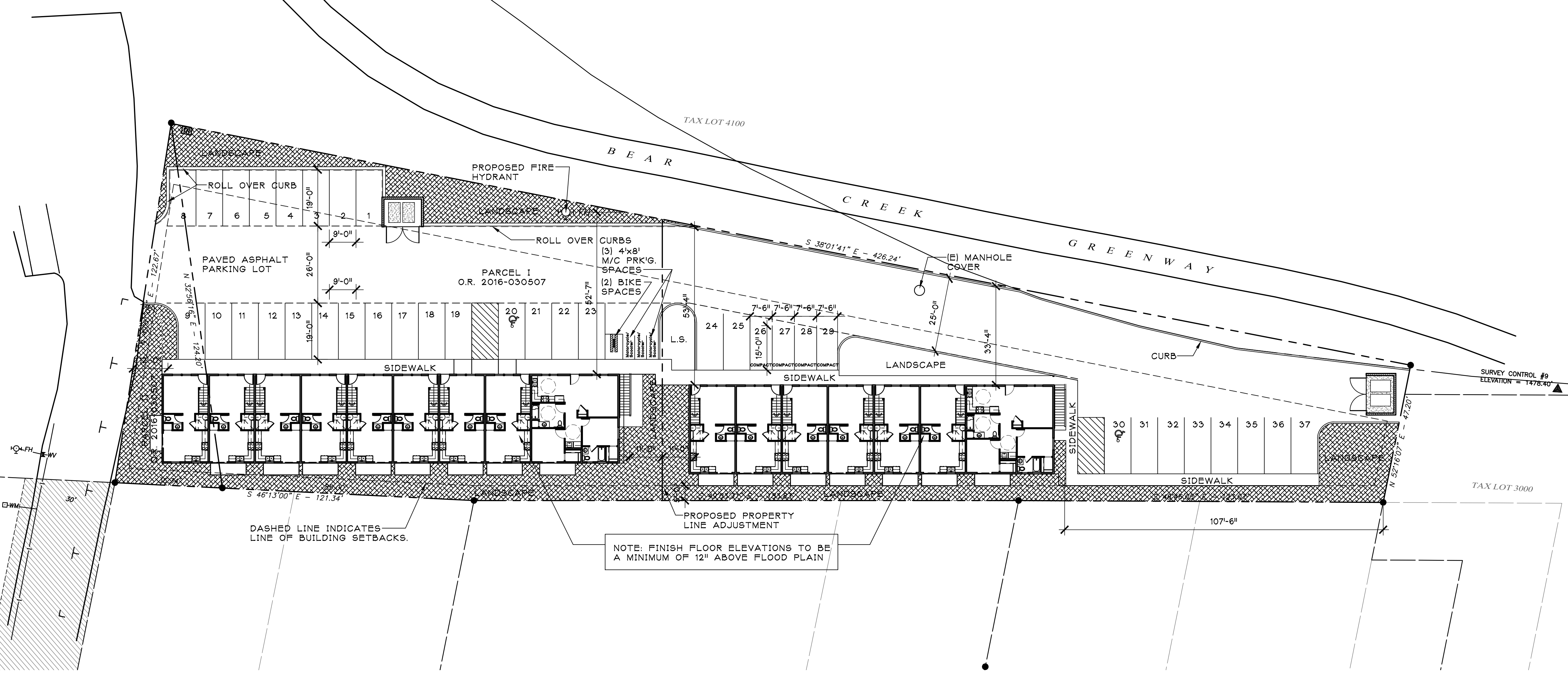
By                      Deputy



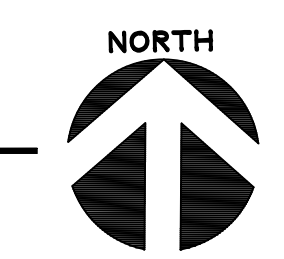
TAX LOT 90000

TAX LOT 4100

TAX LOT 3000



**1 SITE PLAN**  
 SCALE: 1"=20'-0"



**MULTI-FAMILY BUILDING AREAS:**

**UNITS:**  
 - 18 MULTI-FAMILY UNITS  
 - (18) 2 BEDROOM/1.5 BATH UNITS

**BUILDING FOOTPRINT COVERAGE:**

(10) UNIT BUILDING: MAIN FLOOR FOOTPRINT-	4,630 S.F.
(8) UNIT BUILDING: MAIN FLOOR FOOTPRINT-	3,697 S.F.
<b>TOTAL MULTI-FAMILY FOOTPRINT AREA:</b>	<b>8,327 SQ. FT.</b>

**BUILDING AREA:**

(10) UNIT BUILDING: MAIN FLOOR-	4,630 S.F.
4,630 S.F. X 2 STORIES =	9,260 S.F. TOTAL 10-UNIT
(8) UNIT BUILDING: MAIN FLOOR-	3,697 S.F.
3,697 S.F. X 2 STORIES =	7,394 S.F. TOTAL 4-PLEX
<b>TOTAL MULTI-FAMILY SQUARE FOOTAGE AREA:</b>	<b>16,654 SQ. FT.</b>

**SITE & BUILDING COVERAGE:**

ZONING:	-
LEGAL DESCRIPTION:	-
SITE AREA:	0.85 AC/36,891 SQ. FT.
TOTAL BUILDING FOOTPRINT:	8,327 SQ. FT.
TOTAL BUILDING COVERAGE:	22%

**PARKING REQUIREMENTS:**

THREE BDRM. UNITS:	(0) @ 2/UNIT	=0 SPACES
TWO BDRM. UNITS:	(18) @ 1.75/UNIT	=31.5 SPACES
ONE BDRM. UNITS:	(0) @ 2/UNIT	=0 SPACES
<b>TOTAL PARKING REQUIRED:</b>		<b>32 SPACES</b>
<b>TOTAL PARKING PROVIDED:</b>		<b>37 SPACES</b>
PLUS (5) MOTORCYCLE/SCOOTER PARKING SPACES		
THEREFORE, OK		

**PERVIOUS/IMPERVIOUS SURFACES:**

SITE AREA:	0.85 AC/36,891 SQ. FT.
IMPERVIOUS AREA:	
BUILDING COVERAGE:	8,327 S.F.
CONCRETE SIDEWALKS/PATIO AREA:	1,859 S.F.
ASPHALT PAVING AREA:	18,051 S.F.
<b>TOTAL IMPERVIOUS AREA:</b>	<b>28,237 S.F.</b>
PERCENTAGE OF IMPERVIOUS AREA:	76%
PERVIOUS AREA:	
TOTAL LANDSCAPE AREA:	8,654 S.F.
TOTAL PERVIOUS AREA:	8,654 S.F.
PERCENTAGE PERVIOUS AREA:	24%

**BUILDING HEIGHT:**

(10) UNIT BUILDING:	22'-8" A.F.G.
(8) UNIT BUILDING:	22'-8" A.F.G.

**BICYCLE PARKING:**

Section 3.4.4  
 Multi-Family Residences: Every residential use of four or more dwelling units provides at least one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other readily accessible storage unit, the bicycle parking spaces shall be sheltered from sun and precipitation under an independent structure.

DWELLING UNITS:		
1 SPACE/UNIT	=18 BIKE SPACES	
(EACH UNIT HAS STORAGE SHED FOR BICYCLE)	INSIDE STORAGE SHEDS	
<b>TOTAL BICYCLE PARKING REQUIRED:</b>	<b>=18 BIKE SPACES</b>	
<b>TOTAL BICYCLE PARKING PROVIDED:</b>	<b>=20 BIKE SPACES</b>	

**CONSTRUCTION TYPE:**

TYPE VB  
 FULLY SPRINKLERED

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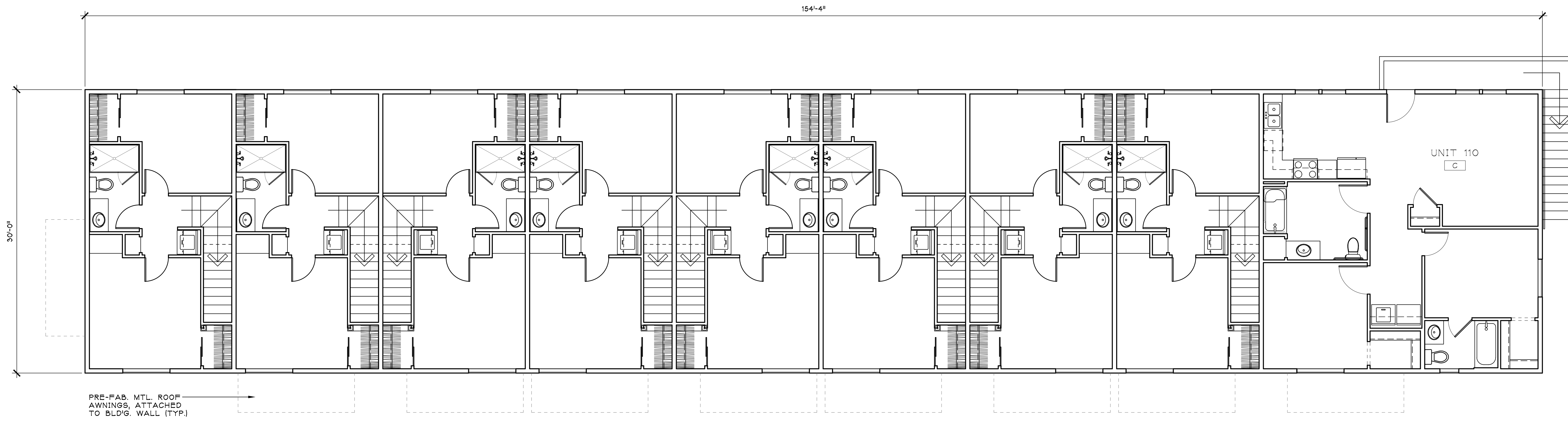
**PROJECT NAME**  
 A NEW MULTI-FAMILY PROJECT FOR:  
 STEVE ARROYO  
 PHOENIX, OR.

Plans only to be used at:

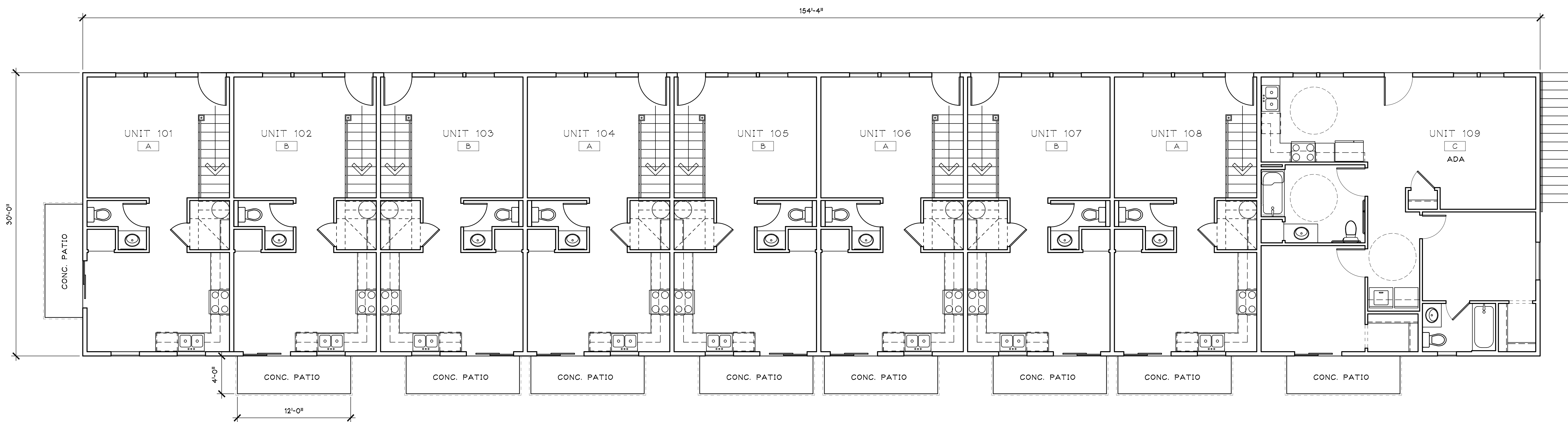
REVISIONS	BY
FILE: 2049-A11 SITEPLN	
DATE: 09-14-23	
SCALE: AS SHWN	
DRAWN: DLE	
JOB #: 2049	
SHEET OF 9	<b>A1.0</b>

**-PRELIMINARY PLANS-  
 NOT FOR CONSTRUCTION**





**2 SECOND FLOOR PLAN - (Building 'A')**  
SCALE: 3/16"=1'-0"



**1 FIRST FLOOR PLAN - (Building 'A')**  
SCALE: 3/16"=1'-0"



**-PRELIMINARY PLANS-  
NOT FOR CONSTRUCTION**

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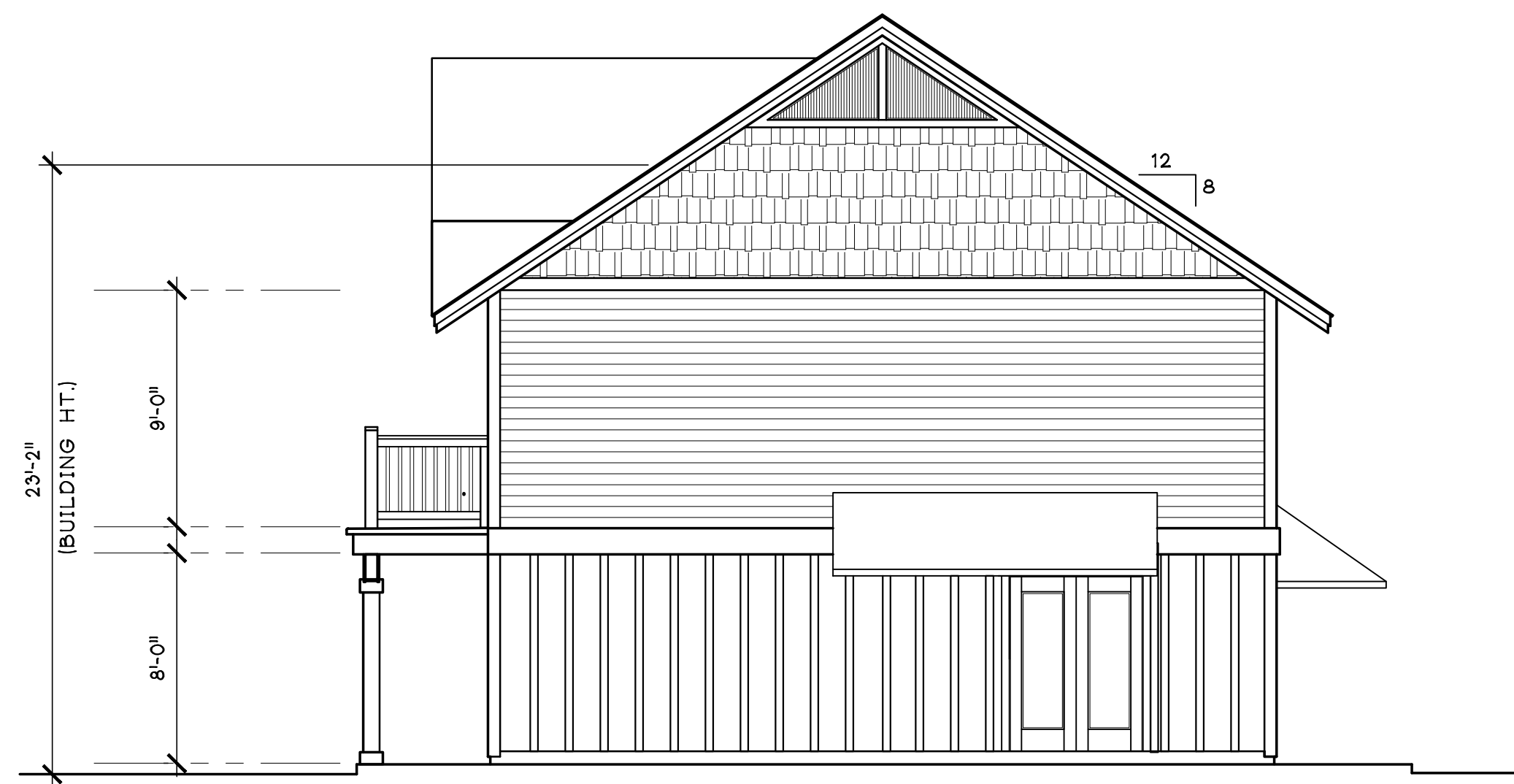
REVISIONS	BY

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DATE: 09-14-23  
SCALE: AS SHWN  
DRAWN: DLE  
JOB #: 2049

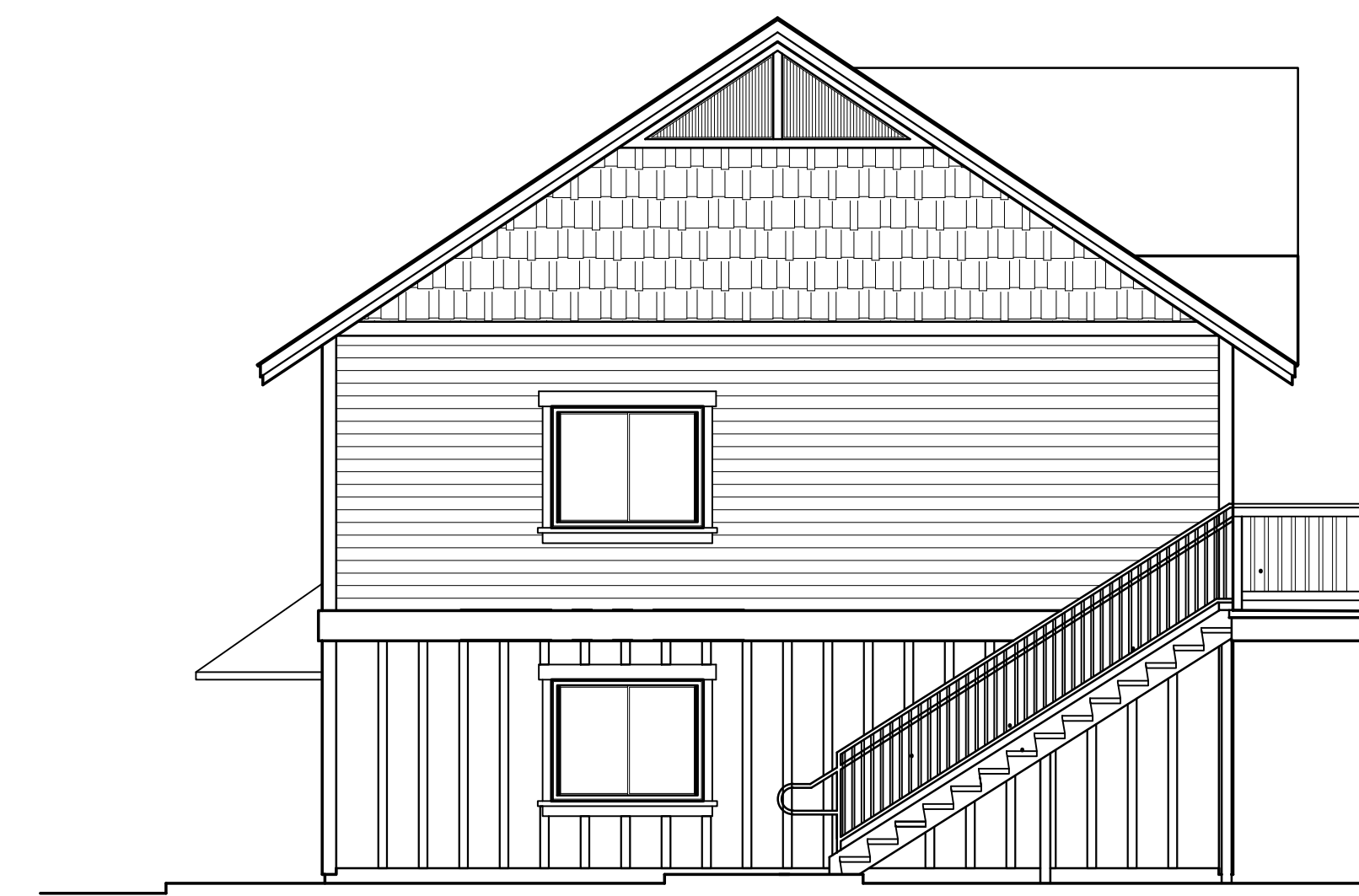
SHEET OF 9 **A2.1**



1 FRONT (NORTH) ELEVATION - (Building 'A')  
SCALE: 3/16\"/>



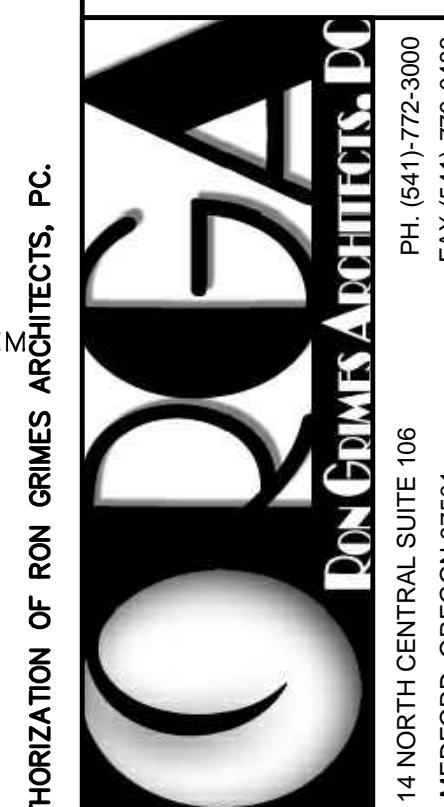
2 SIDE (WEST) ELEVATION - (Building 'A')  
SCALE: 3/16\"/>



3 SIDE (EAST) ELEVATION - (Building 'A')  
SCALE: 3/16\"/>



4 REAR (SOUTH) ELEVATION - (Building 'A')  
SCALE: 3/16\"/>



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RGA ARCHITECTS, PC  
14 NORTH CENTRAL SUITE 106  
MEDFORD, OREGON 97501  
PH: (541) 772-3000  
FAX: (541) 779-0483

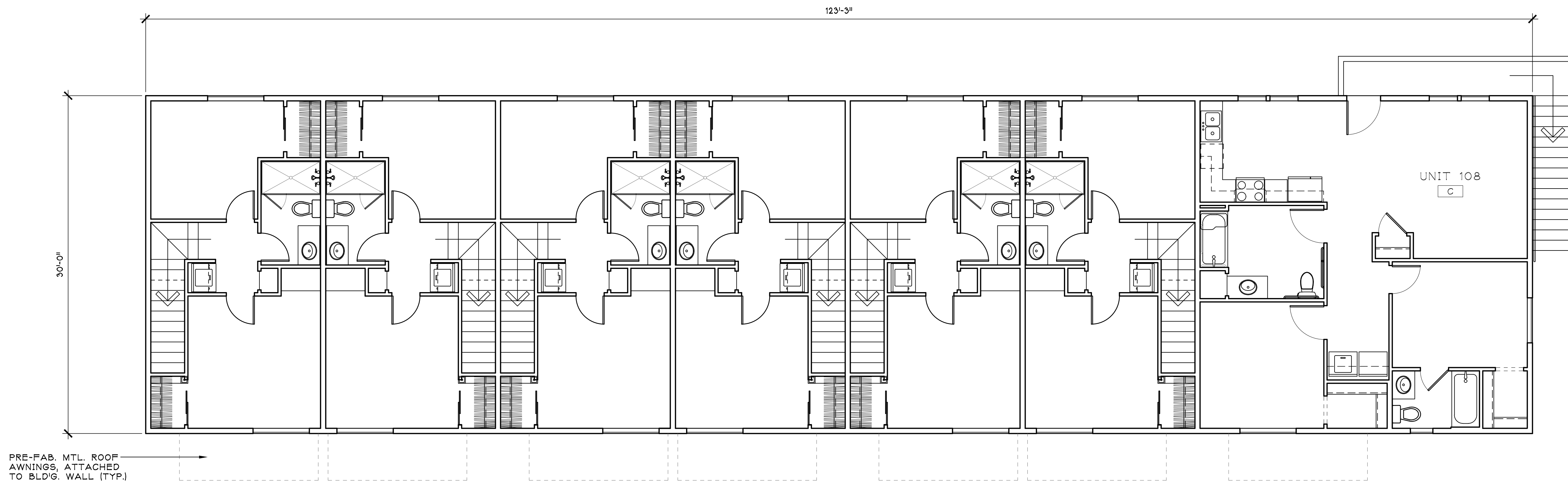
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PHOENIX, OR.

REVISIONS	BY

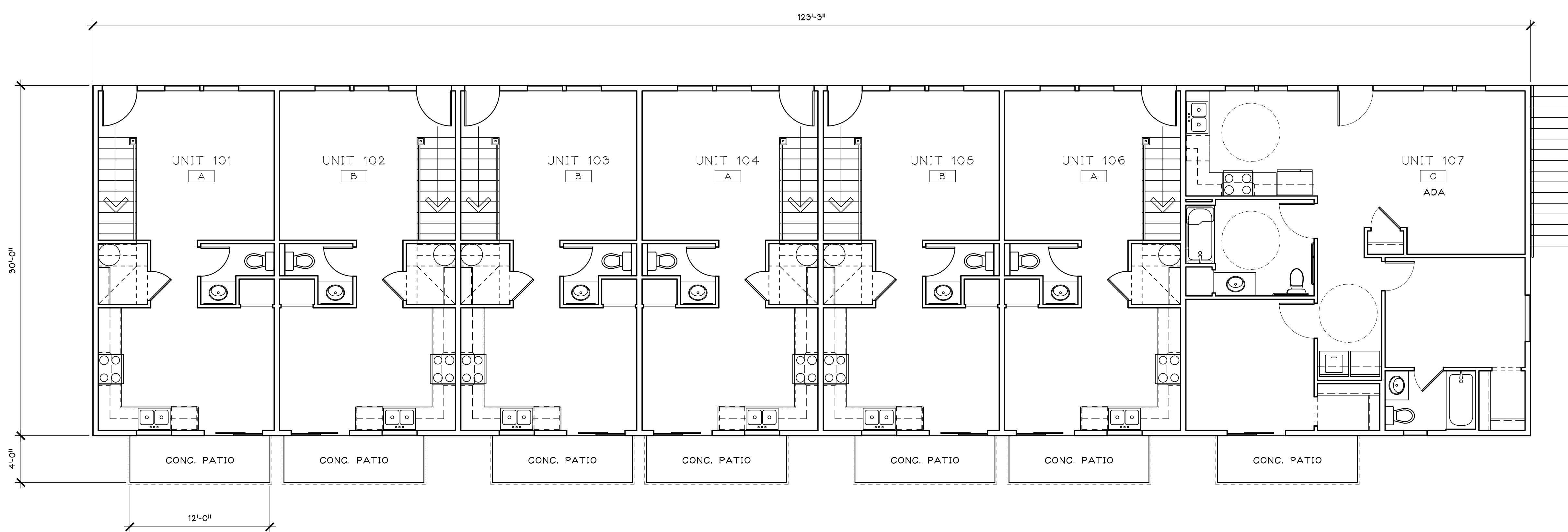
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DATE: 09-25-23  
SCALE: AS SHWN  
DRAWN: DLE  
JOB #: 2049  
SHEET A6.1  
OF 9

**-PRELIMINARY PLANS-  
NOT FOR CONSTRUCTION**





2 SECOND FLOOR PLAN - (Building 'B')  
SCALE: 3/16"=1'-0"



1 FIRST FLOOR PLAN - (Building 'B')  
SCALE: 3/16"=1'-0"

**-PRELIMINARY PLANS-  
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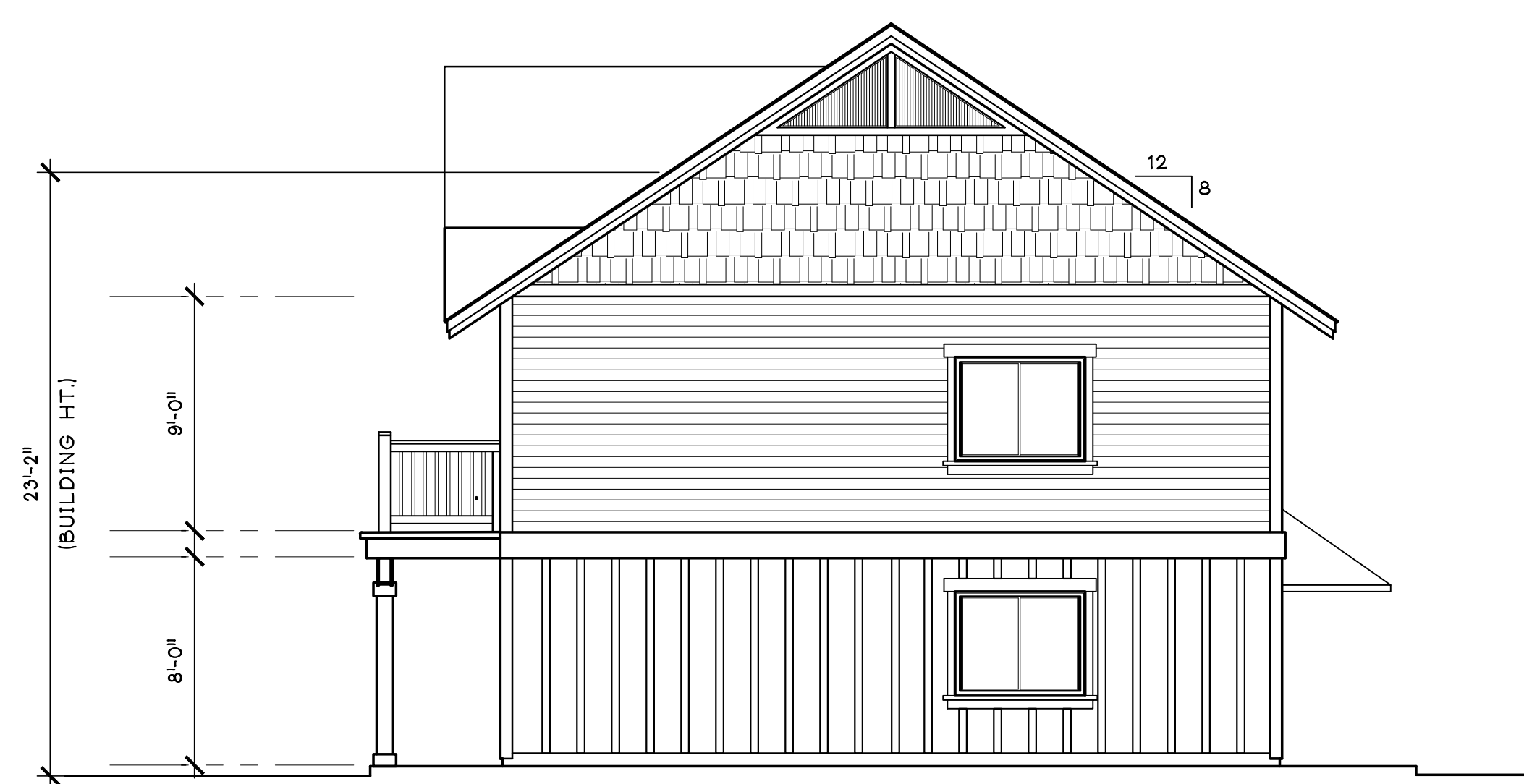
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REVISIONS	BY

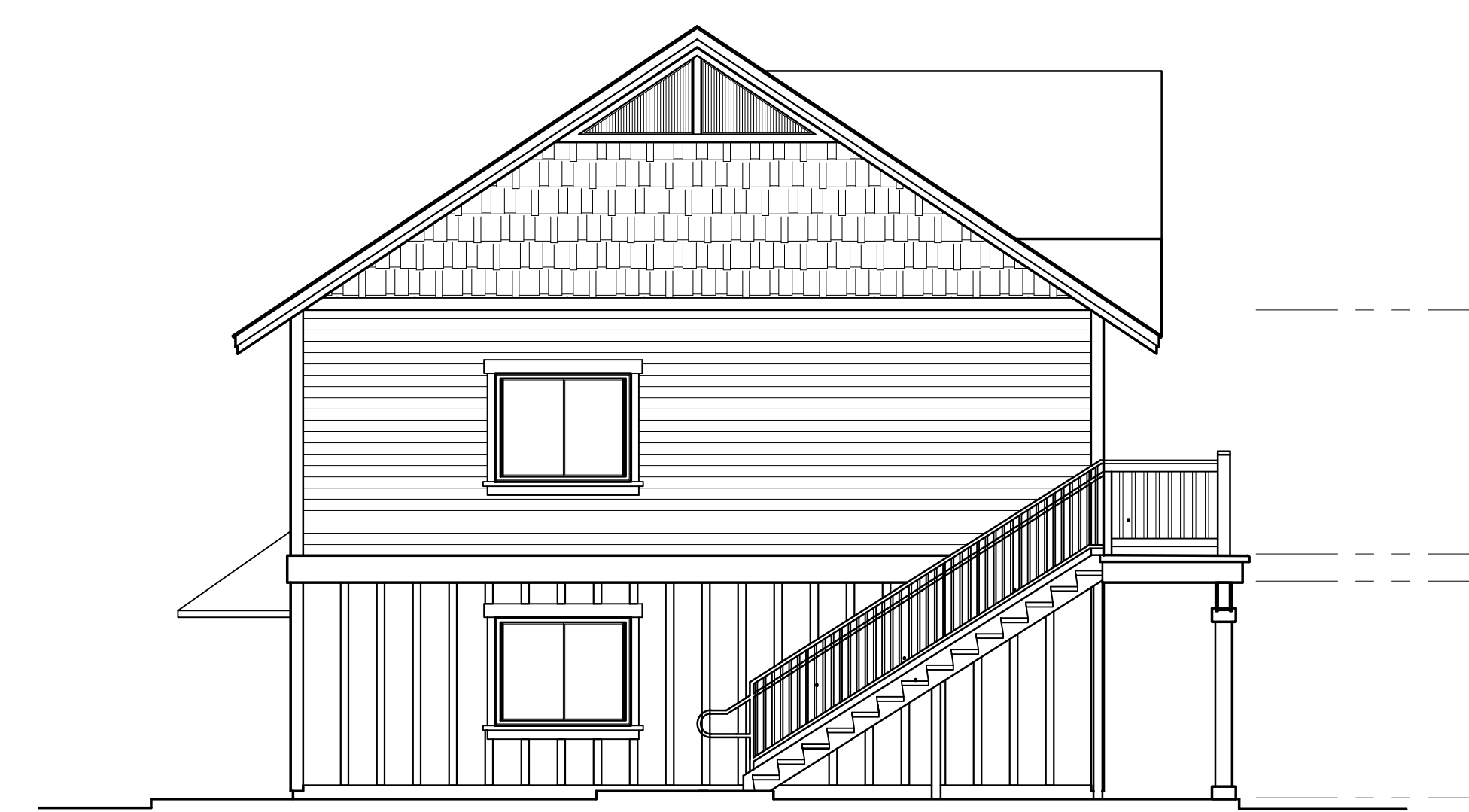
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DATE:	09-14-23
SCALE:	AS SHWN
DRAWN:	DLE
JOB #	2049
SHEET	A2.2
OF 9	



① FRONT (NORTH) ELEVATION - (Building 'A')  
SCALE: 3/16"=1'-0"



② SIDE (WEST) ELEVATION - (Building 'A')  
SCALE: 3/16"=1'-0"



③ SIDE (EAST) ELEVATION - (Building 'A')  
SCALE: 3/16"=1'-0"



④ REAR (SOUTH) ELEVATION - (Building 'A')  
SCALE: 3/16"=1'-0"

**-PRELIMINARY PLANS-  
NOT FOR CONSTRUCTION**

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JOB # 2049

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OF 9

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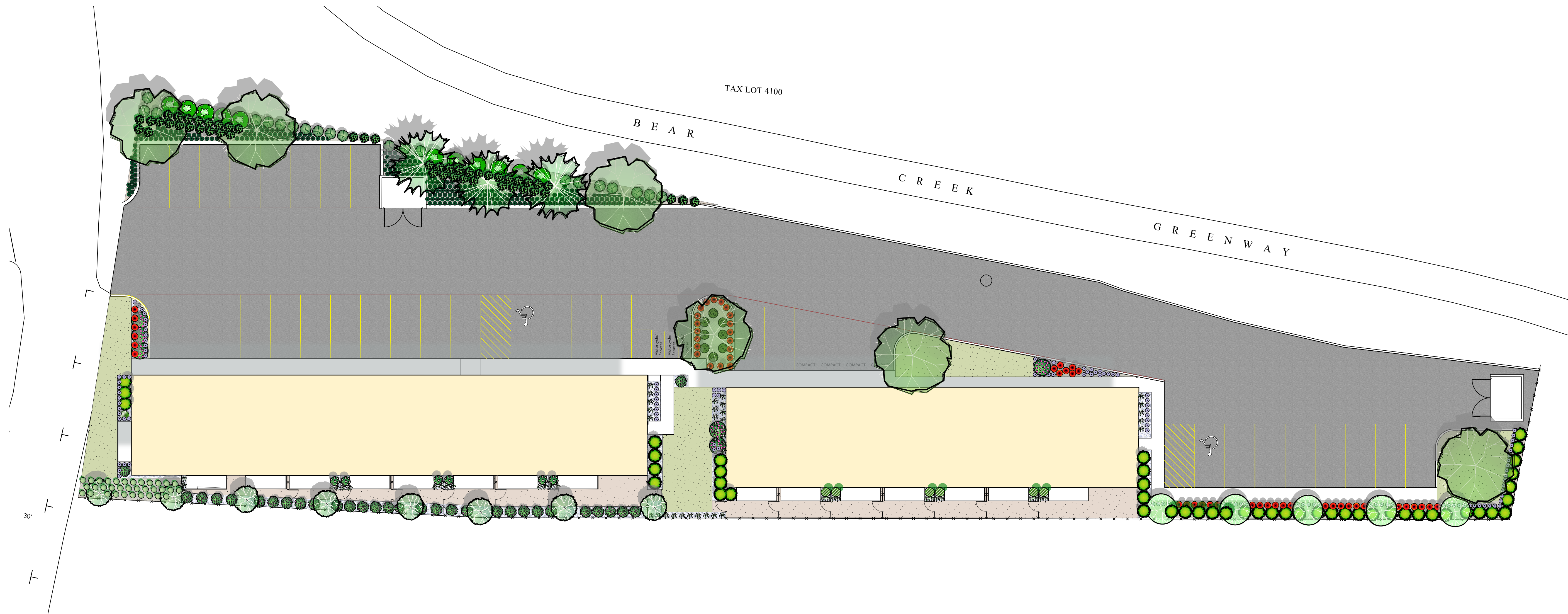


# Received 10/19/2023 ARROYO APARTMENTS

3976 S PACIFIC HWY PHOENIX, OR 97535



**ARROYO  
APARTMENTS**



**SHEET INDEX:**

- L0.0 COVER SHEET
- L1.0 MATERIALS PLAN
- L1.1 PLANTING PLAN
- L1.2 IRRIGATION PLAN
- L2.0 LANDSCAPE DETAILS

**LOT INFORMATION:**

**SITE LOCATION:** JACKSON COUNTY, OREGON  
TAX MAP 381W09DA

**TAX LOT:** 3900 / 4000

**ZONE:** R-3

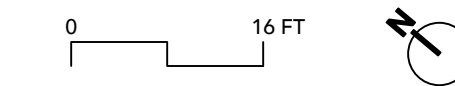
**SITE ACREAGE:** ±0.85 ACRES / 36,891 S.F.

**SOIL CLASS:** 23A CAMAS-NEUBERG-EVANS COMPLEX ±65.6%  
157B RUCH SILT LOAM, ±34.4%

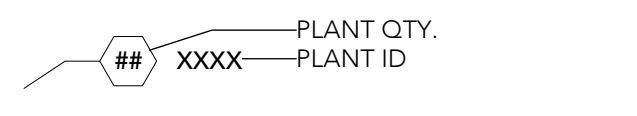
**PARKING SPACES:** 37 TOTAL  
**M.C. PARKING SPACES:** 3 TOTAL

**LANDSCAPE REQ'D:** 20% OR 7,378 S.F.  
**LANDSCAPE PROVIDED:** 22.5% OR 8,318 S.F.

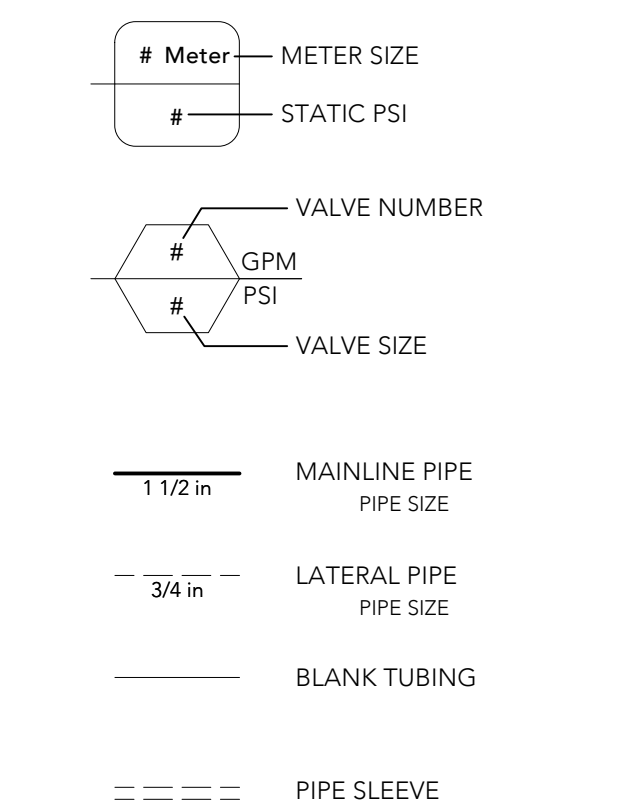
**1 RENDERED SITE PLAN**  
1/16" = 1'-0"



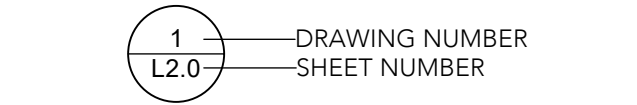
**PLANTING SYMBOLS:**



**IRRIGATION PLAN LEGEND:**



**CONSTRUCTION SYMBOLS:**



**ABBREVIATIONS:**

AAN	AMERICAN ASSOCIATION OF NURSERYMAN
AC	ASPHALT
BC	BOTTOM OF CURB
BS	BOTTOM OF STAIRS
BW	BOTTOM OF WALL
CONC	CONCRETE
CU	CUBIC
(E)	EXISTING
EG	EXISTING GRADE
F	FULL
FG	FINISH GRADE
FT	FOOT
GRD	GROUND
GVL	GRAVEL
H	HALF
HDPE	HIGH DENSITY POLYETHYLENE
LF	LINEAR FEET
MAX	MAXIMUM
ME	MATCH EXISTING
MIN	MINIMUM
MOD	MODERATE
(N)	NEW
NTS	NOT TO SCALE
OC	ON CENTER
PF	PLANT FACTOR
POC	PURE LIVE SEED
PVC	POINT OF CONNECTION
Q	POLYVINYL CHLORIDE
REQ'D	QUARTER
SF	REQUIRED
SO	SQUARE FEET
T	SQUARE
TT	THIRD
TT	TOP OF CURB
TW	TWO THIRDS
TOC	TOP OF WALL
TQ	TIME OF CONSTRUCTION
TYP	THREE QUARTER
YD	TYPICAL
YARD	YARD

**PROJECT NOTES:**

- GENERAL INFORMATION:**
- CONTRACTOR TO PERFORM A SITE WALK THROUGH WITH LANDSCAPE ARCHITECT PRIOR TO COMMENCEMENT OF CONSTRUCTION.
  - CONTRACTOR TO VERIFY ALL SITE CONDITIONS BOTH ABOVE AND BELOW THE SURFACE OF THE GROUND PRIOR TO COMMENCING WORK. ANY DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS & ACTUAL FIELD CONDITIONS SHOULD BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.
  - IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO IDENTIFY ALL UTILITIES AND PROTECT AS REQUIRED DURING THE COURSE OF CONSTRUCTION. CALL THE "OREGON UTILITY NOTIFICATION CENTER" AT 1-800-332-2344 TO LOCATE EXISTING UTILITIES, 48 HOURS BEFORE DIGGING.
  - ALL WORK AND MATERIALS SHALL CONFORM TO ALL APPLICABLE STATE, CITY, AND COUNTY REGULATIONS AND STANDARDS.
  - CONTRACTOR SHALL EXERCISE CARE IN ALL OPERATIONS TO PROTECT EXISTING UNDERGROUND UTILITIES AND TO AVOID DISTURBING OR DAMAGING THEM. ANY DAMAGE RESULTING FROM THIS WORK MUST BE RESTORED AT THE CONTRACTOR'S EXPENSE TO THE SATISFACTION OF THE UTILITY OWNER AT NO ADDITIONAL COST TO THE OWNER.
  - IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO MAINTAIN ELECTRICAL & WATER SERVICES, AND IRRIGATION & DRAINAGE SYSTEMS THROUGHOUT THE ENTIRE CONSTRUCTION PROCESS.
  - VERIFY EXISTING CONDITIONS AT THE SITE, WHETHER INCLUDED OR NOT ON THE DRAWINGS, PERFORM ALL WORK EVIDENT BY SITE INSPECTION TO ACHIEVE THE DESIRED RESULTS INDICATED ON THE CONSTRUCTION DOCUMENTS FOR THE FINISHED LANDSCAPE AREAS.
  - CONTRACTOR SHALL GRADE ALL LANDSCAPE AREAS WITH APPROVED SOILS. SHAPE AND ADEQUATELY SLOPE TO DRAIN TO TOP OF SUB-GRADE. HOLD SUB-GRADE ELEVATIONS DOWN 8" WITHIN LANDSCAPE AREAS RECEIVING PLANTINGS. PREPARATION OF ALL LANDSCAPE AREAS SHALL BE COORDINATED WITH THE LANDSCAPE CONTRACTOR.
  - CONTRACTOR SHALL COORDINATE ALL IRRIGATION SLEEVE PLACEMENT LOCATIONS AND REQUIREMENTS WITH LANDSCAPE CONTRACTOR PRIOR TO INSTALLING ANY HARDSCAPE.
  - RESET EXISTING UTILITY VAULTS/BOXES TO REMAIN FLUSH WITH GRADE, PLUMBS, AND SQUARE.

**LANDSCAPE AREA PREPARATION PROCEDURES:**

- MATURE COMPOST SHALL BE ADDED TO THE SOIL OF LANDSCAPING AREAS AT A RATE OF THREE CUBIC YARDS OF COMPOST PER 1,000 SQUARE FEET OF LANDSCAPING AREA TO BE PLANTED. THIS REQUIREMENT IS NOT APPLICABLE IN THE FOLLOWING CIRCUMSTANCES:
  - A. IN LANDSCAPED AREAS WHERE A SOIL TEST DEMONSTRATES AN ORGANIC CONTENT OF AT LEAST THREE PERCENT BASED UPON CORE SAMPLES TAKEN AT ONE TEST PER 20,000 SQUARE FEET, WITH A MINIMUM OF THREE SAMPLES PER TEST. SAMPLES SHALL BE TAKEN AT LEAST 40 FEET APART TO A DEPTH OF SIX (6) INCHES FOLLOWING COMPLETION OF ROUGH GRADING.
- SOIL PREPARATION PROCEDURES:
  - A. ASSURE THAT SOIL IS SUITABLY DRY BEFORE BEGINNING.
  - B. SPREAD A MINIMUM OF 4" TOPSOIL (OPTIONAL).
  - C. OPEN/RIP SOIL TO A DEPTH OF 8 INCHES.
  - D. CULTIVATE SOIL AND AMENDMENTS TO A DEPTH OF 4-6 INCHES.
- ADDED IMPORTED OR STOCKPILED EXISTING TOPSOIL AS NEEDED TO LANDSCAPE AREAS TO ENSURE A MINIMUM DEPTH OF 6" OF TOPSOIL.
- TOPSOIL SHALL BE FREE OF WEEDS, STUMPS, ROOTS, WIRE, PLASTER OR SIMILAR OBJECTS ≥3/4" THAT WOULD BE A HINDRANCE TO PLANTING OR MAINTENANCE.
- PROVIDE A MINIMUM OF 3" WEED FREE AGED BARK MULCH OR ROCK MULCH TO ALL LANDSCAPE AREAS AS SHOWN ON PLANS.

**LAWN SEEDING NOTES:**

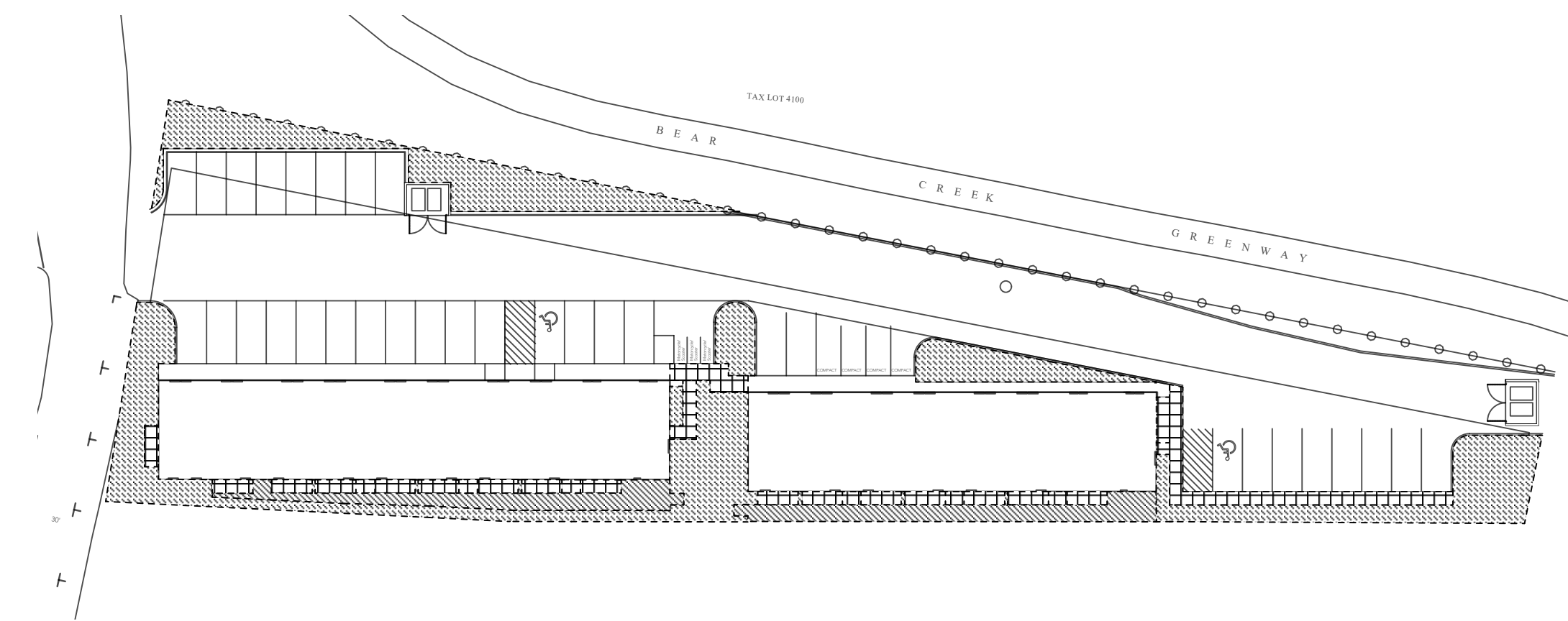
- GRADING: SMOOTH SURFACE SOIL. REMOVE ALL DEPRESSIONS AND PROVIDE SMOOTH SURFACE SLOPE. LIGHTLY COMPACT SURFACE.
- SOV SEED AT A RATE OF 10 POUNDS PER 1,000 SQUARE FEET.
- APPLY 1/8" LAYER OF FINE BARK MULCH.
- APPLY LAWN FERTILIZER AT A RATE OF NOT MORE OR LESS THAN ONE POUND OF ACTUAL NITROGEN AND POTASSIUM PER 1,000 SQUARE FEET PER APPLICATION.
- ROLL WITH FILLED SOO ROLLER OR APPROVED EQUAL PROCESS ENSURING COMPACTION.
- WATER IMMEDIATELY AND KEEP SEED AND SOIL SURFACE EVENLY MOIST THROUGH THE GERMINATION PERIOD.
- REDUCE MOISTURE LEVELS AS NEEDED AFTER GERMINATION IS COMPLETE AND TURF IS VISIBLE.

**PLANTING NOTES:**

- PLANT LIST AND QUANTITIES ARE PROVIDED FOR CONTRACTORS CONVENIENCE. ACTUAL PLANT QUANTITY SHALL BE BASED ON PLANT SYMBOLS ON PLANTING PLAN NOT ON PLANT LIST.
- PLANTING AREAS TO BE SUFFICIENTLY GRUBBED CLEANED OF ALL CONSTRUCTION MATERIALS, INCLUDING IMPORTED ROCK, BEFORE BEGINNING ANY LANDSCAPE WORK.
- THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE WILL APPROVE INDIVIDUAL PLANT MATERIAL AND LOCATION OF PLANT MATERIAL PRIOR TO INSTALLATION. PROVIDE 72 HOURS NOTICE PRIOR TO PLANT DELIVERY.
- PLANTS SHALL BE PROTECTED FROM THE WIND IN TRANSIT AND AFTER DELIVERY TO THE PROJECT SITE. PLANTS IN BROKEN CONTAINERS WILL NOT BE ACCEPTED, AND PLANTS WITH BROKEN BRANCHES OR INJURED TRUNKS WILL BE REJECTED.
- ALL PLANT MATERIAL SHALL CONFORM TO AAN STANDARDS FOR NURSERY STOCK LATEST EDITION. ALL PLANT MATERIAL FURNISHED SHALL BE HEALTHY REPRESENTATIVES, TYPICAL OF THEIR SPECIES OF VARIETY AND SHALL HAVE A NORMAL GROWTH HABIT. THEY SHALL BE FULL, WELL BRANCHED, WELL PROPORTIONED, AND HAVE A WIGGONOUS WELL DEVELOPED ROOT SYSTEM. ALL PLANTS SHALL BE HARDY UNDER CLIMATIC CONDITIONS SIMILAR TO THOSE IN THE LOCALITY OF THE PROJECT. TREES, SHRUBS AND GROUND COVER QUANTITIES, SPECIES, VARIETIES, SIZES AND CONDITIONS TO BE AS SHOWN ON THE PLANTING PLAN. PLANTS TO BE FREE OF DISEASE, INJURY, INSECTS, DECAY, HARMFUL DEFECTS AND ALL WEEDS. NO SUBSTITUTIONS SHALL BE MADE WITHOUT WRITTEN APPROVAL FROM LANDSCAPE ARCHITECT OR OWNER.
- COMMERCIALY-ENGINEERED ROOT BARRIERS SHALL BE INSTALLED FOR ALL NEW TREES LOCATED WITHIN THREE FEET OF ANY PUBLIC RIGHT-OF-WAY IMPERVIOUS SURFACE OR WITH FIVE FEET OF PAVING, CURBS, WALLS, BUILDINGS, UTILITY DUCTS AND OTHER APPURTENANCES, AND SHALL CONSIST OF SIX LINEAL FEET OF 18-INCH (MINIMUM) BARRIER, RUNNING PARALLEL TO THE IMPERVIOUS SURFACE, CENTERED ON THE TREE.
- MAKE MINOR ADJUSTMENTS IN PLANT SPACING AS NECESSARY TO ACCOMMODATE THE IRRIGATION SYSTEM AS INSTALLED, EXISTING SITE ELEMENTS, AND INSTALLED SITE ELEMENTS.
- PLANTS PLANTED TOO DEEPLY WILL NOT BE ACCEPTED.
- PROVIDE A MINIMUM OF 3" WEED FREE AGED BARK MULCH OR ROCK MULCH TO ALL LANDSCAPE AREAS AS SHOWN ON PLANS.
- PROVIDE STRAW MULCH ON ALL SEEDED SLOPES AS NECESSARY TO PROTECT SEED AND PREVENT EROSION.
- ALL SHRUBS AND TREES SHALL BE GUARANTEED BY THE CONTRACTOR FOR A PERIOD OF ONE (1) YEAR FOLLOWING THE DATE OF FINAL ACCEPTANCE.

**IRRIGATION NOTES:**

- THE INFORMATION PROVIDED IS FOR THE IN-FIELD CONVENIENCE OF THE CONTRACTOR. REFERENCE THE IRRIGATION MANUFACTURER'S SPECIFICATIONS FOR ALL ASPECTS OF IRRIGATION MATERIALS AND INSTALLATION PROCEDURES.
- VERIFY IRRIGATION POINTS OF CONNECTION AND AVAILABLE PSI PRIOR TO STARTING IRRIGATION SITE WORK.
- ALL PVC PIPE IS TO BE MADE UP BY SOLVENT WELDING PROCESS. EXCESS CEMENT SHALL BE WIPE OFF AS IT APPEARS ON THE SURFACE. ALLOW AT LEAST 15 MINUTES SET-UP TIME BEFORE MOVING PIPE.
- LAYOUT SHALL FOLLOW AS CLOSELY AS PRACTICAL TO THE SCHEMATIC DESIGN. MAKE NO SUBSTANTIAL ALTERATIONS WITHOUT PRIOR APPROVAL FROM THE LANDSCAPE ARCHITECT. IRRIGATION MAIN LINE LOCATIONS AND LATERAL LINE LOCATIONS IN PAVING AREAS ARE SHOWN FOR GRAPHIC CLARITY ONLY. ALL MAIN AND LATERAL LINES ARE TO BE PLACED IN PLANTING AREAS WHEN POSSIBLE.
- LATERAL PIPE SHALL BE SCHEDULE 40 PVC. MAIN LINE PIPE SHALL BE SCHEDULE 40 PVC. PVC FITTINGS SHALL BE SCHEDULE 40. SLEEVES UNDER PAVING SHALL BE SOLID PIPE SCHEDULE 40 PVC.
- TRENCHING: 12" MINIMUM COVER OVER LATERAL LINES; 18" MINIMUM COVER OVER MAIN LINES. LOCATE LATERAL AND MAIN LINES IN SAME TRENCH WHEREVER POSSIBLE. BACKFILL MATERIAL SHALL BE FREE OF ROCKS, AND SHARP OBJECTS. NO MACHINE TRENCHING WITHIN DRIPLINE OF EXISTING TREES. MANUAL TRENCHING WILL BE PERMITTED.
- PROVIDE SLEEVING UNDER HARDSCAPE TO ALL IRRIGATED LANDSCAPE AREAS. ALL SLEEVES SHALL BE 4" PIPE AT MAINLINE CROSSINGS (UNLESS NOTED OTHERWISE) AND 4" AT LATERAL CROSSINGS. EXTEND SLEEVES 12" BEYOND ADJACENT PAVING OR ASPHALT. COVER OPEN ENDS WITH DUCT TAPE. PLACE WOODEN LOCATION STAKES (2 X 2 RED TOP) AT FACE OF ALL WALKS AND CURBS WHERE SLEEVE ENDS ARE LOCATED. CONTRACTOR WILL BE RESPONSIBLE FOR LOCATION STAKES / SLEEVES COVERED BY WORK OF OTHERS.
- INSTALL ISOLATION VALVES AT THE POINT OF CONNECTION, AT EACH VALVE BOX, AND AT ALL SLEEVE CROSSINGS 20' OR GREATER.
- INSTALL VALVES IN VALVE BOXES IN SHRUB AREAS AND IN ACCESSIBLE LOCATIONS. INSTALL VALVE BOXES SO THAT THE LID IS FLUSH WITH FINISH GRADE AND PERPENDICULAR TO THE NEAREST ADJACENT HARDSCAPE.
- PROVIDE ALL NECESSARY CONDUIT, WIRE AND EQUIPMENT TO PROPERLY INSTALL VALVES AND CONTROLLER. LABEL SPRINKLER ZONES INSIDE VALVE BOX WITH A WATERPROOF TAG.
- INSTALL AIR RELIEF VALVES, AUTOMATIC FLUSH VALVES, AND OPERATION INDICATOR ON ALL DRIP ZONES AND DRIP AREAS.
- CONTROLLER AND RAIN SENSOR SHOWN ON PLAN ARE CONCEPTUAL LOCATIONS AND SHALL COORDINATED FOR EXACT LOCATION IN FIELD.
- THE IRRIGATION SYSTEM HAS BEEN DESIGNED TO OPERATE WITHIN THE MANUFACTURER'S RECOMMENDATIONS.
- VERIFY PROPER OPERATION OF THE IRRIGATION SYSTEM.
- ADJUST PRESSURE REDUCING VALVES AS NEEDED TO ENSURE ALL COMPONENTS OPERATE WITHIN THE MANUFACTURER'S RECOMMENDATIONS.
- ADJUST SPRINKLER HEADS AND NOZZLES AS NEEDED TO AVOID OVERSPRAY.
- PRODUCTS MAY BE SUBSTITUTED FOR LIKE OR EQUAL PRODUCTS AT OWNER'S DISCRETION.
- CONTRACTOR TO PROVIDE AS-BUILT DRAWINGS AND PHOTO DOCUMENTATION OF INSTALLED IRRIGATION SYSTEM.
- CONTRACTOR TO ALLOW LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE TO INSPECT IRRIGATION SYSTEM INSTALLATION PRIOR TO BACK FILLING TRENCHING.
- IRRIGATION WORKMANSHIP TO BE GUARANTEED FOR ONE (1) YEAR.



**2 LANDSCAPE AREA INFO PLAN**  
NTS

HYDROZONE AREA INFORMATION			
Hatch	Landscape Area	Area	Percentage
	Non-Living Ground Cover	1,351 s.f.	16%
	Hardscape	1,501 s.f.	18%
	Landscape	5,690 s.f.	68%
<b>Total Area:</b>		<b>8,318 s.f.</b>	<b>100.00%</b>

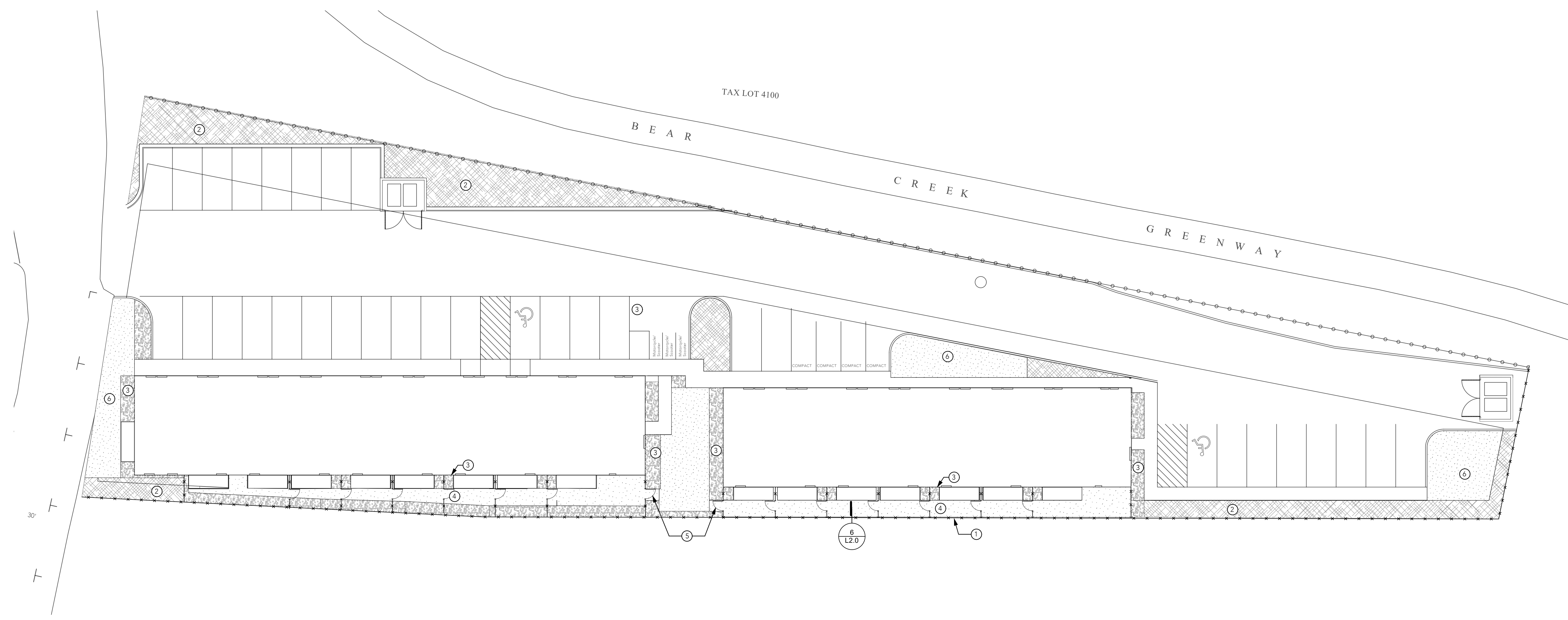


Revision No.	Date
Project ID	1957
Client Name	Estevan "Steve" Arroyo
Drawn By	JML
Reviewed By	JML
Date	10/18/2023
Sheet Title	PROPOSED SITE PLAN
Sheet No.	L0.0

100% DESIGN DEVELOPMENT / NOT FOR CONSTRUCTION



**ARROYO APARTMENTS**



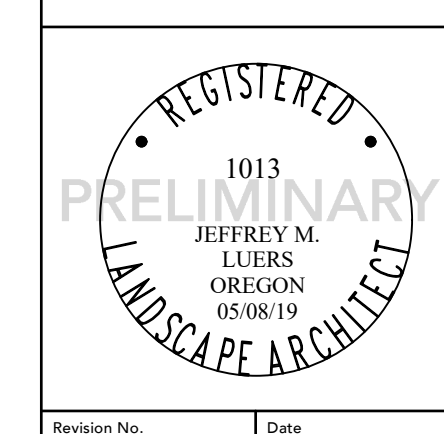
**1 MATERIALS & SEEDING PLAN**  
1/16" = 1'-0"  
0 10 FT

- MATERIALS PLAN NOTES:**
- ① 6' DOG EARED CEDAR FENCE.
  - ② AGED BARK MULCH.
  - ③ ROCK MULCH.
  - ④ DECOMPOSED GRANITE / CRUSHED ROCK.
  - ⑤ MAINTENANCE ACCESS GATE, TYP.
  - ⑥ LAWN AREA SEE PLANTING PLAN.

HARDSCAPE AND MATERIALS SCHEDULE			
Symbol	Hardscape Name	Perimeter	Area
	Rock Mulch	887 li. ft	1258 sq ft
	Crushed Rock	636 li. ft	1352 sq ft
	Aged Mulch	896 li. ft	2645 sq ft
<b>Total</b>		<b>2,419 li. ft</b>	<b>5255 sq ft</b>

SEEDING SCHEDULE		
Hatch	Seed Mix	Qty
	Sunmark Seeds Northwest Supreme Mix (or equal)	1795 S.F.

LANDSCAPE MATERIAL TAKEOFF QUANTITIES ESTIMATE			
Hardscape/Softscape Name	Material Components	Depth	Area/Volume
Bark Mulch Landscape Area	Aged Sawdust Bark Mulch	3"	24 cu yd
	Topsoil (existing or imported)	6"	49 cu yd
Decomposed Granite Path	Decomposed Granite	3"	13 cu yd
	3/4" Minus Aggregate	4"	17 cu yd
	Non Woven Geotextile Fabric		1,352 sq. ft.
Lawn	See Seeding Schedule		
	Topsoil (existing or imported)	6"	33 cu yd
Rock Mulch Landscape Area	3/4" Round Rock (No fines)	3"	12 cu yd
	Non Woven Geotextile Fabric		1,260 sq. ft.
	Topsoil (existing or imported)	6"	23 cu yd



Revision No.	Date

Project ID: 1957  
Client Name: Estevan "Steve" Arroyo  
Drawn By: JML  
Reviewed By: JML  
Date: 10/18/2023

**MATERIALS PLAN**

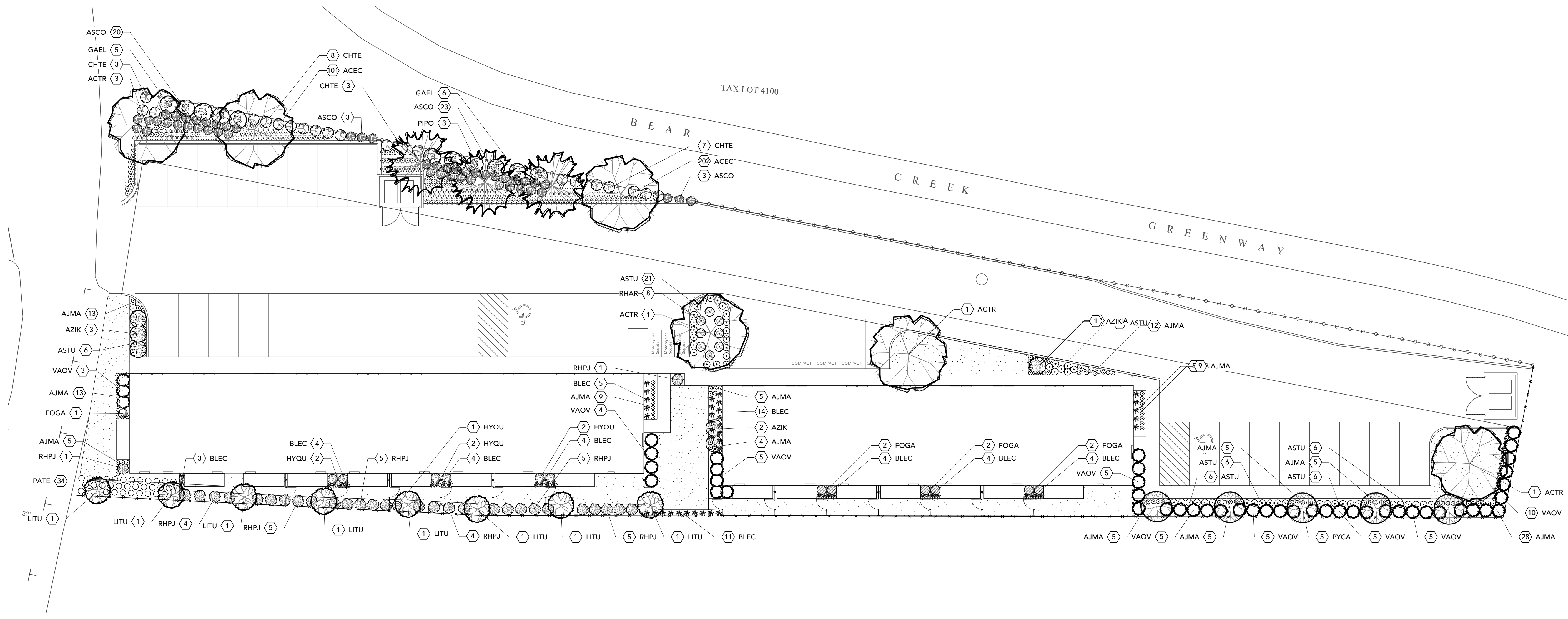
Sheet No:  
**L1.0**



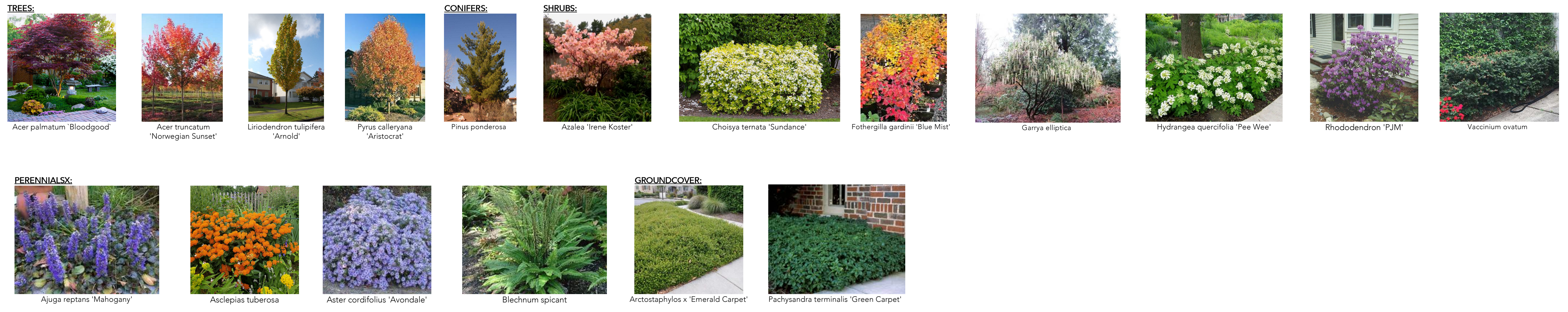


TWO OAKS STUDIO LLC  
LANDSCAPE ARCHITECTURE  
& ECOLOGICAL DESIGN  
222 N. 14th St. Suite 200 Astoria, OR 97103  
info@twooaksstudio.com | 503-325-0552

**ARROYO  
APARTMENTS**



**1 PLANTING PLAN**  
1/16" = 1'-0"  
0 16 FT



PLANT SCHEDULE						
	ID	Latin Name	Common Name	Qty	Size	P.F.
<b>Trees</b>						
	ACTR	Acer truncatum 'Norwegian Sunset'	Norwegian Sunset Maple	6	2" Cal.	.45
	LITU	Liriodendron tulipifera 'Arnold'	Arnold Tulip Tree	8	1.5" Cal.	.60
	PYCA	Pyrus calleryana 'Aristocrat'	Aristocrat® Flowering Pear	5	2" Cal.	.60
<b>Evergreen</b>						
	PIPO	Pinus ponderosa	Ponderosa Pine	3	8" Ht. or 2" Cal.	.45
<b>Shrubs</b>						
	AZIK	Azalea 'Irene Koster' (Gardenale)	Irene Koster Azalea	6	5 Gal.	.80
	CHTE	Choisya ternata 'Sundance'	Sundance Mexican Orange Blossom	21	2 Gal.	.30
	FOGA	Fothergilla gardenii 'Blue Mist'	Blue Mist Dwarf Fothergilla	7	5 Gal.	.60
	GAEL	Garrya elliptica	Silk Tassel	11	5 Gal.	.30
	HYQU	Hydrangea quercifolia 'Pee Wee'	Pee Wee Oak Leaf Hydrangea	7	5 Gal.	.80
	RHPJ	Rhododendron 'PJM'	PJM Rhododendron	30	5 Gal.	.80
	VAOV	Vaccinium ovatum	Evergreen Huckleberry	47	5 Gal.	.60
<b>Perennials</b>						
	AJMA	Ajuga reptans 'Mahogany'	Mahogany Bungleweed	130	1 Gal.	.60
	ASTU	Asclepias tuberosa	Butterfly Weed	58	1 Gal.	.45
	ASCO	Aster cordifolius	Blue Wood Aster	49	1 Gal.	.60
	BLEC	Blechnum spicant	Deer Fern	62	2 Gal.	.60
<b>Groundcover</b>						
	ACEC	Arctostaphylos uva-ursi 'Emerald Carpet'	Emerald Carpet	303	4" Pot	.45
	PATE	Pachysandra terminalis 'Green Carpet'	Green Carpet Japanese Spurge	34	1 Gal.	.60
	RHAR	Rhus aromatica 'Gro-Low'	Gro-Low Fragrant Sumac	8	1 Gal.	.30



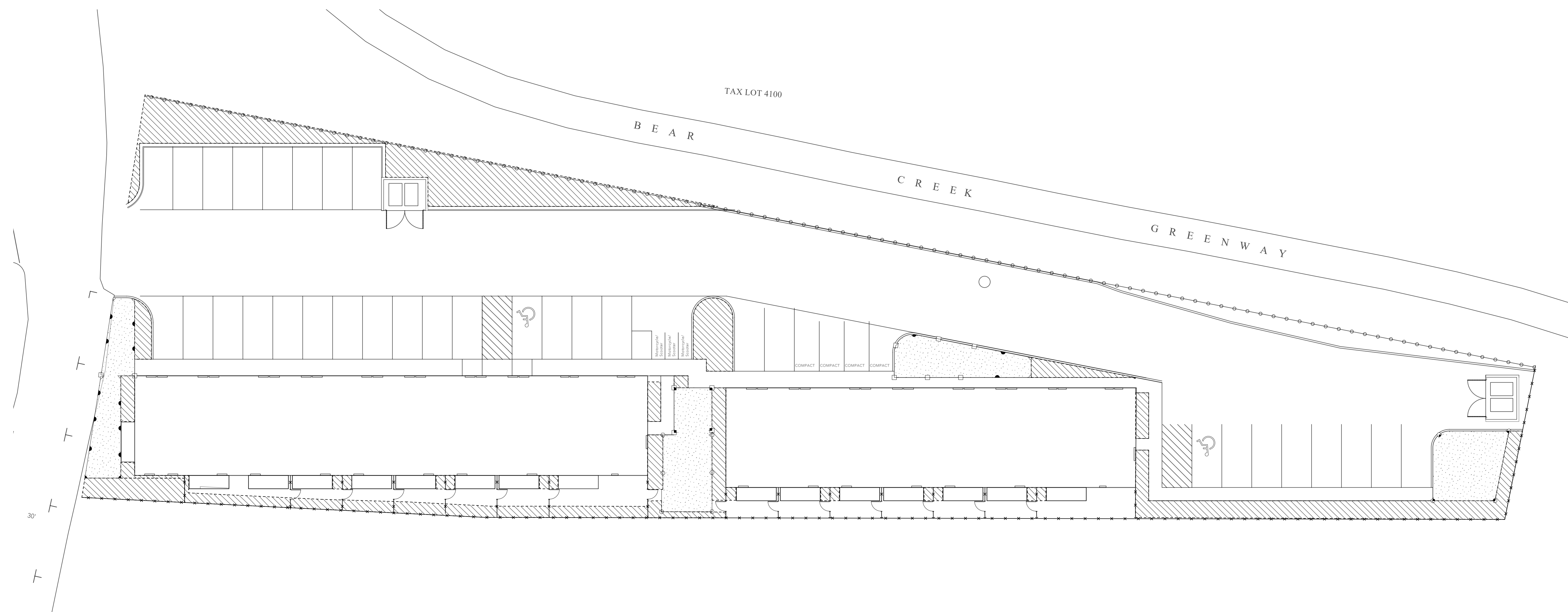
Revision No. \_\_\_\_\_ Date \_\_\_\_\_  
Project ID: 1957  
Client Name: Estevan "Steve" Arroyo  
Drawn By: JML  
Reviewed By: JML  
Date: 10/18/2023  
Sheet Title: **PLANTING PLAN**

Sheet No. **L1.1**

100% DESIGN DEVELOPMENT / NOT FOR CONSTRUCTION



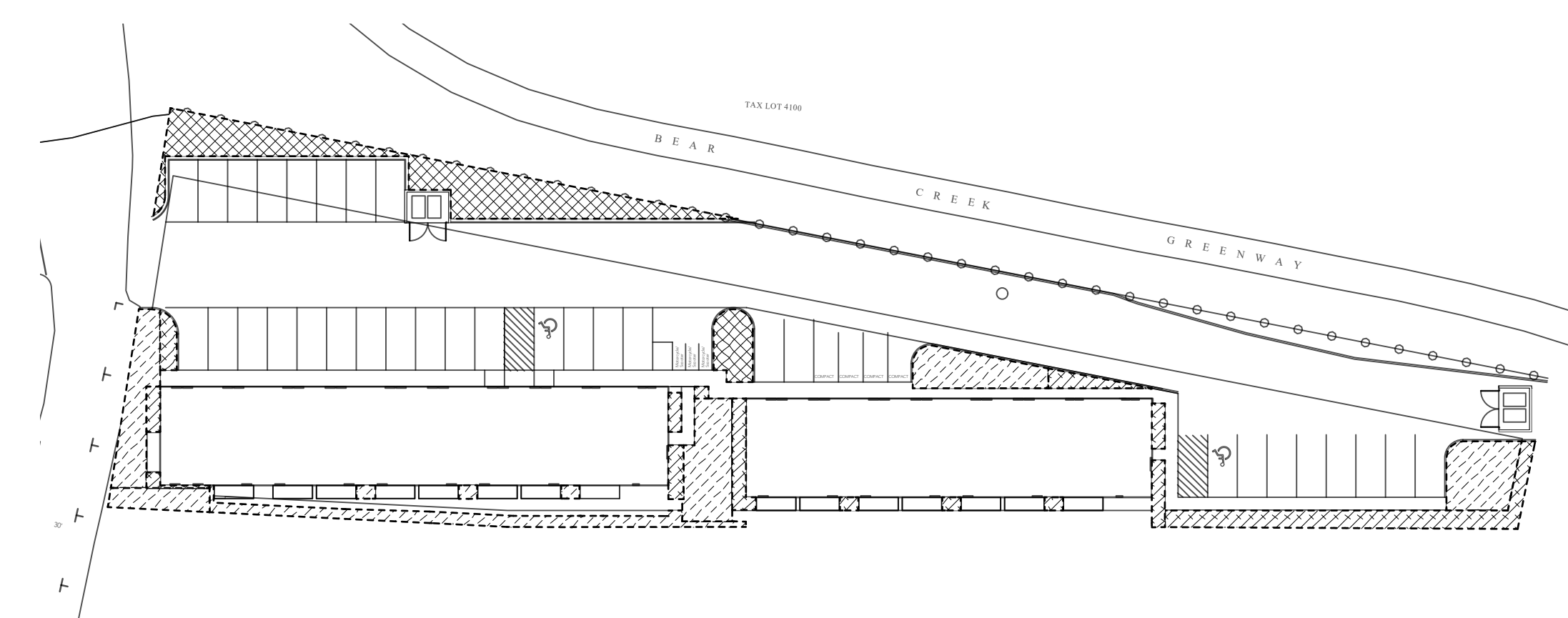
**ARROYO  
APARTMENTS**



**1 SCHEMATIC IRRIGATION PLAN**  
1/16" = 1'-0" 0 16 FT

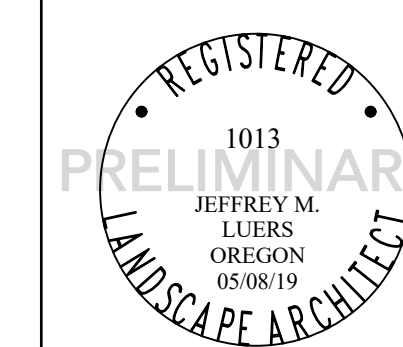
IRRIGATION OUTLET SCHEDULE								
Symbol	Quantity	Outlet Type	Manufacturer	Series	Model	Outlet Body	Pop-Up Ht.	Recom. Pressure
	6	Spray	Hunter Industries(R)	Pro Adjustable Nozzles	6A	PROS-06-PRS30-CV	6"	30
	15	Spray	Hunter Industries(R)	Pro Adjustable Nozzles	8A	PROS-06-PRS30-CV	6"	30
	8	Spray	Hunter Industries(R)	Pro Adjustable Nozzles	10A	PROS-06-PRS30-CV	6"	30
	4	Spray	Hunter Industries(R)	Pro Adjustable Nozzles	12A	PROS-06-PRS30-CV	6"	30
	6	Spray	Hunter Industries(R)	Pro Adjustable Nozzles	15A	PROS-06-PRS30-CV	6"	30
	4	Spray	Hunter Industries(R)	Pro Adjustable Nozzles	17A	PROS-06-PRS30-CV	6"	30

IRRIGATION DRIP AREA SCHEDULE						
Symbol	Area	Manufacturer	Series	Model	Recom. Pressure	Row Spacing
	3892.106	Hunter Industries (r)	HDL-CV	HDL-06-18-CV	40	1'6"



**2 HYDROZONE AREA INFO PLAN**  
NTS

HYDROZONE AREA INFORMATION				
Hatch	Hydrozone	Plant Factor	Area	Percentage
	Low/Moderate	0.45	1,690 s.f.	35.21%
	Moderate	0.60	1,419 s.f.	29.56%
	High	0.80	1,691 s.f.	35.23%
<b>Total Area:</b>			<b>4,800 s.f.</b>	<b>100.00%</b>

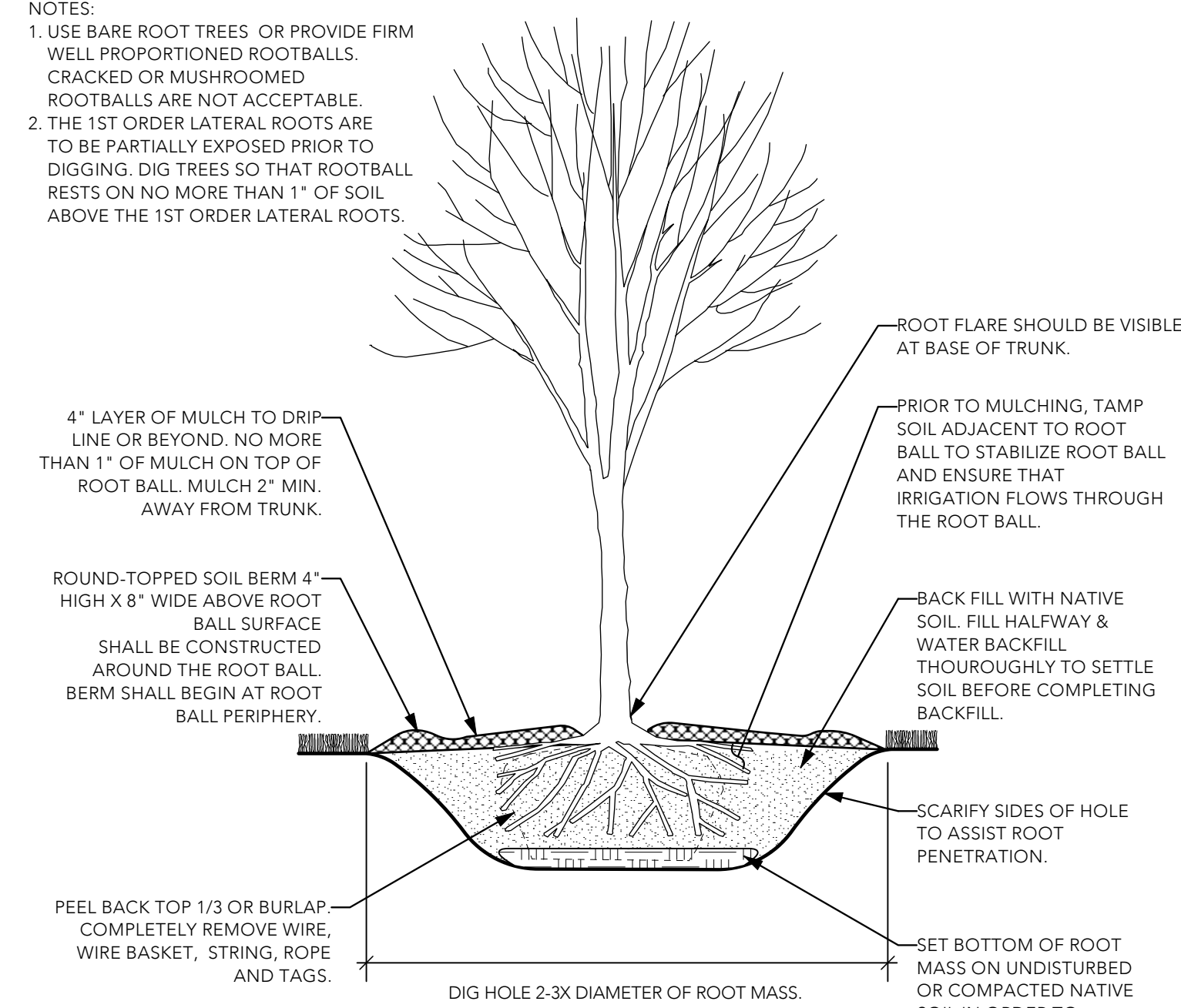


Revision No.	Date
Project ID	1957
Client Name	Estevan "Steve" Arroyo
Drawn By	JML
Reviewed By	JML
Date	10/18/2023
Sheet Title	<b>SCHEMATIC IRRIGATION PLAN</b>
Sheet No.	<b>L1.2</b>



**NOTES:**

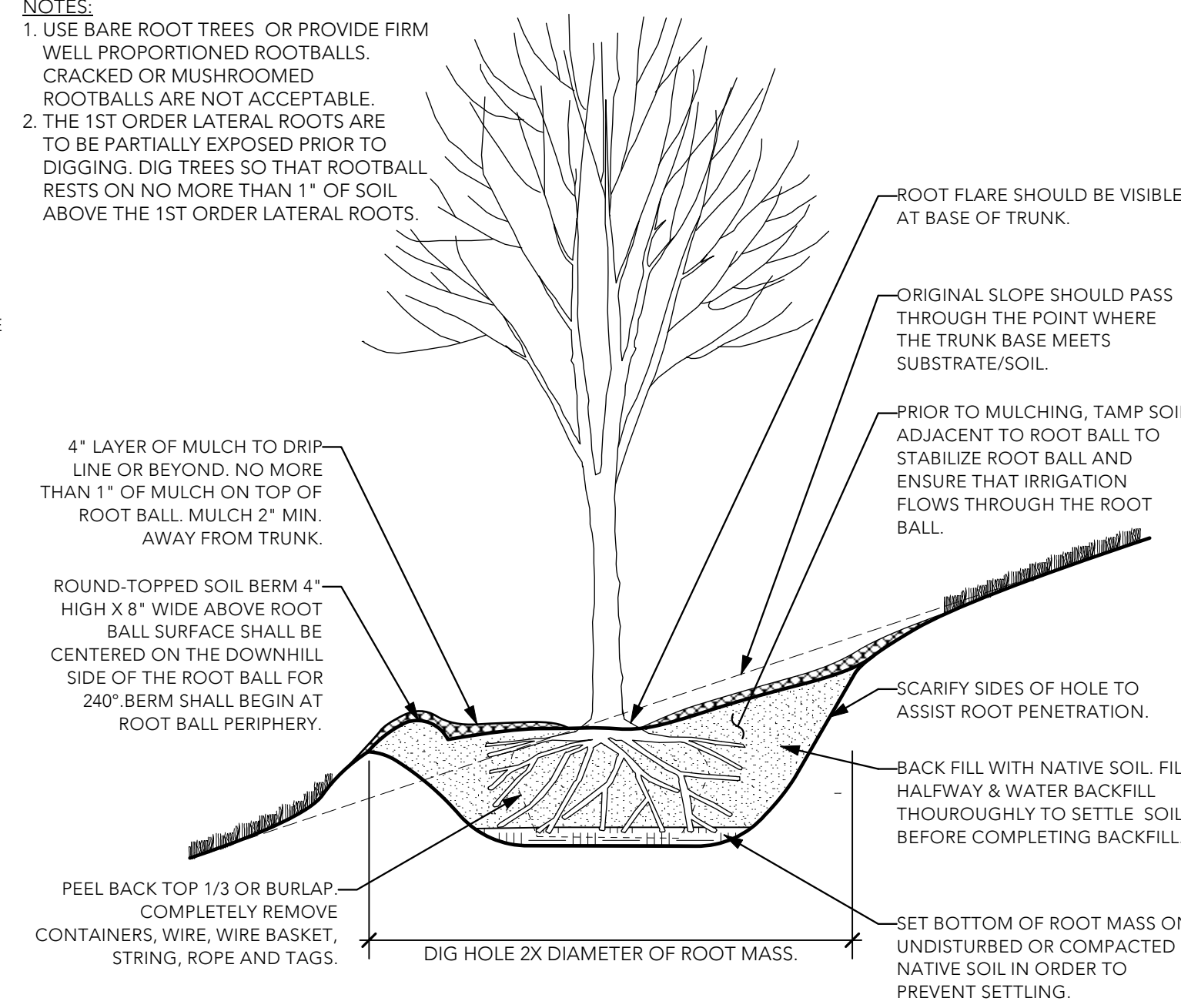
1. USE BARE ROOT TREES OR PROVIDE FIRM WELL PROPORTIONED ROOTBALLS. CRACKED OR MUSHROOMED ROOTBALLS ARE NOT ACCEPTABLE.
2. THE 1ST ORDER LATERAL ROOTS ARE TO BE PARTIALLY EXPOSED PRIOR TO DIGGING. DIG TREES SO THAT ROOTBALL RESTS ON NO MORE THAN 1" OF SOIL ABOVE THE 1ST ORDER LATERAL ROOTS.



**1 TREE PLANTING**  
NTS

**NOTES:**

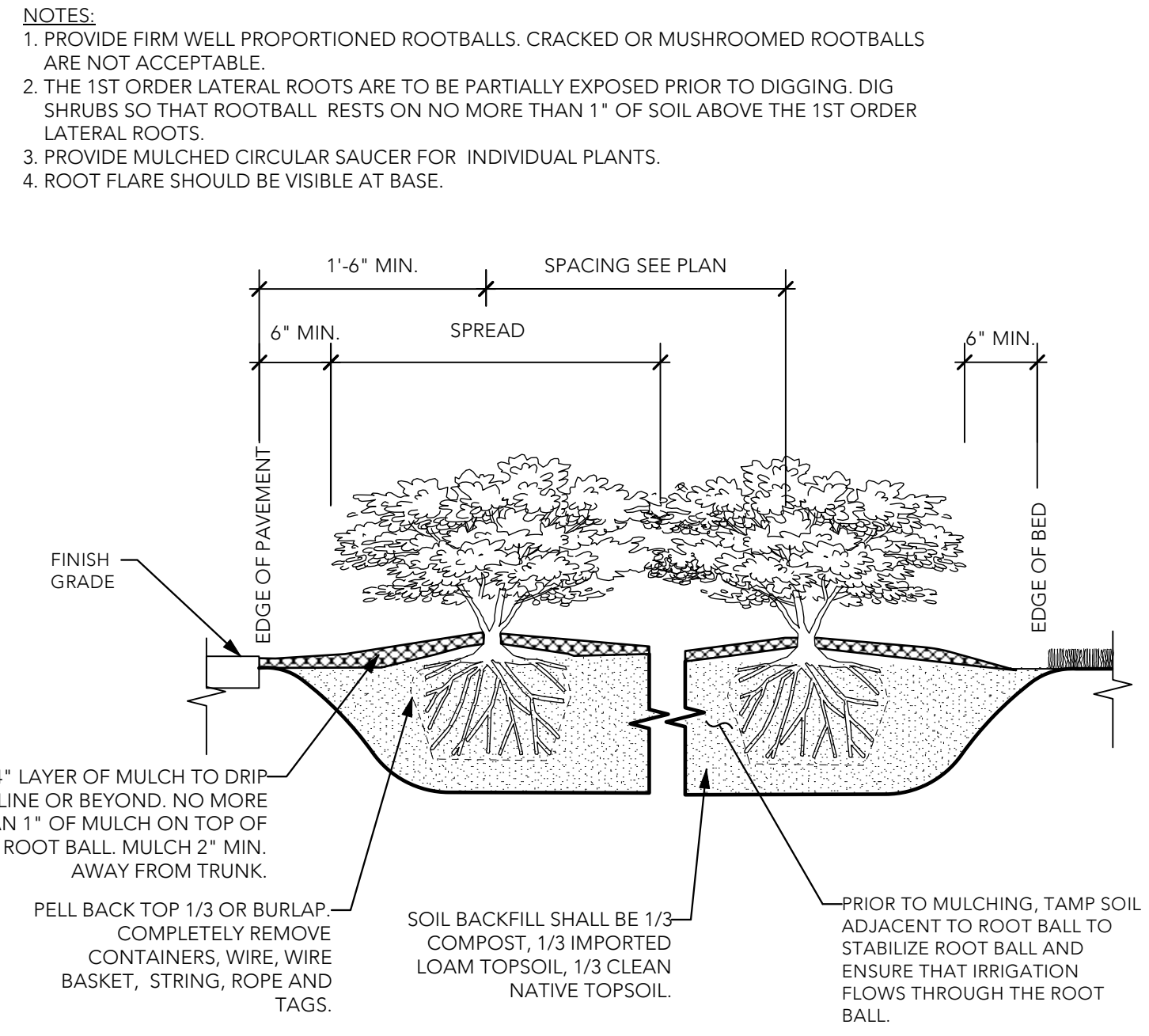
1. USE BARE ROOT TREES OR PROVIDE FIRM WELL PROPORTIONED ROOTBALLS. CRACKED OR MUSHROOMED ROOTBALLS ARE NOT ACCEPTABLE.
2. THE 1ST ORDER LATERAL ROOTS ARE TO BE PARTIALLY EXPOSED PRIOR TO DIGGING. DIG TREES SO THAT ROOTBALL RESTS ON NO MORE THAN 1" OF SOIL ABOVE THE 1ST ORDER LATERAL ROOTS.



**2 TREE PLANTING ON A SLOPE**  
NTS

**NOTES:**

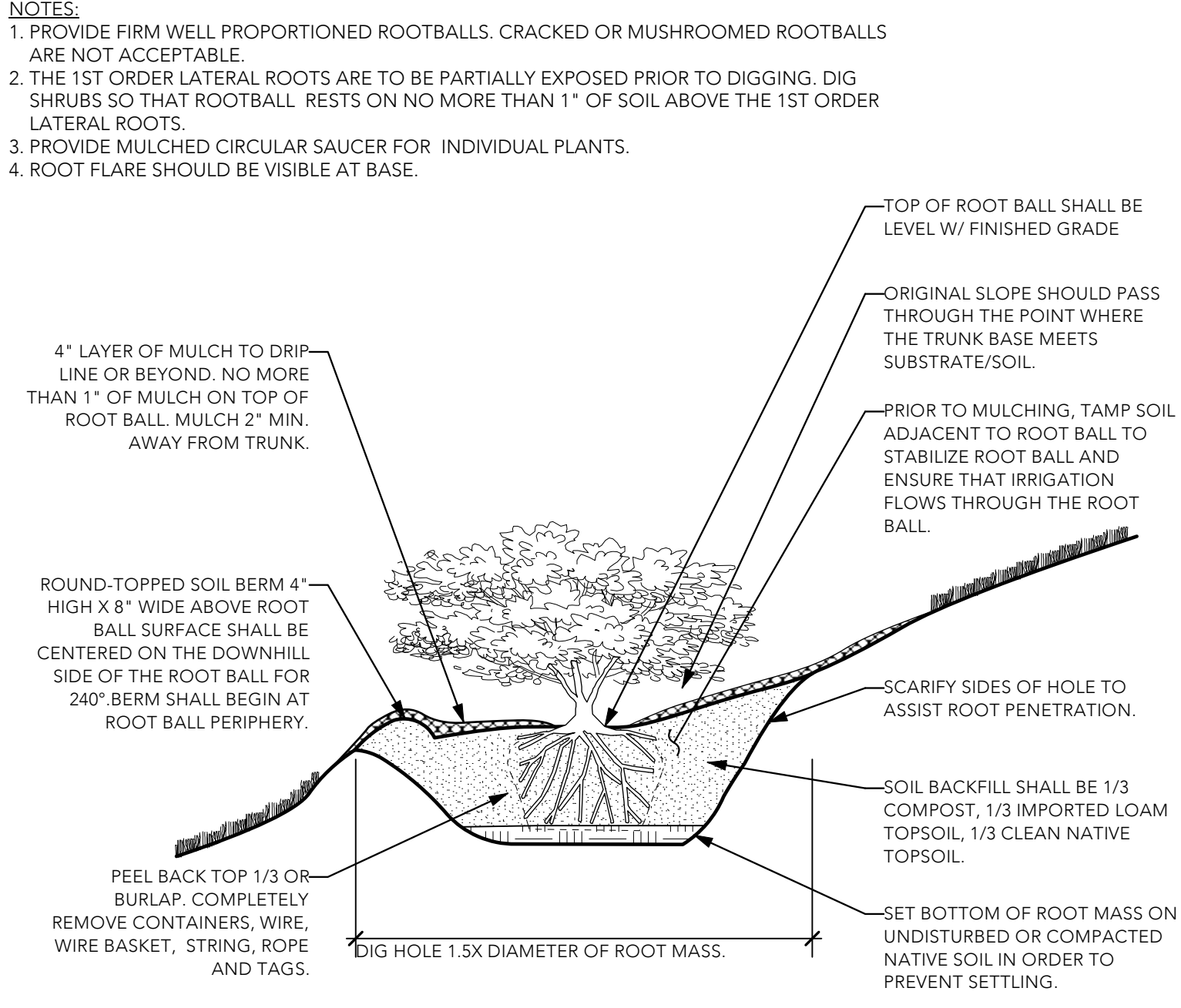
1. PROVIDE FIRM WELL PROPORTIONED ROOTBALLS. CRACKED OR MUSHROOMED ROOTBALLS ARE NOT ACCEPTABLE.
2. THE 1ST ORDER LATERAL ROOTS ARE TO BE PARTIALLY EXPOSED PRIOR TO DIGGING. DIG SHRUBS SO THAT ROOTBALL RESTS ON NO MORE THAN 1" OF SOIL ABOVE THE 1ST ORDER LATERAL ROOTS.
3. PROVIDE MULCHED CIRCULAR SAUCER FOR INDIVIDUAL PLANTS.
4. ROOT FLARE SHOULD BE VISIBLE AT BASE.



**3 SHRUB PLANTING**  
NTS

**NOTES:**

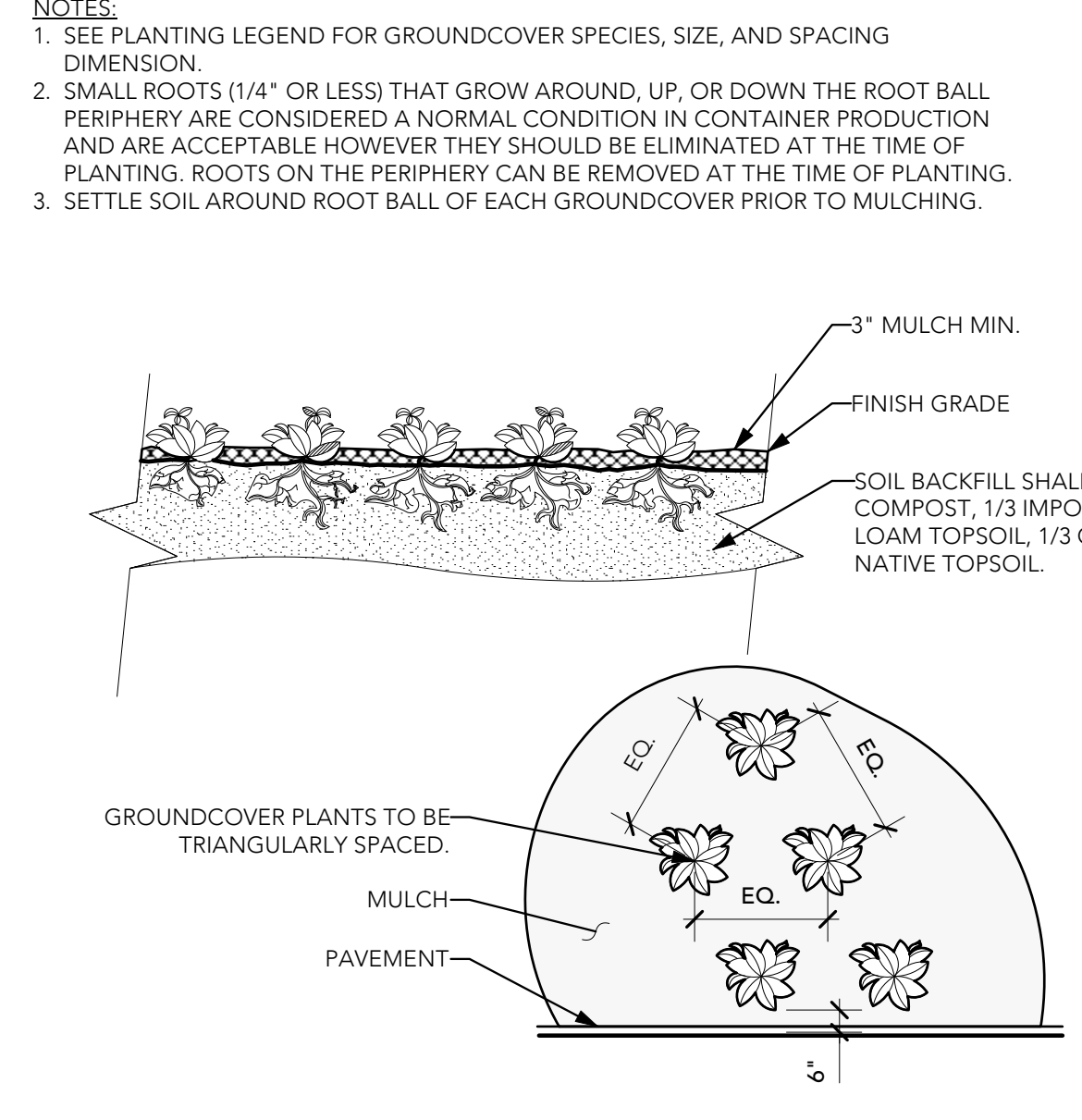
1. PROVIDE FIRM WELL PROPORTIONED ROOTBALLS. CRACKED OR MUSHROOMED ROOTBALLS ARE NOT ACCEPTABLE.
2. THE 1ST ORDER LATERAL ROOTS ARE TO BE PARTIALLY EXPOSED PRIOR TO DIGGING. DIG SHRUBS SO THAT ROOTBALL RESTS ON NO MORE THAN 1" OF SOIL ABOVE THE 1ST ORDER LATERAL ROOTS.
3. PROVIDE MULCHED CIRCULAR SAUCER FOR INDIVIDUAL PLANTS.
4. ROOT FLARE SHOULD BE VISIBLE AT BASE.



**4 SHRUB PLANTING ON A SLOPE**  
NTS

**NOTES:**

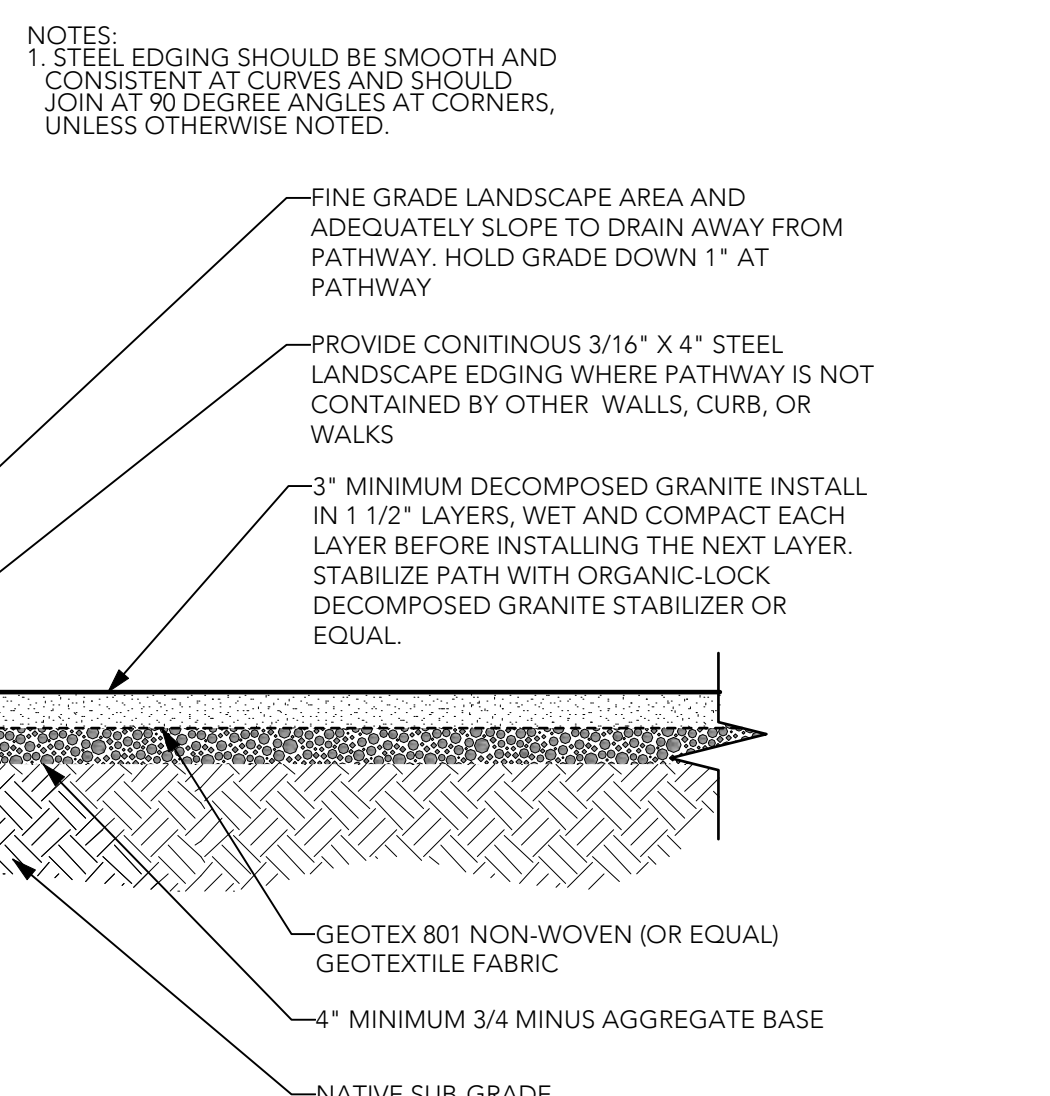
1. SEE PLANTING LEGEND FOR GROUNDCOVER SPECIES, SIZE, AND SPACING DIMENSION.
2. SMALL ROOTS (1/4" OR LESS) THAT GROW AROUND, UP, OR DOWN THE ROOT BALL PERIPHERY ARE CONSIDERED A NORMAL CONDITION IN CONTAINER PRODUCTION AND ARE ACCEPTABLE HOWEVER THEY SHOULD BE ELIMINATED AT THE TIME OF PLANTING. ROOTS ON THE PERIPHERY CAN BE REMOVED AT THE TIME OF PLANTING.
3. SETTLE SOIL AROUND ROOT BALL OF EACH GROUNDCOVER PRIOR TO MULCHING.



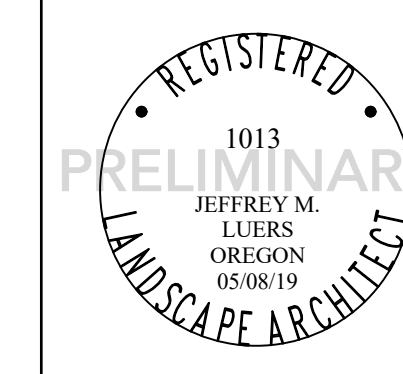
**5 GROUNDCOVER PLANTING**  
NTS

**NOTES:**

1. STEEL EDGING SHOULD BE SMOOTH AND CONSISTENT AT CURVES AND SHOULD JOIN AT 90 DEGREE ANGLES AT CORNERS, UNLESS OTHERWISE NOTED.

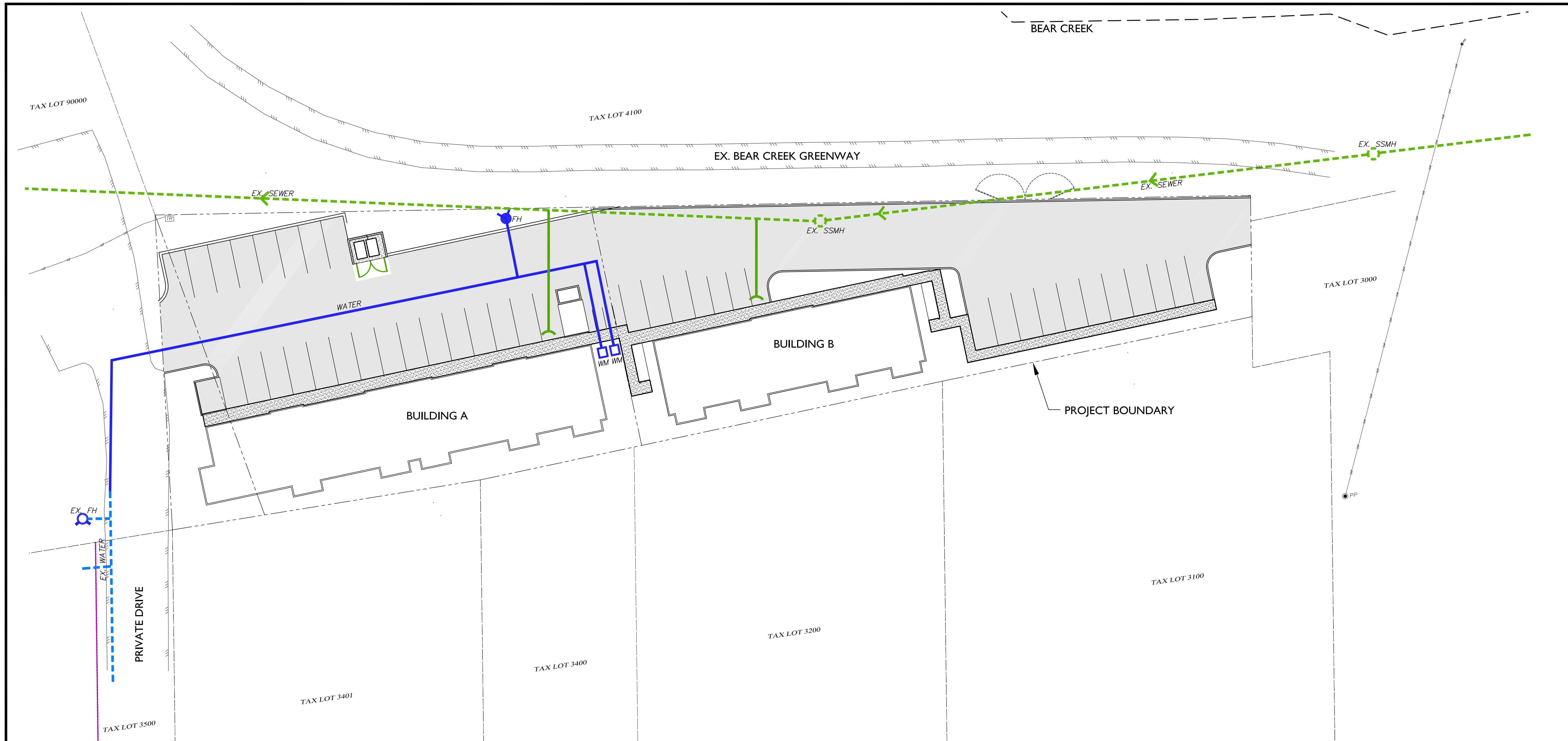


**6 DECOMPOSED GRAVEL PATH**  
NTS

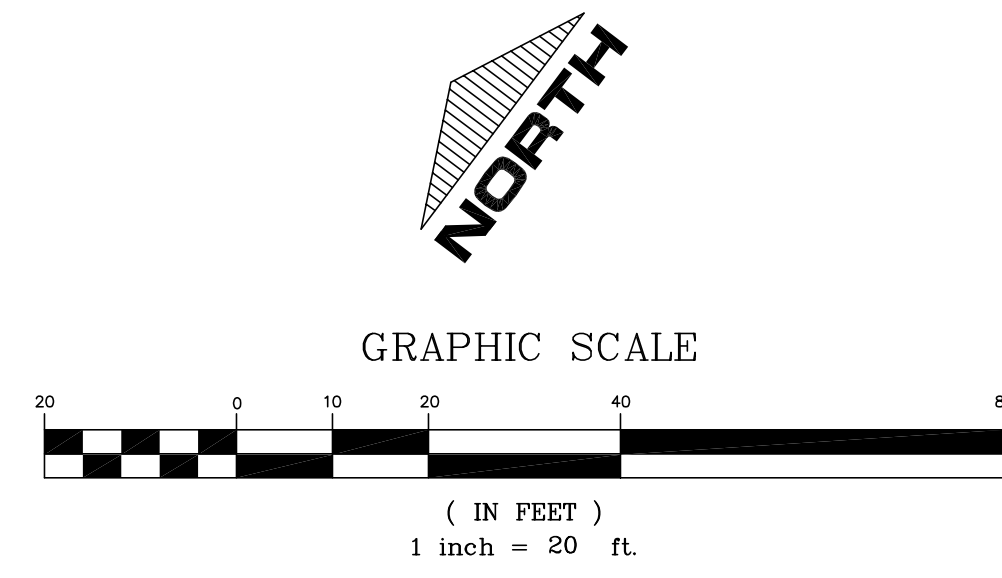


Revision No.	Date
Project ID	1957
Client Name	Estevan "Steve" Arroyo
Drawn By	JML
Reviewed By	JML
Date	10/18/2023
Sheet Title	LANDSCAPE DETAILS
Sheet No.	L2.0



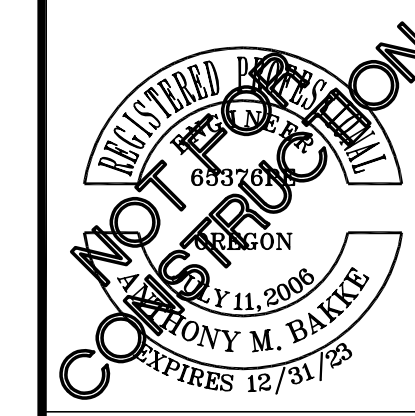


- LEGEND**
- EXISTING WATER MAIN
  - EXISTING FIRE HYDRANT
  - PROPOSED WATER MAIN
  - PROPOSED FIRE HYDRANT
  - PROPOSED SEWER MANHOLE OR CLEANOUT
  - PROPOSED SANITARY SEWER MAIN
  - EXISTING SANITARY SEWER MAIN
  - EXISTING SEWER MANHOLE OR CLEANOUT



P.O. BOX 1724 - MEDFORD, OREGON 97501  
PH. (541) 779-5268

DRAWN BY: BDS	DATE: 04/22
CHECKED BY: AMB	DATE: 04/22
APPROVED:	DATE:
APPROVED:	DATE:
APPROVED:	DATE:
APPROVED:	DATE:



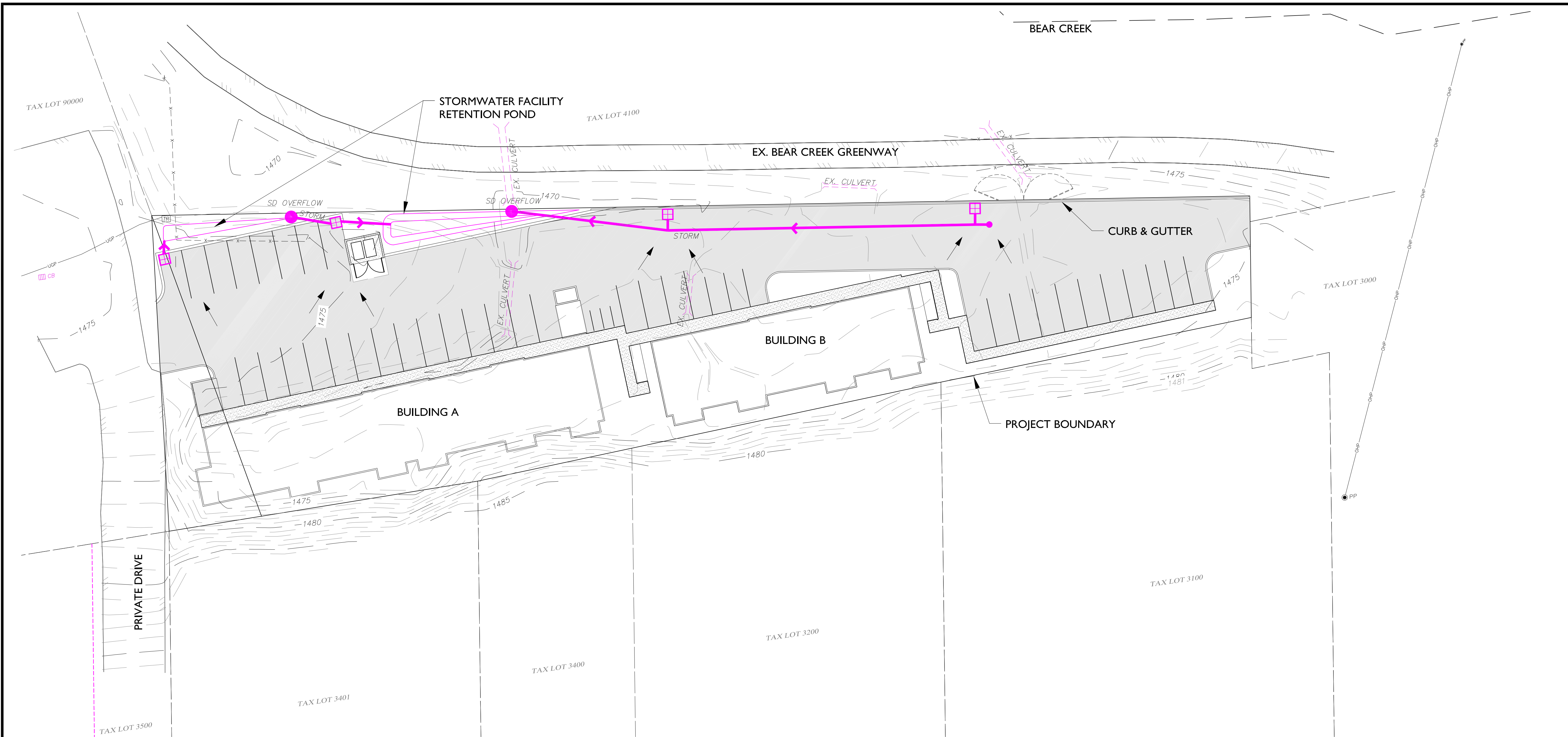
NO.	REVISION	DATE	BY

CONSTRUCTION ENGINEERING CONSULTANTS, INC.

**ARROYO APARTMENTS  
CONCEPTUAL UTILITY PLAN**

PROJECT NO.  
DRAWING NO.  
**1 OF 2**

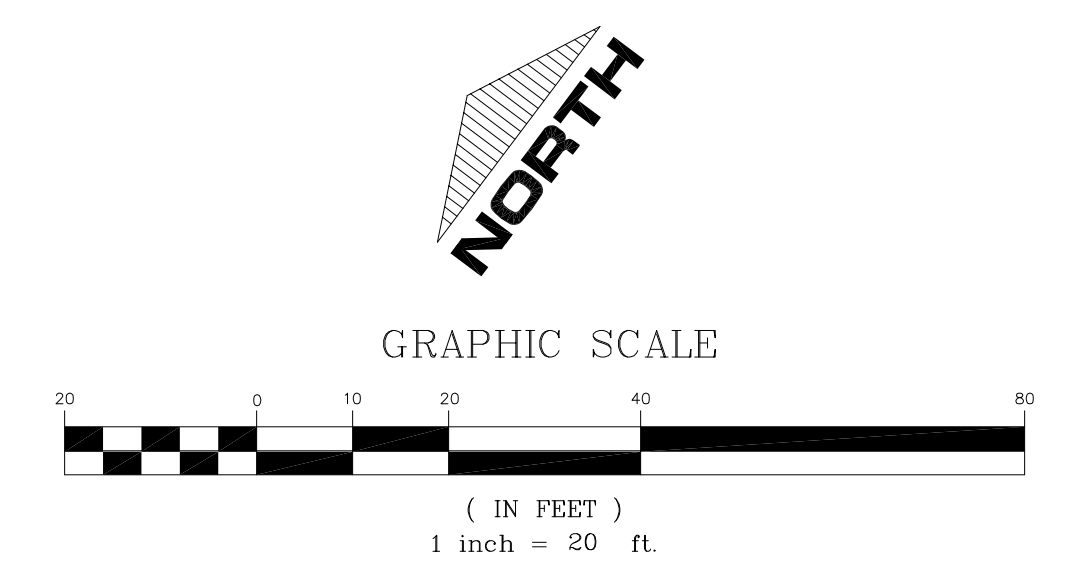




- LEGEND**
- PROPOSED SD MANHOLE OR CLEANOUT
  - PROPOSED CURB INLET
  - ▣ PROPOSED CATCH BASIN
  - ▤ PROPOSED DITCH INLET
  - ← PROPOSED STORM MAIN
  - - - ← EXISTING STORM MAIN
  - EXISTING STORM MH OR CLEANOUT
  - EXISTING CURB INLET
  - DRAINAGE DIRECTION

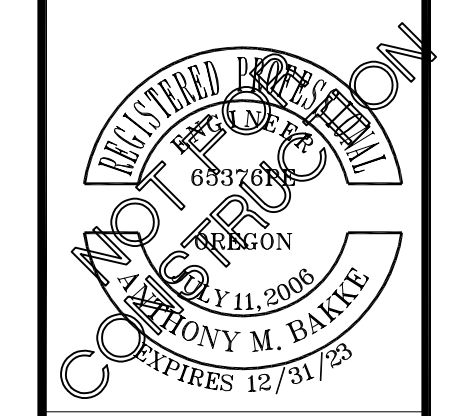
**CONTOURS**  
 CONTOUR INTERVAL = 1'  
 INDEX INTERVAL = 5'  
 INDEX CONTOUR — ELEV —

**NOTE:**  
 EXTENSIVE GRADING OF THE PROJECT SITE IS NOT ANTICIPATED. PROPOSED SITE GRADING TO GENERALLY MATCH THE EXISTING SITE TOPOGRAPHY.



P.O. BOX 1724 - MEDFORD, OREGON 97501  
 PH. 541 779-5268

DATE: 04/22	DATE: 04/22	DATE: 04/22	DATE: 04/22	DATE: 04/22	DATE: 04/22
DRAWN BY: BDS	CHECKED BY: AMB	APPROVED:	APPROVED:	APPROVED:	APPROVED:



NO.	REVISION	DATE	BY

CONSTRUCTION ENGINEERING CONSULTANTS, INC.  
**ARROYO APARTMENTS**  
 CONCEPTUAL GRADING AND DRAINAGE PLAN

PROJECT NO. \_\_\_\_\_  
 DRAWING NO. \_\_\_\_\_  
 2 OF 2





city of phoenix  
planning & building department  
p.o. Box 330  
phoenix, oregon 97535

112 W second street  
phone: (541) 535 - 2050  
fax: (541) 535 - 5769  
e-mail: matt.brinkley@phoenixoregon.gov

file number:

## Property Line Adjustment Application

### TYPE 1 PROCEDURE

RECEIVED  
PLANNING DEPT

PERMIT FEE: \$300.00

#### I. PROPERTY INFORMATION:

OCT 10 2023

A. Location (Address): 3976 S Pacific Hwy CITY OF PHOENIX

#### B. Assessor's ID:

Township: 38S Range: 1W Section: 09DA Tax Lot: 3900

Township: 38S Range: 1W Section: 09DA Tax Lot: 4000

Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section: \_\_\_\_\_ Tax Lot: \_\_\_\_\_

#### II. SUBMITTAL REQUIREMENTS:

Property owners wishing to change the boundary line between properties, herein after referred to as a Property Line Adjustment (ORS 92.010 (11)) shall submit materials and information to the City of Phoenix Planning Department as follows:

##### A. A map drawn to scale showing the following information:

- The existing and proposed lot lines, including dimensions and square footage, for all properties involved.
- Assessor's map and tax lot identification for the subject properties.
- Location and names of all public and private streets that abut or lie within the subject area.
- Accurate location, height, and ground floor area of all structures on the subject properties. If the lots are vacant (no existing structures), a written statement certifying same shall also be provided.
- Names of property owners as shown on the accompanying deeds.
- Signature of person preparing the map attesting to the accuracy of the information contained thereon.

##### B. Deeds which include a statement that identifies the associated conveyance of property as a Property Line Adjustment.

- Legal description attached to the deeds shall either describe the resultant properties or otherwise specify that the conveyed land shall be consolidated with the property of the grantee.

It should be noted that a property line adjustment may also be subject to monumentation and the requisite recordation of a survey consistent with ORS 92.060 (7), ORS 92.190 (3) & ORS 209.250 (1).

City staff will review the proposed Property Line Adjustment to determine compliance with Site Development Standards of Land Development Code as per Chapter 4.3 of the Phoenix Land Development Code.

When it is determined that the proposed Property Line Adjustment does not create or cause non-compliance with above Code standards, or exacerbate any existing non-conformity, the approval endorsement of the Planning Department shall be affixed to the deeds and/or map which may then be recorded.



city of phoenix  
planning & building department  
p. o. Box 330  
phoenix, oregon 97535

112 w second street  
phone: (541) 535 - 2050  
fax: (541) 535 - 5769  
e-mail: matt.brinkley@phoenixoregon.gov

file number:

**III. PROPERTY OWNER/APPLICANT INFORMATION:**

**Property Owner:**

Name: Estevan Arroyo  
Address: 96 W Gregory, Medford OR 97504  
Phone: 541-973-9894 e-mail: steve@creativebld.com

**Property Owner:**

Name: Same  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ e-mail: \_\_\_\_\_

**Applicant:**

Name: Amy Gunter, Rogue Planning & Development Services, LLC  
Address: 1314-B Center Drive PMB #457, Medford OR 97501  
Phone: 541-951-4020 e-mail: amygunter.planning@gmail.com

**Other Contact:**

Name: Polaris Land Surveying  
Address: PO Box 459  
Phone: 541-482-5009 e-mail: shawn@polarislandsurveying.com

**IV. AUTHORIZATION TO PROCESS:**

**Property Owner's Consent:** I do hereby certify that I am the legal owner of record of the property described above and as such I am requesting that the City of Phoenix process this application in accord with State and local ordinances. I also certify that the information submitted hereto is true and correct to the best of my knowledge and belief.

[Signature] \_\_\_\_\_ Date: 09-14-2023  
Property Owner's Signature

\_\_\_\_\_  
Property Owner's Signature Date

**Applicant's Authorization:** I do hereby certify that the information submitted herein is true and correct to the best of my knowledge and belief.

[Signature] \_\_\_\_\_ Date: 09-14-2023  
Applicant's Signature

**FOR CITY USE ONLY**

Received by: JW  
Fee Received: \$300  
File No. Assigned: LLA 23-02

Date: 10/11/23  
Receipt No.: 199677





city of phoenix  
planning & building department  
p.o. Box 330  
phoenix, oregon 97535

112 W second street  
phone: (541) 535 - 2050  
fax: (541) 535 - 5769  
e-mail: matt.brinkley@phoenixoregon.gov

file number:

## Lot Line Adjustment (Type I)

**Purpose:** A Type I Lot Line Adjustment is for the modification of lot boundaries when no new lots are created.

**City Regulations:** All Lot Line Adjustment proposals shall be in conformance with Phoenix Land Development Code Chapter 4.3 – Land Divisions and Lot Line Adjustments and all other applicable chapters.

**State Regulations:** All Lot Line Adjustment proposals shall be in conformance to State regulations set forth in Oregon Revised Statute (ORS) Chapter 92 – Subdivisions and Partitions.

**Type of Permit:** Type I, Ministerial Process – no public hearing required.

**Fees\*:** Lot Line Adjustment – Type I \$300.00 (no public hearing)

## Steps to Process

### Step 1: Application Processing Timeline – 30 days

- Application Submittal/Deem Application Complete
- Zoning Clearance and Planning Inquiry

### Step 2: Ministerial Decision

Planning Director's review and decision is based on approval criteria within Land Development Code.

### Step 3: Final Decision

Planning Director's decision may be to approve, approve with conditions, or deny application. Decision is final; no appeals can be made to City Officials.

### Step 4: Record with Jackson County

Applicant must record lot line adjustment within 60 days of approval with Jackson County. Applicant must also supply the Planning Department a copy of the recorded survey map within 15 days of recording.

### Approval Procedure:

The Lot Line Adjustment process typically takes approximately four weeks to process. The approval is done ministerial; the decision is final and cannot be appealed to City Officials. Upon approval, the applicant has 60 days to record the Lot Line Adjustment with Jackson County. The applicant then has 15 days after recording to submit a copy of the recorded survey map to the City Planning Department. Extension may be filed with applicable fee of approval/recording.

**RECEIVED 10/10/2023**

## Lot Line Adjustment Application

3976 South Pacific Highway 38S IW 09DA; TAX LOT 3900 & 4000





**REQUEST FOR BOUNDARY LINE ADJUSTMENT**

**SUBJECT PROPERTY:**

**Property Address:** 3976 South Pacific Hwy  
**Map & Tax Lot:** 38S 1W 09DA; 3900 & 4000  
**Zoning:** High Density Residential  
**Adjacent Zones:** High Density Residential and Commercial

**Overlay Zones:** FEMA Floodplain Overlay

**PROPERTY OWNER/  
APPLICANT:** Estevan B. Arroyo  
96 W Gregory Road  
Central Point, OR 97502

**ARCHITECT:** Ron Grimes Architecture  
14 N Central Avenue  
Medford, OR 97501

**SURVEYOR:** Polaris Land Surveying  
PO BOX 459  
Ashland, OR 97520

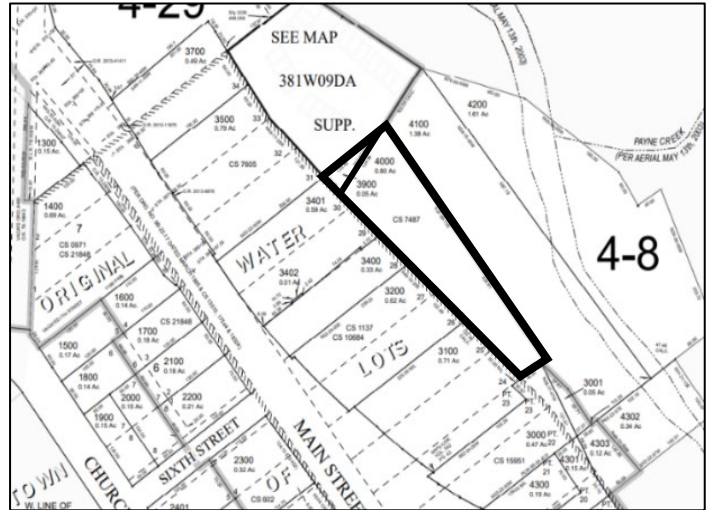
**APPLICANT'S AGENT:** Rogue Planning & Development Services  
1314-B Center Dr., PMB#457  
Medford, OR 97501

**PROPERTY DESCRIPTION:**

The subject property consists of two legal lots of record.

Tax Lot 3900 was originally created via a deed in 1958 (JV 57- 3027). Both properties are recorded on Jackson County Survey (Survey#7487) which was completed to monument and redescribe the two tracts in 1978.

Later that same year, the adjacent parcel at 381W09DA; 3901 (Bear Creek Townhomes now TL 90000) was created and developed leaving the small area of 38S 1W 09DA 3900 (J.V. 79-03056) undeveloped.



Tax Lot 4000 was surveyed in 1978 and later included some of the physical improvements of the Bear Creek Condominiums (former pool and pool equipment building). By 2016 when purchased by the current owner, the pool and pool building no longer existed. Tax lot 4000 is .80 acres.

Both parcels are vacant of structures.

The property is accessed from a 30-foot wide, shared driveway that provides access to the subject property and the adjacent development to the north and the parcels it extends through. The property is downhill from the highway and not visible from the public right of way.

The city limits are adjacent to the east property boundary. This property area is owned by Oregon Department of Transportation and is occupied by Bear Creek, the Bear Creek Greenway and a large natural stormwater treatment area.

The proposed lot line adjustment increases TL#3900 to 19,300 square feet in area and decreases TL#4000 to 17,566 square feet in area.

Findings address the criteria for a boundary line adjustment are on the following pages.

**Phoenix Land Development Ordinance**

**Section: 4.3.12 – Lot Line Adjustments**

Lot Line Adjustments include the consolidation of lots, and the modification of lot boundaries, when no new lots are created. The application submission and approvals process is as follows:

A. **Submission Requirements.** All applications for Lot Line Adjustment shall be made on forms provided by the City and shall include information required for a Type I application, as governed by Chapter 4.1.3 – Type I Procedure (Ministerial). The application shall include a preliminary lot line map identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; location of significant vegetation as defined and mapped in Chapter 3.3.2 – Landscape Conservation, Sections B-C; existing fences and walls; and any other information deemed necessary by the Planning Director for ensuring compliance with City codes.

C. **Approval Criteria.** The Planning Director shall approve or deny a request for a lot line adjustment in writing based on findings that all of the following criteria are satisfied:

1. No additional parcel or lot is created by the lot line adjustment; however, the number of lots or parcels may be reduced.

Finding:

The subject property consists of two legal lots of record.  
No additional parcel or lot is created by the lot line adjustment.

2. Lot standards. All lots and parcels comply with the applicable lot standards of the land use district (Chapter 2) including lot area and dimensions.

Finding:

The subject property consists of two legal lots of record. The shared boundary line lot line is proposed to be shifted to the south and between the two proposed multi-family residential buildings.

The proposed lots comply with the standards for development in the R-3 zone. There does not appear to be a minimum lot area, minimum lot dimension, or other lot area standards specified in the land development ordinance for the multi-family residential zone. There are setbacks, lot coverage and density standards in the zone.

3. Access. All lots and parcels comply with the standards or requirements of Chapter 3.2 – Access and Circulation.

Finding:

The driveway access to the property is via an existing access easement. That access easement will be continued with the proposed site development and the property line adjustment does not impact the access easement.

4. Setbacks. The resulting lots, parcels, tracts, and building locations comply with the standards of the land use district (Chapter 2).

Finding:

The proposed structures that will occupy the property post development will retain the declared 'front' as the Bear Creek Greenway, ODOT property and the Commercially Zoned hillside that is at the rear of the apartments as the 'rear' property line.

Setbacks:

Proposed Parcel 1:

Front setback = 52' 7" from the east property line which exceeds the minimum front yard setback of 20-feet.

Rear setback = Each building is setback five feet from the rear property line in compliance with Table 2.2.2.

Sides: Both sides exceed minimum setback of 4' per Table 2.2.

Proposed Parcel 2: 33' – 4" from the east property line which exceeds the minimum front yard setback of 20-feet.

Rear setback = Each building is setback five feet from the rear property line in compliance with Table 2.2.2.

Sides: Both sides exceed minimum setback of 4' per Table 2.2.

5. Exemptions from Dedications and Improvements. A lot line adjustment is not considered a development action for purposes of determining whether right-of-way dedication or improvement is required.

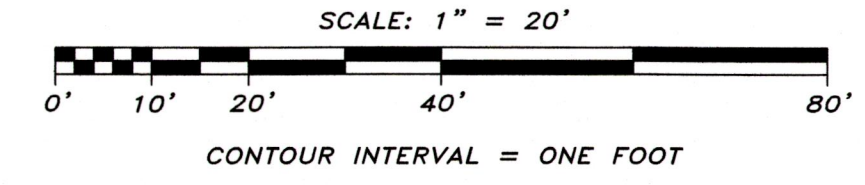
Finding:

There is no right of way to dedicate or improve.



**PRELIMINARY MAP  
 PROPERTY LINE ADJUSTMENT**

LOCATED AT  
**3976 South Pacific Highway  
 Phoenix, Oregon**  
 LYING SITUATE WITHIN  
 THE SOUTHEAST QUARTER OF SECTION 9,  
 TOWNSHIP 38 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN  
 CITY OF PHOENIX, JACKSON COUNTY, OREGON  
 FOR  
**Creative Building LLC**  
 96 West Gregory Road  
 Central Point, Oregon 97502



**LEGEND**

▲	SURVEY CONTROL POINT, AS DESCRIBED
●	IRON PIN MONUMENT
○	BRASS CAP MONUMENT
—	SUBJECT PROPERTY LINE
---	BOUNDARY LINE
---	CENTERLINE
---	EASEMENT LINE
---	FENCELINE
---	WATER LINE
---	BURIED NATURAL GAS LINE
---	BURIED TELEPHONE LINE
---	BURIED CABLE TV LINE
---	BURIED FIBER OPTIC CABLE
---	STORM DRAIN LINE
---	SANITARY SEWER LINE
---	OVERHEAD POWER LINE
---	BURIED POWER LINE
---	CONTOUR LINE
●	POWER POLE
■	POWER TRANSFORMER
■	POWER PEDESTAL/CABINET
□	ELECTRIC METER
□	WATER METER
□	WATER VALVE
□	FIRE HYDRANT
□	CATCHBASIN
□	STORM DRAIN MANHOLE
□	SANITARY SEWER MANHOLE
□	CLEANOUT
□	TELEPHONE PEDESTAL
□	GAS METER
□	GAS VALVE
□	IRRIGATION BOX
□	SIGN
■	CONCRETE SURFACE
■	ASPHALT SURFACE
■	BUILDING

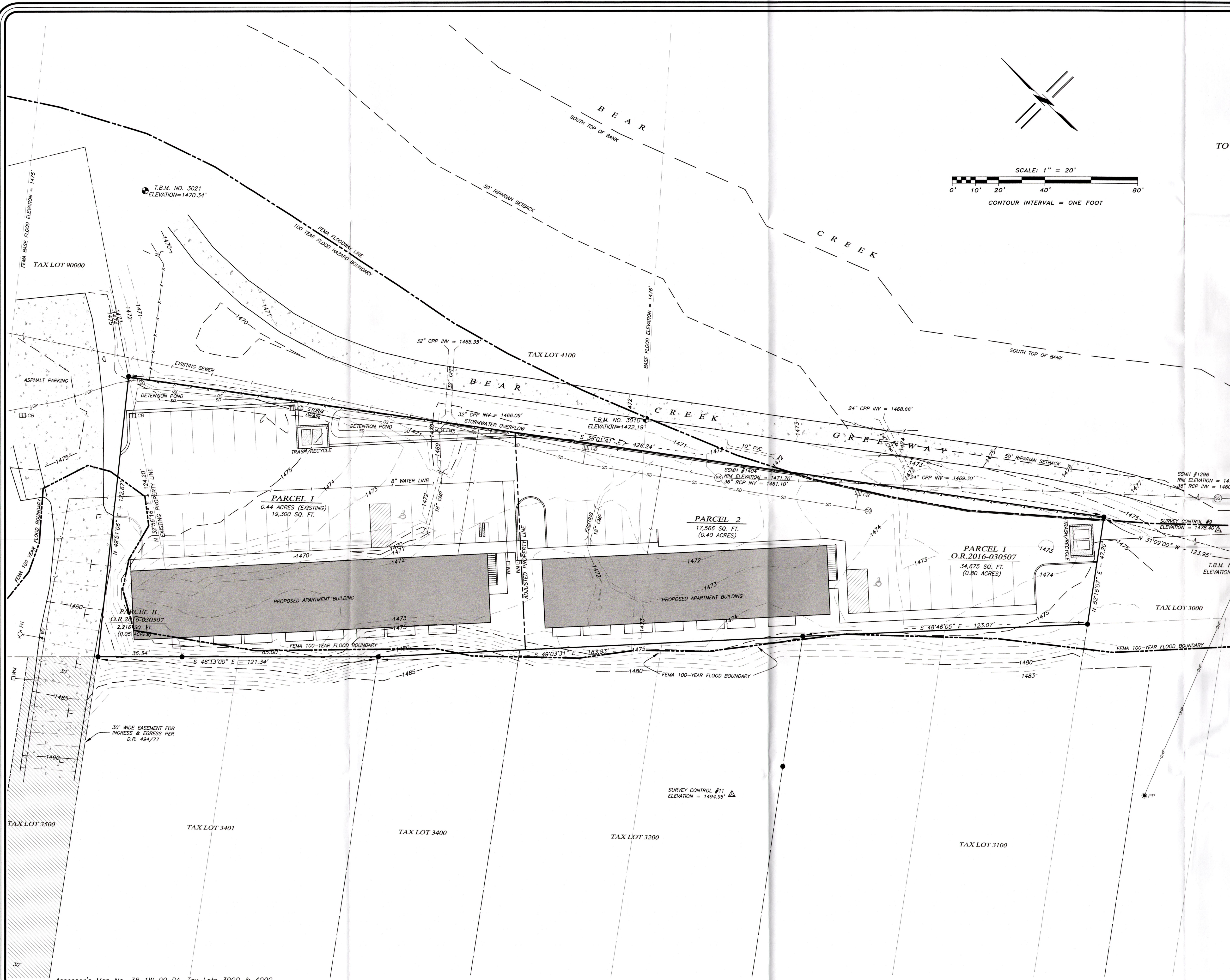
**SURVEY NOTES**

THE BASIS OF VERTICAL CONTROL UTILIZED FOR THIS SURVEY IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) GEOID 12B, DERIVED FROM THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) OREGON REAL-TIME GNSS NETWORK (ORGN).

EXPOSED UTILITY STRUCTURES SHOWN HEREON WERE FIELD LOCATED DURING THE PERFORMANCE OF THIS SURVEY. BURIED UTILITY LOCATIONS WERE DETERMINED BY UTILIZING A COMBINATION OF FIELD SURVEYED PAINT MARKS AND "AS-BUILT" RECORD DRAWINGS FURNISHED BY THE RESPECTIVE UTILITY COMPANY REPRESENTATIVES. ARE APPROXIMATE AND SHOWN HEREON FOR GRAPHIC PURPOSES ONLY. FIELD VERIFICATION OF ALL BURIED UTILITIES MUST BE PERFORMED PRIOR TO ANY EXCAVATION OR CONSTRUCTION ACTIVITIES.

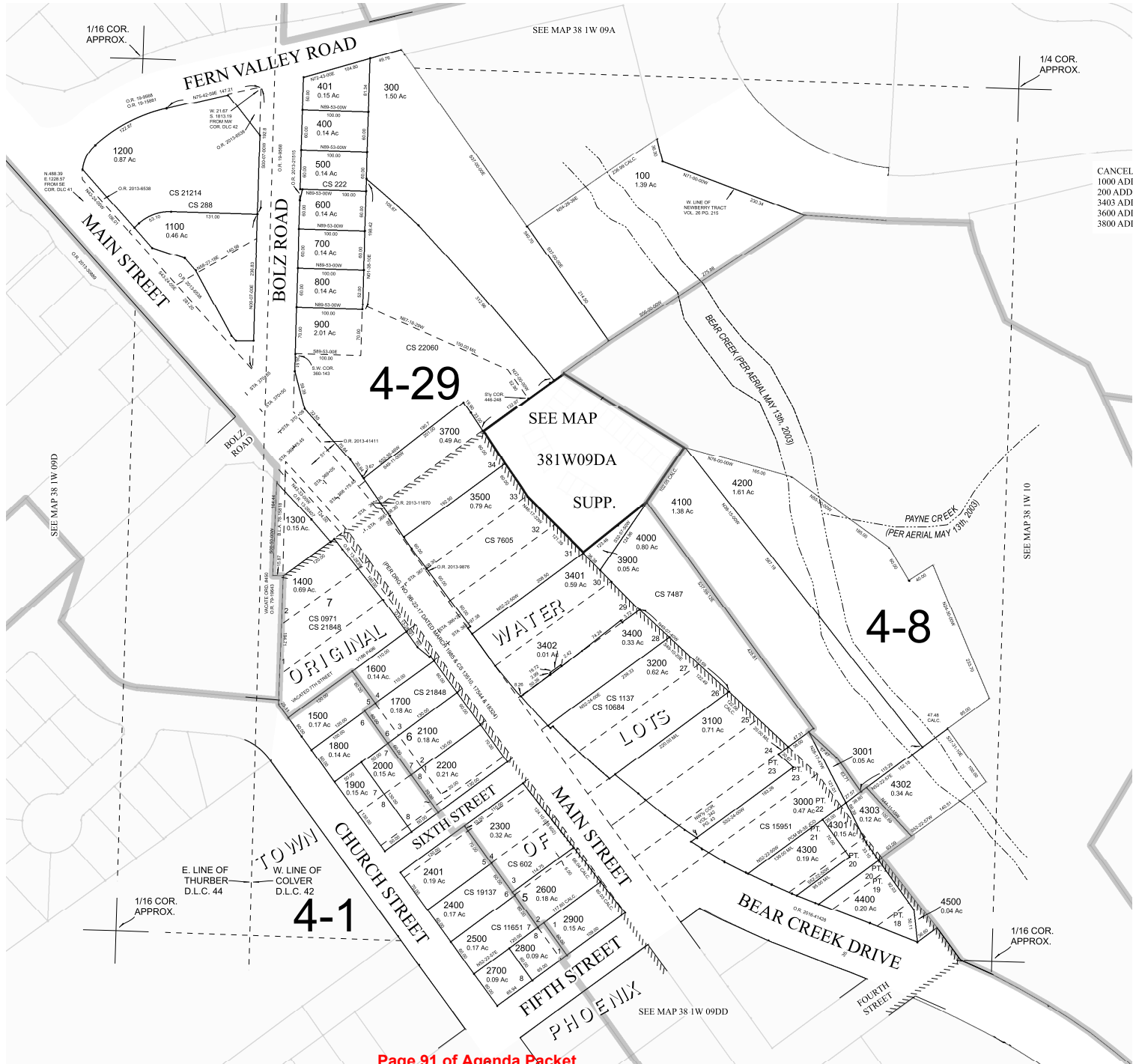
REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
  
 OREGON  
 JULY 14, 1998  
 SHAWN KAMPMANN  
 2883 LS  
 RENEWAL DATE: 6/30/2025

SURVEYED BY:  
**POLARIS LAND SURVEYING LLC**  
 P.O. BOX 459  
 ASHLAND, OREGON 97520  
 (541) 482-5009  
 DATE: OCTOBER 6, 2023  
 PROJECT NO. 1343-21



Assessor's Map No. 38 1W 09 DA, Tax Lots 3900 & 4000





CANCELLED TAX LOT NUMBERS  
1000 ADDED TO 900  
200 ADDED TO 900  
3403 ADDED TO 3400  
3600 ADDED TO 3500  
3800 ADDED TO 3700

OFFICIAL RECORD OF DESCRIPTIVE  
OFFICE OF COUNTY ASSESSOR, JA

RP 1 974-0

4-1  
CODE NUMBER

ACCOUNT NUMBER  
381W9DA-3900

381W9DA03900 00401

93-59

AERIAL PHOTO

15-1-1

SECTION

TOWNSHIP S

RANGE W.M.

MAP NO.

LOT

BLOCK

TAX LOT NUMBER

NO.

NO.

THIS INFORMATION

CITY

Phoenix

FOR ASSESSMENT  
AND TAXATION  
PURPOSES ONLY.

DEED RECORD

ACRES  
REMAINING

INDENT EACH NEW  
COURSE TO THIS LINE

LEGAL DESCRIPTION

YEAR VOLUME PAGE

Wilson, Loal & Ingrid

Commencing at a point that is 85 feet North 46° 15' West of the Southeast corner of Water lot 29 of the Town of Phoenix; thence North

North 46° 15' West 158 feet; thence  
North 37° 40' West 120 feet; thence  
North 53° East 156 feet; thence  
South 60° East 208 feet; thence  
South 33° West 241 feet to the point of beginning.

Thanos, George Eugene & Beverly Gean

Wilson, Loal J & Ingrid

Adams, Ross & Lois  
(Instr in 93-59-12-2)

Cranston, Maxine K and Cranston, Candy and  
Bennett, James L  
(Inst in 381W9DA-4000)  
(1-975-6)

Bennett, James L (1/4) and Mahar, Louis F (1/4) and  
Mahar, Michael T (1/4) and Alex, David (1/4)  
(Inst in 381W9DA-4000)

YEAR	VOLUME	PAGE	ACRES REMAINING
2-8 1957	438	1	
JV 57-3027			
8-15 1957	445	443	
JV 58-2621			
1960	496	258	
JV 61-5193			
Part of 1960	497	186	
JV 61-7967			
1960	498	137	
Part of 1966	66-01266		
			(Note) Inst in 381W9DA- 4000
O.R.	72-00975		(note)
part of O.R.	77-01991		
		JV 77-04033	
O.R.	78-20699		(note)
Part of O.R.	77-01991		
Part of O.R.	78-20700		
		JV 79-00223	

SECTION _____		TOWNSHIP _____ S	RANGE _____ W.M.	MAP NO. _____	AERIAL PHOTO
LOT NO. _____		BLOCK NO. _____	CITY _____		

**THIS INFORMATION  
FOR ASSESSMENT  
AND TAXATION  
PURPOSES ONLY.**

INDENT EACH NEW  
COURSE TO THIS LINE

Bel Mar Enterprises

Less tax lot 381W9DA-3901 (1-62526-9)

SOKOLOWSKI, WALTER P

LEGAL DESCRIPTION	DEED RECORD			ACRES REMAINING
	YEAR	VOLUME	PAGE	
	O.R.	Part of 78-27648 J.V. 79-03018		
	O.R.	Part of 78-27648 J.V. 79-03056		
	O. R.	95-15349 J V 95-07302		



95-15349

BARGAIN AND SALE DEED

03-27-32

RECORDED AT THE REQUEST OF KEY TITLE COMPANY

KNOW ALL MEN BY THESE PRESENTS, That Bel Mar Associates, a joint venture, consisting of Louis F. Mahar, James L. Bennett, Michael T. Mahar, David M. Alex, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Walter P. Sokolowski hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Jackson, State of Oregon, described as follows, to-wit:

Commencing at the South-Southeast corner of Donation Land Claim No. 41 in Township 38 South, Range 1 West, Willamette Meridian in Jackson County, Oregon; thence SOUTH 51.39 feet; thence EAST 2009.34 feet to a 5/8 inch iron pin, said pin being North 46° 17' 10" West (Record North 46° 15' West) 85.00 feet from the Southeast corner of Water Lot 29 of the Town of Phoenix, for the POINT OF BEGINNING; thence North 46° 17' 10" West (Record North 46° 15' West) 36.38 feet to a brass cap monument set in concrete, being the Initial Point of Beginning of BEAR CREEK TOWNHOUSE CONDOMINIUMS, PHASE 1, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence North 49° 47' 38" East 123.46 feet to a 5/8 inch iron pin which is 75.00 feet from, when measured at right angles to, Engineer's Centerline of the North bound lane of the Pacific Highway; thence South 32° 57' 50" West 124.96 feet to the Point of Beginning. Containing 2,233.11 square feet, more or less.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$10,000.00. However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which). (The sentence between the symbols @ if not applicable, should be deleted. See ORS 93.030.)

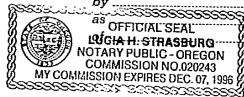
In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 27th day of DECEMBER, 1997, if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

James L. Bennett, Michael T. Mahar, David M. Alex

STATE OF OREGON, County of JACKSON, ss. This instrument was acknowledged before me on DECEMBER 22, 1997, by MICHAEL T. MAHAR, LOUIS F. MAHAR. This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_.



Lucia H. Strasburg, Notary Public for Oregon, My commission expires 12-7-92

Form with fields for Grantor's Name and Address, After recording return to (Name, Address, Zip), and Until requested otherwise send all tax statements to (Name, Address, Zip). Address: Walter P. Sokolowski, 1586 Angelcrest Dr., Medford, OR 97504.

Form with fields for STATE OF OREGON, County of, I certify that the within instrument was received for record on the day of October, 1997, at 10:00 A.M., and recorded in book/reel/volume No. or as fee/title/instrument/microfilm/reception No., Record of Deeds of said County. Witness my hand and seal of County affixed. NAME TITLE By Deputy

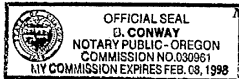
95-15349

STATE OF OREGON, County of Jackson ) ss.  
This instrument was acknowledged before me on February 02, 1995  
by James L. Bennett  
This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_,  
by \_\_\_\_\_  
as \_\_\_\_\_  
of \_\_\_\_\_



Suzanne Pech  
Notary Public for Oregon  
My commission expires 7-29-97

STATE OF OREGON, County of JACKSON ) ss.  
This instrument was acknowledged before me on February 16, 1995  
by DAVID M. ALEX  
This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_,  
by \_\_\_\_\_  
as \_\_\_\_\_  
of \_\_\_\_\_



D. Conway  
Notary Public for Oregon  
My commission expires 2-8-98

STATE OF OREGON, County of \_\_\_\_\_ ) ss.  
This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_,  
by \_\_\_\_\_  
This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_,  
by \_\_\_\_\_  
as \_\_\_\_\_  
of \_\_\_\_\_

Notary Public for Oregon  
My commission expires \_\_\_\_\_

STATE OF OREGON County of \_\_\_\_\_ ) ss.  
by 1 Jackson County, Oregon re me on \_\_\_\_\_, 19\_\_\_\_,  
by 1 Recorded re me on \_\_\_\_\_, 19\_\_\_\_,  
as OFFICIAL RECORDS  
of 8:50 JUN 09 1995 AM

KATHLEEN S. BECKETT  
CLERK and RECORDER  
By K Deputy  
Notary Public for Oregon  
ion expires \_\_\_\_\_

99-59-12-2  
ACCOUNT NUMBER  
381W9DA-4000

OFFICIAL RECORD OF DESCRIPTIVE  
OFFICE OF COUNTY ASSESSOR, JA

RP 1 975-6  
381W9DA04000 00401

4-1  
CODE NUMBER

SECTION	TOWNSHIP	RANGE	W.M.	MAP NO.	AERIAL PHOTO
12-2				93 59	
LOT	BLOCK	ADDITION			CITY
TAX LOT NUMBER	NO.	NO.	Phoenix		

INDENT EACH NEW COURSE TO THIS LINE

LEGAL DESCRIPTION  
**THIS INFORMATION FOR ASSESSMENT AND TAXATION PURPOSES ONLY.**

DEED RECORD			ACRES REMAINING
YEAR	VOLUME	PAGE	
6-24			
1958	457	191-2	
	JV 59-3046		
	Part of		
1960	497	186	
	JV 61-7968		
1960	498	137	
	Part of		
1966	66-01266		(Note)
O.R.	72-00975		(note)
	Inst in 381W9DA-3900		
	Part of		
O.R.	77-01991		
	JV 77-04033		
	Part of		
O.R.	77-01991		
	Part of		
O.R.	78-20700		
	JV 79-00223		
O.R.	78-20699		(note)
	Part of		
O.R.	78-27648		
	J.V. 79-03018		
	Part of		
O.R.	88-16182		
	JV 88-10441		
O.R.	88-16182		
O.R.	92-40314		
	J V 93-03454		

Wilson, L. J. & Ingrid M.

Adams, Ross & Lois

Cranston, Maxine K and Cranston, Candy and Bennett, James L

Bennett, James L (1/4) and Mahar, Louis F (1/4) and Mahar, Michael T (1/4) and Alex, David (1/4)

Bel Mar Enterprises  
(Inst in 381W9DA-3900)(1-974-0)

Mahar, Michael T (1/3) and Mahar, Louis F (1/3) and Alex, Maxine E (1/3)

Mahar, Michael T and Alex, Maxine E



1-975-6

SECTION _____		TOWNSHIP _____ S	RANGE _____ W.M.	MAP NO. _____	AERIAL PHOTO _____
LOT NO. _____		BLOCK NO. _____	ADDITION _____		CITY _____
TAX LOT NUMBER _____					

INDENT EACH NEW COURSE TO THIS LINE

LEGAL DESCRIPTION  
**THIS INFORMATION FOR ASSESSMENT AND TAXATION PURPOSES ONLY.**

DEED RECORD			ACRES REMAINING
YEAR	VOLUME	PAGE	
	O. R. 95-15348		
	J V 95-07301		

SOKOLOWSKI, WALTER

SPECIAL FLOOD HAZARD AREA  
DEVELOPMENT PERMIT  
CITY OF PHOENIX, OREGON

RECEIVED  
PLANNING DEPT

OCT 10 2023

OFFICE USE ONLY:

Application Received By: JW Date: CITY OF PHOENIX

Fee \$500 Check No. \_\_\_\_\_ Cash \_\_\_\_\_

Receipt No. 199677 Date 10/11/23

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_  
City Engineer

APPLICANT: (Please print in black ink or type all information.)

PROPERTY DESCRIPTION: Township 38S Range 1W Section 09DA TL 3900 & 4000

FEMA INFORMATION:

FIRM Community Panel No. 41029C Floodway Map Community Panel No. 415589

100 Year Base Flood Elevation 1476 Zone Designation AE

APPLICANT: (If not owner of record,  
submit written authori-  
zation from owner.)

OREGON REGISTERED SURVEYOR OR  
ENGINEER

Name: Estevan Arroyo

Name: Polaris Land Surveying

Address: 96 W Gregory

Address: PO Box 459

City: Medford State: OR

City: Ashland State: OR

Zip: 97501 Telephone: 541-973-9894

Zip: 97520 Telephone: 541-482-5009

IF A PERSON OTHER THAN THE OWNER OF THE ABOVE DESCRIBED PROPERTY IS FILING THIS APPLICATION, OR ACTING AS AUTHORIZED AGENT IN BEHALF OF THE APPLICANT, WRITTEN AUTHORIZATION MUST BE SUBMITTED AT TIME OF APPLICATION.

It is necessary that the following minimum information be submitted. The burden of proof for approval of this application is on the applicant, not the City of Phoenix. If Chapter 3.7.3 of the Phoenix Land Development Code and amendments are not attached to this application, please ask for a copy, and read it before filling out the rest of this form. (Submit separate reports if necessary to fully describe the proposal.)

1. Proposed Use Two, two story apartment buildings. One ten unit building and one eight unit building. Uses associated with residential developments will occur on the site.

\*Note: If the proposed use is a conditional use in the zoning district, you must also complete a Conditional Use Permit Application.

2. In how many months of the year will the use occur? (May through November, year round, etc., ) Year round

3. Has this property been used for this purpose previously? No When? \_\_\_\_\_

4. What other agencies have you contacted about his use? (Soil Conservation Service, Department of Commerce, Department of Fish and Wildlife, Corps. of Engineers, Division of State Lands, National Marine Fisheries, etc.) \_\_\_\_\_

Oregon Department of Transportation provded comment on the Pre-application Conference.

The Oregon Department of State Lands has found no wetlands on the site.

5. General Location: 227 feet east of South Pacific Highway, accessed via a private driveway to the east of Bear Creek Greenway and Bear Creek.

6. Current Use of Property: vacant

7. Use of Property to the North: Five quad plex structures and shared parking area

South vacant East Bear Creek Greenway and Bear Creek

West vacant

8. Street Access: Via a private access easement

9. Vegetation of Subject Property: Area of vegetation adjacent to the drainage and adjacent to the north and east property line abutting the Bear Creek Greenway path and riparian area.

Surrounding Area: Vacant and semi vacant commercially zoned properties, a townhome development, and the Bear Creek Greenway.

10. Availability of Services; Water Supply: Water Main extension from S Pacific Hwy.

Sanitary Sewer Location: Existing sanitary sewer main in public utility easement N of subject property. Private laterals will connect to the public main.



MAP INFORMATION

A. Submit 5 copies of a map drawn in black ink on either 8½ x 11, 8½ x 14, 11 X 17, or 24 X 36 inch size paper OR submit electronically as a PDF, which shall include the following minimum information:

- 1. Name and Address of Applicant.
2. Township, range, section, and tax lot number (s) of subject property.
3. North arrow and engineer's scale.
4. Location of the property with reference to river and stream channels and flood plain.
5. Existing topography, vegetation and uses, including location of dikes, revetments, and other flood control works.
6. Location of proposed or existing uses, structures, roads or other improvements, including location of sanitary sewer system, water lines, gas lines, and wells. Show distances from property lines and creek/river bank.
7. Location and elevation of the temporary elevation marks as required in FIELD INFORMATION below.
8. Floodway Boundary as indicated on the National Flood Insurance Program Floodway Map.

B. Field Information

- 1. Two temporary elevation marks within 50 feet of the proposed development shall be established by the Applicant's Registered Engineer or Surveyor. Elevations shall be established from Reference Mark Elevations indicated on the Flood Insurance Rate Map.
2. The Floodway Boundary shall be marked every 50 feet across the property by the Applicant's Registered Engineer or Surveyor. The floodway shall be established from the National Insurance Program Floodway Map.

C. Please attach additional reports or documentation of base flood elevation data.

This application is hereby submitted. The statements and information herein contained are, in all respects, true and correct to the best of my/our knowledge and belief.

Signature [Handwritten Signature]
Applicant

Signature [Handwritten Signature]
Registered Surveyor or Engineer

L.S. 2883 OREGON
License / Registration Number

# National Flood Hazard Layer FIRMette



122°49'24"W 42°16'54"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- |                             |  |   |
|-----------------------------|--|---|
| SPECIAL FLOOD HAZARD AREAS  |  | Without Base Flood Elevation (BFE)<br>Zone A, V, A99  |
|                             |  | With BFE or Depth Zone AE, AO, AH, VE, AR   |
|                             |  | Regulatory Floodway   |
| OTHER AREAS OF FLOOD HAZARD |  | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
|                             |  | Future Conditions 1% Annual Chance Flood Hazard Zone X  |
|                             |  | Area with Reduced Flood Risk due to Levee. See Notes. Zone X  |
|                             |  | Area with Flood Risk due to Levee Zone D  |
| OTHER AREAS                 |  | NO SCREEN Area of Minimal Flood Hazard Zone X   |
|                             |  | Effective LOMRs   |
| GENERAL STRUCTURES          |  | Area of Undetermined Flood Hazard Zone D  |
|                             |  | Channel, Culvert, or Storm Sewer  |
|                             |  | Levee, Dike, or Floodwall   |
| OTHER FEATURES              |  | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation   |
|                             |  | 17.5 Coastal Transect   |
|                             |  | Base Flood Elevation Line (BFE)   |
|                             |  | Limit of Study  |
|                             |  | Jurisdiction Boundary   |
|                             |  | Coastal Transect Baseline   |
| MAP PANELS                  |  | Profile Baseline  |
|                             |  | Hydrographic Feature  |
|                             |  | Digital Data Available  |
|                             |  | No Digital Data Available   |
|                             |  | Unmapped  |

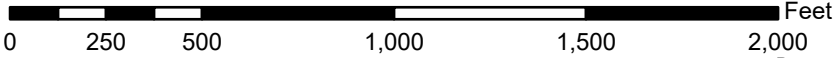


The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 4/14/2023 at 2:59 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



122°48'47"W 42°16'28"N

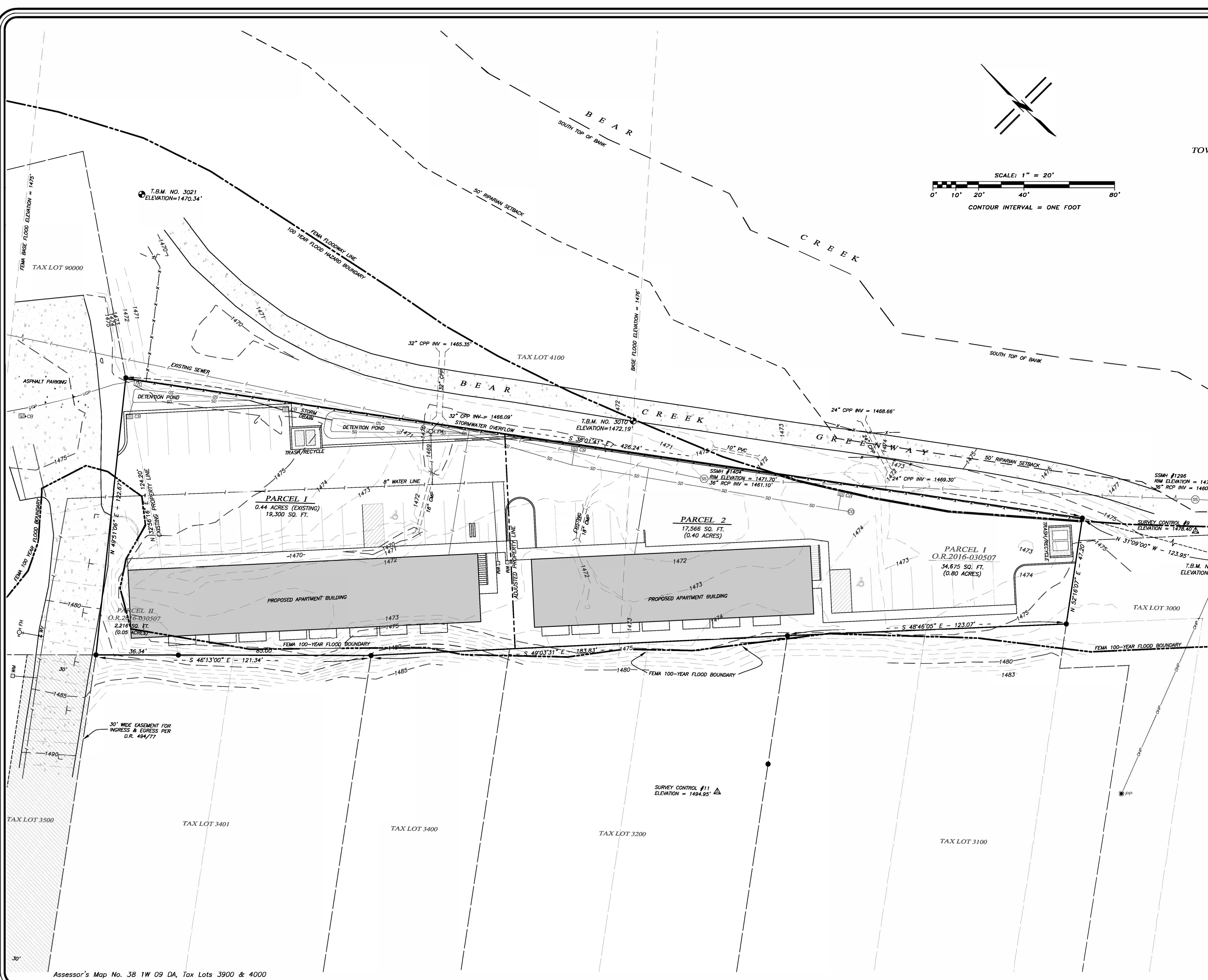
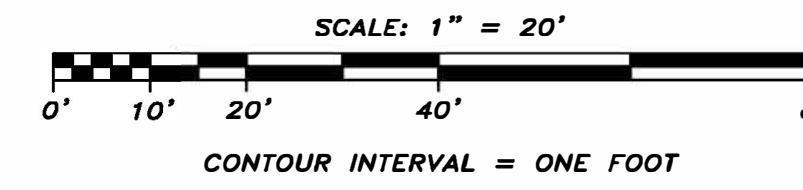


**PRELIMINARY MAP  
FLOODPLAIN DEVELOPMENT**

LOCATED AT  
**3976 South Pacific Highway  
Phoenix, Oregon**

LYING SITUATE WITHIN  
**THE SOUTHEAST QUARTER OF SECTION 9,  
TOWNSHIP 38 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN  
CITY OF PHOENIX, JACKSON COUNTY, OREGON**

FOR  
**Creative Building LLC**  
96 West Gregory Road  
Central Point, Oregon 97502



- LEGEND**
- ▲ SURVEY CONTROL POINT, AS DESCRIBED
  - IRON PIN MONUMENT
  - ⊙ BRASS CAP MONUMENT
  - SUBJECT PROPERTY LINE
  - BOUNDARY LINE
  - CENTERLINE
  - - - EASEMENT LINE
  - x - x - FENCELINE
  - - - WATER LINE
  - - - BURIED NATURAL GAS LINE
  - - - BURIED TELEPHONE LINE
  - - - BURIED CABLE TV LINE
  - - - BURIED FIBER OPTIC CABLE
  - - - STORM DRAIN LINE
  - - - SANITARY SEWER LINE
  - - - OVERHEAD POWER LINE
  - - - BURIED POWER LINE
  - - - CONTOUR LINE
  - PP POWER POLE
  - PT POWER TRANSFORMER
  - PC POWER PEDESTAL/CABINET
  - EM ELECTRIC METER
  - WM WATER METER
  - WV WATER VALVE
  - FD FIRE HYDRANT
  - CB CATCHBASIN
  - SMH STORM DRAIN MANHOLE
  - SSM SANITARY SEWER MANHOLE
  - CL CLEANOUT
  - TP TELEPHONE PEDESTAL
  - GM GAS METER
  - GV GAS VALVE
  - IB IRRIGATION BOX
  - SIGN SIGN
  - CONCRETE SURFACE
  - ASPHALT SURFACE
  - BUILDING

**SURVEY NOTES**

THE BASIS OF VERTICAL CONTROL UTILIZED FOR THIS SURVEY IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) GRID 12B, DERIVED FROM THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) OREGON REAL-TIME GNSS NETWORK (ORGN).

EXPOSED UTILITY STRUCTURES SHOWN HEREON WERE FIELD LOCATED DURING THE PERFORMANCE OF THIS SURVEY. BURIED UTILITY LOCATIONS WERE DETERMINED BY UTILIZING A COMBINATION OF FIELD SURVEYED PAINT MARKS AND "AS-BUILT" RECORD DRAWINGS FURNISHED BY THE RESPECTIVE UTILITY COMPANY REPRESENTATIVES, ARE APPROXIMATE AND SHOWN HEREON FOR GRAPHIC PURPOSES ONLY. FIELD VERIFICATION OF ALL BURIED UTILITIES MUST BE PERFORMED PRIOR TO ANY EXCAVATION OR CONSTRUCTION ACTIVITIES.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Shawn Kamphann*

OREGON  
JULY 14, 1988  
SHAWN KAMPHANN  
2883 LS

RENEWAL DATE: 6/30/2025

SURVEYED BY:  
**POLARIS LAND SURVEYING LLC**  
P.O. BOX 459  
ASHLAND, OREGON 97520  
(541) 482-5009

DATE: OCTOBER 6, 2023  
PROJECT NO. 1343-21

**POLARIS LAND SURVEYING**



## Jeff Wilcox

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**From:** David Meads <Meads@JCFD5.com>  
**Sent:** Monday, October 30, 2023 2:37 PM  
**To:** Jeff Wilcox  
**Subject:** Re: 3976 S. Pacific Hwy. - SP23-05/VAR23-01/LL23-02/FP23-01 Application for an 18-unit Multi-family development  
**Attachments:** Outlook-wzhtv4dp.jpg

Regarding SP23-05/VAR23-01/LL23-02/FP23-01, 3976 S. Pacific Highway, Phoenix,

The Fire District requires the following conditions,

- 1) Install a Knox box in a conspicuous location.
- 2) Install a post indicator valve (PIV) with tamper alarm in the fire line upstream from the vault. Additionally, the fire department connection (FDC) must be off the building.

I would be happy to work directly with the applicant on the suppression system configuration.

Access and water supply is acceptable based on the proposed site plan.

Thank you,

Acting Battalion Chief Dave Meads  
Jackson County Fire District 5  
5811 S. Pacific Highway  
Phoenix, Oregon 97535  
541 535 4222



---

**From:** Jeff Wilcox <jeff.wilcox@phoenixoregon.gov>  
**Sent:** Thursday, October 26, 2023 1:33 PM  
**To:** bearcreekgreenway@gmail.com <bearcreekgreenway@gmail.com>; parksinfo@jacksoncountyor.gov <parksinfo@jacksoncountyor.gov>; chad.murders@ecso911.com <chad.murders@ecso911.com>; 'Jeff Ballard' <jballard@rh2.com>; Chris Stephenson <chris.stephenson@phoenixoregon.gov>; David Meads <Meads@JCFD5.com>; 'Chief Bowker' <dbowker@pxpd.org>; 'Lisa Howell: Postmaster' <lisa.l.howell@usps.gov>; 'Jeremy Schilling: Phoenix Post Office' <jeremy.p.schilling@usps.gov>; 'Nick Bakke' <nbakke@rvss-or.gov>; p.townsend@rvtd.org <p.townsend@rvtd.org>; 'Ryan MacLaren' <rmaclaren@rvcog.org>; 'Cliff Pettigrew' <CliffP@nwcodepros.com>  
**Cc:** Zac Moody <Zac.Moody@phoenixoregon.gov>  
**Subject:** 3976 S. Pacific Hwy. - SP23-05/VAR23-01/LL23-02/FP23-01 Application for an 18-unit Multi-family development

Local Agencies,

An 18-unit Multi-family development is proposed at 3976 S Pacific Hwy.

You may find the application on our website, here, under file # SP23-05/VAR23-01/LL23-02/FP23-01

<https://www.phoenixoregon.gov/community-economic-development/planning/current-planning-actions/>

Please provide any comments you have by November 27th, so that feedback (if any) may be incorporated into Staff Findings.

Thank you!

Respectfully,

**Jeff Wilcox**

Associate Planner

City of Phoenix

541-535-2050 Ext 318

220 N Main St

Phoenix, OR 97535



**ROGUE VALLEY**  
SEWER SERVICES  
CLEAN WATER - HEALTHY COMMUNITIES

**November 2, 2023**

**City of Phoenix Community &  
Economic Development Dept.  
PO Box 330  
Phoenix, OR 97535**

**Re: SP23-05/VAR23-01/LL23-02/FP23-01, 18 Unit MF, Map 38 1W 09DA, TL 3900 & 4000**

As shown on the submitted site plan the RVSS Upper Bear Creek Interceptor runs along the northeast property boundary. Sewer service for the proposed development can be had by a new tap connection to the interceptor.

The development must demonstrate compliance with the Rogue Valley Stormwater Quality Design Manual. This area is in close proximity to Bear Creek and is known to have relatively high groundwater as well as at least one existing pipe discharging groundwater along the southwest property boundary which must be accounted for by piping through the development or incorporated in the stormwater management design. The development will also require a 1200-CN erosion control permit if disturbing more than one acre.

Rogue Valley Sewer Services requests that approval of this project be subject to the following conditions:

Prior to the start of construction:

1. Applicant must submit construction plans to RVSS for review and approval.
2. Applicant must obtain tap and connection permits from RVSS prior to construction and pay all related fees.
3. Applicant must demonstrate compliance with the Rogue Valley Stormwater Quality Design Manual.
4. Applicant must record a Declaration of Covenants for all new stormwater quality features.

During Construction:

5. Sewer and Stormwater facilities must be constructed per RVSS standards.

Prior to final acceptance of project:

6. Applicant must have all sewer and stormwater quality facilities, including vegetation when applicable, inspected and approved by RVSS.

Feel free to call if you have any further questions.

Sincerely,  
Nicholas R. Bakke, PE  
District Engineer





# Oregon

Tina Kotek, Governor

## Department of Fish and Wildlife

Rogue Watershed District Office

1495 E Gregory Road

Central Point, OR 97502

(541) 826-8774

FAX (541) 826-8776

[www.dfw.state.or.us/](http://www.dfw.state.or.us/)



November 21, 2023

City of Phoenix  
Attn: Community and Economic Development Department  
220 N. Main Street  
Phoenix, OR 97535

### RE: Arroyo Apartments 3796 S. Pacific Hwy – File No. SP23-05/VR23-01/LL23-02/FP23-01

The Oregon Department of Fish and Wildlife (ODFW) appreciates the opportunity to review the Planning Development/Site Design Review Application for 3976 S Pacific Hwy. In and around the City of Phoenix, there are multiple springs which immerge and provide critically important cool water inputs to Bear Creek. Several springs are present at 3976 South Pacific Hwy which originate from the hillslope on the western edge and the runoff from the springs leaves the property as surface water near the Bear Creek Greenway Path (photos attached below). These springs provide thermal refuge for native salmon, steelhead, and trout during summer months when juveniles migrate from stream reaches below Medford to the Phoenix area. Many people are aware of the migrations that adult salmon and steelhead make from the ocean to spawning grounds of their natal streams. These juvenile fish make seasonal migrations during summer months to find cold water near Phoenix to survive the hot summer months. The ODFW's outcome goal for these springs is that they continue to flow cold and unhindered into Bear Creek.

The submitted Conceptual Grading and Drainage Plan shows several culverts within the proposed development footprint. Page 28 of 37 states that “there are no alterations to any water course”, and “stormwater detention facilities are to collect, detain, and treat the drainage from the impervious surfaces are proposed”. If the Phoenix Planning Commission chooses to approve the application as submitted, the ODFW recommends that a condition of approval be that all of the spring water be allowed to drain cold and unchanged into Bear Creek and that none of the spring water be captured or routed into the proposed stormwater detention facilities.

Thank you for your consideration in protecting Oregon's fish and wildlife and their habitats.

Frank Drake  
Asst. Rogue District Fish Biologist  
Oregon Department of Fish and Wildlife  
541-857-2412  
[francis.w.drake@odfw.oregon.gov](mailto:francis.w.drake@odfw.oregon.gov)

CC: Dan Van Dyke – ODFW  
Joy Vaughan - ODFW



Nov 21 2023 at 12:05:10 PM

+42 277644 +12 617512 +4:70m









## Response Page

Department of State Lands (DSL) WN# \*

WN2023-0827

### Responsible Jurisdiction

**Staff Contact**

Jeff Wilcox

**Jurisdiction Type**

City

**Municipality**

Phoenix

**Local case file #**

SP23-05/VR23-01

**County**

Jackson

### Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
38S	01W	09	DA	3900,4000

Street Address

3976 S Pacific Hwy

Address Line 2

City

Phoenix

State / Province / Region

OR

Postal / Zip Code

97535

Country

Jackson

**Latitude**

42.277807

**Longitude**

-122.818018

### Wetland/Waterway/Other Water Features

There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

The property includes or is adjacent to designated Essential Salmonid Habitat.

### Your Activity

It appears that the proposed project **may** impact wetlands and **may** require a State permit.

### Applicable Oregon Removal-Fill Permit Requirement(s)

- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.
- A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

## Closing Information



### Additional Comments

A wetland delineation report was approved by DSL under file number WD2022-0425. Five wetlands and two ditches were determined to be jurisdictional to the state Removal-Fill Law, and several of these features were impacted by fill in 2021. The volume of unpermitted fill material was estimated to be 37.82 cy. DSL recommended that the applicant reach out to the Aquatic Resource Coordinator for Jackson County (now Bryan Gillooly, 503-871-3031) prior to additional ground-disturbing activity.

The submitted site plan does not appear to include proposed grading limits. However, it appears that the proposed project ("18-unit multi-family development") may involve additional ground-disturbing impacts to jurisdictional wetlands and ditches. Please work with Bryan Gillooly to obtain DSL authorization for this work.

Also, Bear Creek is designated as Essential Salmonid Habitat. Best management practices should be implemented during construction to minimize sedimentation and erosion in the creek.

**This is a preliminary jurisdictional determination and is advisory only.**

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

- A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

### Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

### Response Date

11/7/2023

### Response by:

Jessica Salgado

### Response Phone:

541-388-6421



BEFORE THE PHOENIX PLANNING COMMISSION

**STATE OF OREGON, CITY OF PHOENIX**

IN THE MATTER OF PLANNING FILE NO. SP23-05, VAR23-01, FP23- )  
01 AND LL23-02 LOCATED ON N MAIN ST. [MAP NO. 38-1W-09DA- ) ORDER  
3900 AND -4000], THE PHOENIX PLANNING COMMISSION FINDS )  
THE FOLLOWING: )

1. The Planning Commission held a properly noticed public hearing on this matter on December 11, 2023;
2. The Planning Commission asked Planning Staff to present a staff report and a final order with findings and recommendations at the December 11, 2023 public hearing;
3. At the public hearing evidence was presented and the public was given an opportunity to comment;
4. The Planning Commission finds that the Site Design Review, Variance, Floodplain Development Review, and Lot Line Adjustment are allowed and are consistent with the intent of the R-3 High Density zoning district and approval criteria outlined in the Phoenix Land Development Code;
5. The Planning Commission finds that four of the five variance requests can be approved; the variance request to pedestrian access cannot be approved as requested.

**NOW THEREFORE, the Phoenix Planning Commission approves the requested Site Design Review (SP23-05), Variance (VR23-01), Floodplain Development Review (FP23-01), and Lot Line Adjustment (LL23-02) application based on applicant's preliminary site design for a multi-family development with 18 dwelling units with the following Conditions of Approval:**

**GENERAL CONDITIONS OF APPROVAL:**

1. Fence Height: fencing shall not exceed six (6) feet in height; or three (3) feet in vision clearance areas as de-fined by PLDC § 3.2.2(M)
2. Fence Material: any fencing proposed in the floodway shall be constructed of barbless wire, or open pipe/rail fencing unless shown using FEMA-approved engineering/modeling standards, to cause no-rise in BFE in accordance with PLDC § 3.7.3(H)(17).

**PRIOR TO GRADING/SUBMITTAL FOR BUILDING PERMITS:**

3. RVSS, Stormwater Management Plan: the applicant shall provide a copy of the storm-water management plan approved by Rogue Valley Sewer Services
4. Wetlands, DSL/USACE Authorization: the applicant shall provide documentation showing DSL and USACE authorization -or- waiver for the proposed project and any related grading.



5. Spring Water, Revised Civil Plans: the applicant shall provide revised civil plans showing spring waters draining cold and un-changed into Bear Creek and that none of the spring water will be captured or routed into the proposed stormwater detention facilities.
6. RVSS, Medium Storm Drain Protection Permit: the applicant shall provide a copy of the approved medium storm drain protection (erosion control) permit approved by Rogue Valley Sewer Services.

**PRIOR TO SUBMITTAL FOR BUILDING PERMITS:**

7. Elevations – Eyes on the Street: the applicant shall provide revised building elevations, showing (for each story) doors, porches, balconies, terraces and/or windows on a minimum of 60 percent of the front elevation, and on a minimum of 30 percent of the side and rear building elevations.
8. Revised Site Plan: the applicant shall provide a revised site plan that shows:
  - a. a driveway that directly connects the subject property with Highway 99, the driveway shall be between twenty-four (24) and thirty (30) feet wide.
  - b. method of pathway elevation or separation that demonstrates conformance with PLDC § 3.2.3(B)(1).
  - c. a landscape buffer and pathway between the parking area and the residential ground floor living space; the pathway shall measure no less than 6 ft and the landscape buffer shall measure no less than 2 ft.
  - d. no more than thirty-three (33) parking spaces, including ADA parking spaces.
  - e. a minimum of twenty (20) bicycle parking spaces.
  - f. the methods by which long-term bicycle parking is secured in accordance with PLDC § 3.4.4(B)(1) and (3)
  - g. underground utility easements.
  - h. the floodway and all existing and proposed fencing.
  - i. a six (6) foot wide pathway that directly connects the subject property with South Pacific Highway.
  - j. an area reserved for future pathway connection to the Bear Creek Greenway.
9. Lighting Plan: the plan will identify all outdoor lighting including required pathway lighting. Lighting specifications for outdoor lighting must be in accordance with PLDC § 3.12.7 and will be reviewed for compliance by Planning Staff.

**PRIOR TO ISSUANCE OF BUILDING PERMITS:**

10. Encroachment Permit: the applicant shall provide a copy of an approved Encroachment Permit that demonstrates compliance with the driveway apron standards of Chapter 3.2.2(J)(5) and Public Works Standard Details.
11. Screening, Mechanical Equipment: planning staff will review construction plans to ensure that all mechanical equipment has been screened from view
12. Electric Vehicle Charging: planning staff will review construction plans to ensure provisioning of electrical service for a minimum of 40% of all vehicle parking spaces.
13. Floodplain Development, Pre-Construction Documents: the applicant shall provide to the Floodplain Administrator pre-construction drawings and elevation certificates to ensure both residential structures have the lowest floor, including basement, elevated a minimum of one foot above the Base Flood Elevation.
14. Floodplain Development, Fully Enclosed Areas: the applicant shall submit designs that ensure fully enclosed areas below the lowest floor demonstrate compliance with PLDC § 3.7.3(H)(5)(b).
15. Floodplain Development, Crawl Spaces: the applicant shall provide to the Floodplain Administrator pre-construction drawings and elevation certificates to ensure crawl spaces comply with the provisions of PLDC § 3.7.3(H)(7).

16. Lot Line Adjustment, Recorded: the applicant shall record the Lot Line Adjustment Survey Map with Jackson County and submit a copy of the recorded survey map to the City.

**PRIOR TO VERTICAL CONSTRUCTION**

17. Floodplain Development, Under Construction: the permit holder shall provide to the Floodplain Administrator an under construction elevation certificate for both structures indicating the floor elevation or flood-proofing elevation level prepared and sealed by a registered surveyor or engineer.

**PRIOR TO CERTIFICATE OF OCCUPANCY:**

18. Driveways, Drive Aisles and Parking Areas, Improved: driveways, drive aisles and parking areas will be inspected to ensure they meet standards for surfacing, stormwater management and striping.
19. Driveway Apron, Improved: the driveway apron will be inspected to ensure conformance with the approved Encroachment Permit
20. Bicycle Parking, Installed: bicycle parking shall be installed in accordance with the revised Site Plan.
21. Floodplain Development, Finished Construction: the permit holder shall provide to the Floodplain Administrator a finished construction elevation certificate prepared and sealed by a registered surveyor or engineer.
22. Landscaping and Irrigation, Installed: landscaping and irrigation shall be installed, unless security equal to the cost of landscaping and installation is provided in accordance with PLDC § 4.2.7.
23. Outdoor Lighting, Installed: Outdoor Lighting shall be installed in accordance with the approved Lighting Plan.
24. Pathways, Installed: all pathways shall be installed in accordance with the approved site plan.
25. Bear Creek Greenway pathway connection, Installed: the Bear Creek Greenway trail connection shall be improved to the standards of § 3.2.3(B) -or- documentation shall be provided from the authoritative agency indicating that a request for connection to Bear Creek Greenway has been denied.

**IT IS HEREBY ORDERED THAT the Phoenix Planning Commission approves the requested Site Design Review (SP23-05), Variance (VR23-01), Floodplain Development Review (FP23-01), and Lot Line Adjustment (LL23-02) application based on the information presented in the Staff Report and Findings of Fact below:**

In the following, any text quoted directly from City codes appears in *italics*; staff findings appear in regular typeface.

In order to approve the request, findings must be made showing consistency with all applicable criteria. The Applicant submitted a narrative addressing the standards and criteria of Chapters 2.2, 3, 4.2, 4.3 and 5.2. Also provided: a stormwater feasibility memo, a transportation memo, a site plan, elevations, landscape plans, and concept civil plans. PLDC approval criteria for Site Design Variance, Floodplain Development and Lot Line Adjustment in relation to Applicant's submittal are summarized in the staff report and addressed in detail in the findings below.

**CHAPTER 2 – LAND USE DISTRICTS**

**Chapter 2.2 – Residential Districts (R-1, R-2, R-3, HO)**

**2.2.1 – Purpose**

A. *Intent:*

1. *Residential zones within the City of Phoenix are intended to provide the full range of “needed housing” to the residents of the City and the Region in accordance with Statewide Goal 10 and ORS Chapter 197. Residential Districts are also intended to promote the livability, stability, and improvement of the City’s neighborhoods. The City’s three residential zones vary primarily by the number of dwellings that shall be constructed per acre. Developers of new housing shall adhere to the minimum and maximum density standards for the appropriate zone, but need not be constrained by the type or tenure of housing they construct...*
- ...4. *The R-3 High Density Residential zone mandates a minimum density of 12 units per acre. At this density, single-family detached development is unlikely, giving way instead to common wall (townhouse/rowhouse) and multi-family projects which are more likely to include shared parking and common open space.*

**FINDING:** The subject properties total approximately 0.85 acres according to GIS measurements. Eighteen (18) dwelling units are proposed, which equals 21.2 dwelling units-per-acre. This is within the allowable range of the R-3 zone. **The standards are met.**

**...2.2.2 – Permitted Land Uses**

- A. *Permitted Uses. The land uses listed in Table 2.2.2 are permitted in Residential Districts, subject to the provisions of this Chapter. Only land uses specifically listed in Table 2.2.2 and land uses approved as similar to those in Table 2.2.2 may be permitted.*

**FINDING:** Table 2.2.2 prescribes dimensional standards for residential zones. The R-3 zone requires the following setbacks: Front: 10-20 ft, Side: 4 ft, Rear: 5 ft. The proposed site plan (A1.0, 9/14/23 revision) shows the front setback is 33 ft; side setback is 10 ft (north) and approximately 110 ft (south); and the rear setback is approximately 8 ft. The site plan also shows the front yard being oriented towards Bear Creek Greenway, instead of towards Highway 99. The applicant has requested a variance to the building and site orientation standards. Accordingly, this section is discussed in Chapter 5.2 findings herein below.

The maximum lot coverage is 75%; as proposed, the lot coverage is 22%.

There is no maximum structure height in the R-3 zone. **The standards are met subject to approval of Type-III Variance.**

**2.2.7 – Building and Site Orientation**

- A. *Purpose. The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more “eyes on the street.”*
- B. *Applicability. This Section applies to single-family attached townhouses that are subject to Site Design Review (3 or more attached units); multi-family housing; neighborhood commercial buildings; and public and institutional buildings, except that the standard shall not apply to buildings that do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment, and similar uses.)*
- C. *Building orientation standards. All developments subject to this subsection shall be oriented toward a street when the lot is of sufficient size to allow for this. The building orientation standard is met when all of the following criteria are met:*
1. *Compliance with the setback standards in Table 2.2.2.*



2. *The primary façade of the primary structure shall be built parallel to the principal frontage line to the maximum extent possible.*
3. *All buildings shall have their primary entrances oriented toward the street. Multi-family and neighborhood commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Chapter 3.2 – Access and Circulation. In this case, at least one entrance shall be provided not more than 20 feet from the closest sidewalk or street.*
4. *Parking shall be located in the rear of the building unless lot configuration makes this impracticable. If parking is not located in the rear, it shall be located on the side of the building. Side parking shall be set back 20 feet from the street right-of-way and screened from view with landscaping.*

**FINDING:** (A) The site plan shows the development placed close to – within 10 ft of the driveway/access easement. (B) The proposal is for multi-family housing therefore this section applies. (C) The buildings are not oriented towards the street and parking is not oriented towards the side or rear. The applicant has requested a variance to the building and site orientation standards. Accordingly, this section is discussed in Chapter 5.2 findings herein below. **The standards are met subject to approval of Type-III Variance.**

### **2.2.8 – Architectural Standards**

*...B. Applicability. This section applies to all of the following types of buildings and shall be applied during Site Design Review:*

*...2. Multi-family housing;...*

*C. Standards. All buildings subject to this section shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.*

1. *Building Form. The continuous horizontal distance of individual buildings, as measured from end-wall to end-wall, shall not exceed 80 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the above figure. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:*
  - a. *Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of four feet;*
  - b. *Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of four feet; and/or*
  - c. *Offsets or breaks in roof elevation of two feet or greater in height.*
2. *Eyes on the Street. All exterior walls visible from a street right of way shall provide doors, porches, balconies, windows, and/or other architectural features. A minimum of 60 percent of front (i.e., street-facing) elevations, and a minimum of 30 percent of side and rear building elevations, as applicable, shall meet this stand-*

- ard. Percent of elevation is measured as the horizontal plane (linear feet) containing doors, porches, balconies, terraces, and/or windows. The standard applies to each full and partial building story.*
3. *Detailed Design. All buildings shall provide consistency in architectural design treatment along all exterior walls (i.e., front, rear and sides). Detailed design shall be provided by using at least three of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):*
    - a. *Dormers*
    - b. *Gables*
    - c. *Recessed entries*
    - d. *Covered porch entries*
    - e. *Cupolas or towers*
    - f. *Pillars or posts*
    - g. *Eaves (min. 6-inch projection)*
    - h. *Off-sets in building face or roof (minimum 16 inches)*
    - i. *Window trim (minimum 4-inches wide)*
    - j. *Bay windows*
    - k. *Balconies*
    - l. *Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)*
    - m. *Decorative cornices and roof lines (e.g., for flat roofs)*
    - n. *An alternative feature providing visual relief, similar to options "a"–"m."*
  4. *Repetition of Residential Façades. Variability in design is encouraged. A detached single-family dwelling that has the same appearance or a mirrored reverse appearance as another detached single-family dwelling facing the same street may not be constructed adjacent to or across the street from that single-family dwelling. A different appearance for purposes of this section involves a different roof line and/or footprint.*

**FINDING:** (B) The application is for multi-family housing, therefore the provisions of this section are applicable. (C)(1) The continuous horizontal distance (length) of both structures exceed 80 feet. The applicant has requested a variance to the building length standard. Accordingly, this section is discussed in Chapter 5.2 findings herein below. (2) All elevations show a combination of doors, porches, balconies, terraces and/or windows. However, the standard applies to both stories, and requires 60% along the front, and 30% along the sides and rear. As a condition of approval, prior to submittal for building permits, the applicant shall provide revised building elevations, showing (for each story) doors, porches, balconies, terraces and/or windows on a minimum of 60 percent of the front elevation, and on a minimum of 30 percent of the side and rear building elevations. (3) Elevations show consistency in architectural design treatment between both buildings. Detailed. All elevations have eaves extending more than 6 inches, and decorative patterns on exterior finish (board and batten siding, belly boards and lap siding). Front elevations also have pillars, dormers, and window trim. Side elevations have gables and window trim. Rear elevations have covered porch entries and window trim. (4) Variability in design is provided through the use of variable sized dormers and breaking up the horizontal mass through a mix of lap siding with board and batten siding, and a mix of ground floor and second floor entries. **The standards are met subject to conditions -and- approval of Type-III Variance.**

## 2.2.9 – Special Standards for Certain Uses

This Section supplements the standards contained Sections 2.2.1 through 2.2. 8. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Residential District:...

...E. Multi-family housing. Multi-family housing means housing that provides more than three dwellings on an individual lot (e.g., multiplexes, apartments, condominiums, etc.). New multi-family developments shall comply with all of the following standards:

1. Building Mass Supplemental Standard. The maximum width or length of a multiple family building shall not exceed 150 feet (from end-wall to end-wall).
2. Common open space standard. Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as common open space in all multiple family developments. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required public land dedication and public and private streets. Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.
3. Private open space standard. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following standards:
  - a. All ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);
  - b. All upper-floor housing units shall have balconies or porches measuring at least 48 square feet. Upper-floor housing means housing units that are more than 5 feet above the finished grade;
  - c. Private open space areas shall be oriented toward common open space areas and away from adjacent single-family residences, trash receptacles, parking and drives to the greatest extent practicable; and
4. Exemptions. Exemptions may be granted when these developments are within a quarter mile (measured walking distance) of a public park and there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), and maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides an active recreation area such as a ball field, children’s play area, sports court, track, or similar facility.
5. Trash receptacles. Trash receptacles and recycling areas shall be oriented away from adjacent residences and shall be screened with a solid masonry wall not less than 6 feet in height.

**FINDING:** (E) The application is for more than three dwellings on an individual lot, therefore the provisions of this section are applicable. (1) The width/length of one structure, Building A, exceeds the 150 foot building mass supplemental standard. The applicant has requested a variance to the building length standard. Accordingly, this section is discussed in Chapter 5.2 findings herein below. (2) The applicant narrative states that the subject property measures 36,891 square feet, and the site plan shows that 8,654 square feet (24% of the site area) are proposed to be landscape areas. Landscape areas may be counted towards the common open space requirement. (3)(a & b) The submitted floor plans show ground floor housing units have rear patios measuring 48 square feet and upper-floor housing units having balconies measuring approximately 64 square feet. (c) The majority of private open space areas are oriented towards common open space areas and away from adjacent single-family residences and trash receptacles; however, the balconies face parking and drives. Given that 16 out of 18 units are oriented accordingly, staff



believes this meets the 'greatest extent practicable' criterion. (4) Exemptions have not been requested by the applicant. (5) The proposed site plan shows trash receptacles located away from the residences, and the applicant narrative indicates they will be screened with a solid masonry wall not less than 6' in height. **The standards are met subject to approval of Type-III Variance.**

## **CHAPTER 3 – DESIGN STANDARDS**

### **Chapter 3.2 – Access and Circulation**

#### **3.2.2 - Vehicular Access and Circulation**

C. *Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a licensed traffic engineer to determine access, circulation, and other transportation requirements. (See also, Chapter 3.5.2 – Transportation Standards.)*

**FINDING:** The applicant proposes to use an existing, paved access drive that ultimately connects to South Pacific Hwy. This application has been submitted with a Trip Generation Memo provided by Southern Oregon Transportation Engineering. It addresses the standards of 3.5.2(A)(5) in detail and indicates that a TIA/TIS will not be required for the proposed development. **The standard is met.**

E. *Access Options.*

1. *When new vehicle access is required for development, access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are options to the developer/subdivider, unless one method is specifically required by Chapter 2 (i.e., under "Special Standards for Certain Uses")...*
  - ...b. *Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., shared driveway). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.*

**FINDING:** New vehicle access is required for development. The applicant proposes to provide access using Option 2. Specifically, the proposal is to use an existing private driveway to serve the development. This private driveway is comprised of two access easements, OR 77-01991 traverses Tax Lot 3500, and OR 95-15350 traverses Tax Lot 90000. The driveway ultimately connects to Highway 99, and is shared with the Bear Creek Townhouses condominium to the north. **The standard is met.**

F. *Access Spacing. Access to and from off-street parking areas shall not permit backing onto a public street, with the exception of single-family driveway with access onto local streets only. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:*

1. *Minimum driveway spacing is measured from the edge of the driveway at the curb line to the edge of the next driveway at the curb line. Driveway separation from public street intersections is measured from the nearest edge of the driveway at the curb line to the intersecting street right-of-way.*

**Table 6: 3.2.2.F – General Driveway/Intersection Spacing Standards**

Street Classification	Minimum Driveway Spacing	Minimum Driveway Separation from Public Street Intersection
Arterial Street	400	400
Collector Street	150	150
Local Street	N.A.	75
State Highway	Reference OAR 734-051-0115, Access Management Spacing Standards for Approaches	

**FINDING:** The City Transportation System Plan (TSP) classifies Highway 99 as an ‘Arterial Street.’ According to Table 6, 3.2.2.F, Arterial Streets require access spacing of 400 feet. However, the proposed access is pre-existing, shared, and does not further reduce existing access spacing. **The standard is not applicable.**

- G. *Number of Access points...* The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety, and operation of the streets and sidewalks for all users. Shared access may be required, in conformance with Section H, below, in order to maintain the required access spacing, and minimize the number of access points.
- H. *Shared Driveways.* The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:
  - 1. *Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. “Developable” means that a parcel is either vacant or it is identified as redevelopable in the City’s Buildable Land Inventory.*
  - 2. *Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval (Chapter 4.3 – Land Divisions and Lot Line Adjustments) or as a condition of site development approval (Chapter 4.2 – Development Review and Site Design Review).*

**FINDING:** The applicants propose to use one (1) pre-existing, shared driveway that ultimately connects with Highway 99. The related easements have been recorded and are referenced in subsection E, above. **The standard is met.**

- I. *Street Connectivity...*
  - ... 3. *In certain blocks, the City may require an easement or dedicated right-of-way through the block to accommodate utilities, drainage facilities, and pedestrian/bicycle connections. The dedication of pedestrian or bicycle connections, not less than five (5) feet wide for the travel way, may be required through a block or to connect to a cul-de-sac or where deemed necessary to provide circulation or access for non-motorized traffic.*

**FINDING:** The applicant has requested a variance to pathway connection requirements. Accordingly, this standard is discussed in Chapter 5.2 findings herein below. **The standard is met subject to approval of Type-III Variance.**

J. *Driveway Openings. Driveway openings shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:...*

...3. *Multiple family uses with more than eight dwelling units, and off-street parking areas with 16 or more parking spaces, shall have a minimum driveway width of 24 feet, and a maximum width of 30 feet. These dimensions may be increased if the Planning Director determines that more than two lanes are required based on the number of trips generated or the need for turning lanes...*

**FINDING:** The proposal is for a multi-family use with eighteen (18) dwelling units and thirty-seven (37) parking spaces. As a condition of approval, prior to submittal for building permits, the applicant shall provide a revised site plan that shows a driveway that directly connects the subject property with Highway 99, the driveway shall be between twenty-four (24) and thirty (30) feet wide. **The standard is met with conditions.**

...5. *Driveway Aprons. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of three feet in width, with a cross slope not exceeding two percent.*

**FINDING:** The application does not address the driveway apron, aside from simply indicating one exists. As a condition of approval, prior to issuance of building permits, the applicant shall provide a copy of an approved Encroachment Permit that demonstrates compliance with the driveway apron standards of Chapter 3.2.2(J)(5). **The standard is met with conditions.**

K. *Fire Access and Parking Area Turn-arounds. Parking areas shall provide adequate aisles or turn-around areas for public safety, service, and delivery vehicles so that all vehicles may enter the street in a forward manner. (The City's Fire Chief may exempt turn-around requirements for fire trucks if compliance with the Fire Code is maintained.) For requirements related to cul-de-sacs, please refer to Chapter 3.5.2 – Transportation Standards, Section M.*

**FINDING:** Fire District #5 provided comment indicating that access is acceptable based on the proposed site plan. Staff finds the access drive and parking area drive aisles provide ample room for vehicles to enter Highway 99 in a forward manner. **The standard is met.**

M. *Vision Clearances. The vision clearance setback shall be measured from curb line or where no curb line exists, from edge of pavement. No signs, structures, or vegetation in excess of three feet in height shall be placed in vision clearance areas, as shown below. The Planning Director may increase the minimum vision clearance area upon finding that more sight distance is required (i.e., due to Police Department requirements, traffic speeds, roadway alignment, topography, etc.).*



**FINDING:** The proposed site design plan does not include the construction of structures or vegetation in excess of three feet in height within the clear vision area. **The standard is met.**

N. *Construction. The following development and maintenance standards shall apply to all driveways and private streets:*

1. *Surface Options. Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt or concrete surfacing. Paving surfaces shall be subject to review and approval by the Building Official.*
2. *Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles, and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with City standards.*
3. *Driveway Aprons. When driveway approaches or aprons are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing. (See also, Section J.).*

**FINDING:** (1) The applicant narrative indicates that the driveway is paved to a width of 26 feet and the proposed site plan (9/14/23 revision) shows that the parking lot is also to be paved. As a condition of approval, prior to certificate of occupancy, driveways, drive aisles and parking areas will be inspected to ensure they meet standards for surfacing, stormwater management and striping. (2) Surface water management standards are addressed in separate Chapter 3.8 findings herein below. (3) The driveway apron is currently composed of asphalt and is not in a good state of repair. The application does not address the driveway apron, aside from simply indicating one exists. As a condition of approval, prior to issuance of building permits, the applicant shall obtain an encroachment permit, and provide a revised site plan that shows the driveway apron in conformance with § 3.2.2(J)(5) and Public Works Standard Details. As a condition of approval, prior to certificate of occupancy, the driveway apron will be inspected to ensure conformance with the approved Encroachment Permit. **The standard is met with conditions.**

### **3.2.3 - Pedestrian Access and Circulation**

A. *Pedestrian Access and Circulation. To ensure safe, direct, and convenient pedestrian circulation, all developments except single-family detached housing on individual lots shall provide a continuous pedestrian and/or multi-use pathway system between residential areas and neighborhood activity centers (i.e., schools, shopping, transit stops, and employment centers). (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles. The system of pathways shall be designed based on the standards in subsections 1-3, below:*

1. *Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathways to adjacent streets and private property, in accordance with the provisions of Chapter 3.2.2 – Vehicular Access and Circulation and Chapter 3.5.2 – Transportation Standards.*
2. *Safe, Direct, and Convenient Pathways.*
  - a. *Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of direction travel for likely users.*

- b. *Safe and convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.*
- c. *For commercial, industrial, mixed use, public, and institutional buildings, the primary entrance is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.*
- 3. *Connections within Development. For all developments subject to Site Design Review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable...*
- 4. *Pathways shall have adequate lighting for safety purposes. The City may require lighting as a condition of development review.*
- 5. *Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds 400 feet in the City Center District, 600 feet in the Residential Districts, or 800 feet in the Industrial Districts. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:*
  - a. *Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 10 feet wide (with 12 feet recommended in areas with high mixed-use) with a 3 foot (2 foot minimum) shy distance on both sides of the path for safe operation. This area should be graded level, flush to the path and free of obstructions to allow recovery by errant bicyclists. Where a path is parallel and adjacent to a roadway, there shall be a 5 foot or greater width separating the path from the edge of roadway, or a physical barrier of sufficient height should be installed. Pathways should be located within a right-of-way or easement that allows access for emergency vehicles*
  - b. *If the streets within the subdivision or neighborhood are lighted, the pathways shall also be lighted;*
  - c. *Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;*
  - d. *The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;*

**FINDING:** (1, 2 & 5) The applicant has requested a variance to pathway connection requirements. Accordingly, this section is discussed in Chapter 5.2 findings herein below. (3) The proposed site plan (9/14/23 revision) shows an internal pathway system that connects all building entrances, parking areas, storage areas, recreational facilities and common areas together. (4) The applicant's narrative acknowledges that lighting must comply with the standards required in Chapter 3.12. However, the applicant's submittals do not include details on pathway lighting. As a condition of approval, prior to submittal for building permits, the applicant shall provide a lighting plan, the plan will identify all outdoor lighting including required pathway lighting. Lighting specifications for outdoor lighting must be in accordance with PLDC § 3.12.7 and will be reviewed for compliance by Planning Staff. **The standard is met with conditions.**

*B. Design and Construction. Pathways shall conform to all of the standards...*

1. *Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six inches and curbed, or separated from the driveway/street by a five-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.*
2. *Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of five feet from all residential living areas on the ground floor, except at building entrances. Separation is measured as measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Chapter 3.3 – Landscaping, Street Trees, Fences, and Walls...*
3. *Crosswalks. Where pathways cross a parking area, driveway, or street, they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or a similar type of durable application. Crosswalks on state highway facilities shall be developed in coordination with the Oregon Department of Transportation (ODOT), shall be designed to state standards, and may require an Intergovernmental Agreement (IGA) to address maintenance responsibilities.*
4. *Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least six feet wide, and shall conform to ADA requirements. Multi-use paths shall be the same materials, at least 10 feet wide. (See also Chapter 3.5.2 – Transportation Standards for public, multi-use pathway standard.)*

**FINDING:** (1) The proposed site plan (A1.0, 9/14/23 revision) shows that sidewalks will be made of concrete, but does not identify method of vehicle/pathway separation. As a condition of approval, prior to submittal for building permits, the applicant shall submit a revised site plan, showing: method of pathway elevation or separation that demonstrates conformance with PLDC § 3.2.3(B)(1). (2) Sufficient pathway separation is provided in all areas not located near building entrances. (3) As a general condition of approval, where pathways cross a parking area, driveway, or street, they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. (4) The site plan also indicates that sidewalks will be made of concrete, but they appear to measure only five (5) feet in width. As a condition of approval, prior to submittal for building permits, the applicant shall submit a revised site plan, showing: all pathways measuring a minimum of six (6) feet in width in conformance with PLDC § 3.2.3(B)(4). As a condition of approval, prior to occupancy, all pathways shall be installed in accordance with the approved site plan. **The standard is met with conditions.**

## **Chapter 3.3 – Landscaping, Street Trees, Fences, and Walls**

### **3.3.3 - New Landscaping**

- A. *Applicability. This Section shall apply to all developments requiring Site Design Review, and other developments with required landscaping.*
- B. *Landscaping Plan Required. A landscape plan is required. All landscape plans shall conform to the requirements in 4.2.5 – Site Design Review Application Submission Requirements, Section B.5 (Landscape Plans). All landscape and irrigation plans must be reviewed and approved by the Planning Director, unless the conditions of the project specifically require Planning Commission approval.*



- C. *Landscape Area Standards. The minimum percentage of required landscaping equals: 1. Residential Districts. 20 percent of the site. 2. City Center District. 10 percent of the site. 3. Commercial Districts. A minimum of 20 percent of the site shall be landscaped. 4. Industrial Districts. 20 percent of the site.*
- D. *Landscape Materials. Landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features...*

**FINDING:** (A & B) The proposed development is subject to Site Design Review. A Landscape Plan (L0.0-L1.2, 10/18/23 revision) has been submitted as part of this application. (C) The development, being in a residential district, requires a minimum of 20% landscaping. The site measures approximately 36,891ft<sup>2</sup>. As proposed, 8,318 ft<sup>2</sup> -or- 22.5% of the site is landscaped. (D) According to L1.0 and L1.1, Landscape materials include a mix of trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features. **The standards are met.**

- E. *Landscape Design Standards.*
  - 1. *Yard Setback Landscaping. Landscaping shall satisfy the following criteria:*
    - a. *Use shrubs and trees as windbreaks, as appropriate;*
    - b. *Retain natural vegetation, as practicable;*
    - c. *Define pedestrian pathways and open space areas with landscape materials;*
    - d. *Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants;*
    - e. *Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided;*
    - f. *Use a combination of plants for yearlong color and interest;*
    - g. *Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales, and detention/retention ponds.*
    - h. *If the applicant is able to prove that the view shed is impaired, the shrubs may be used instead of trees.*
  - 2. *Parking areas. A minimum of eight percent of the combined area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or ground cover plants. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per five parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of eight feet by 19 feet and all tree wells shall have minimum dimensions of four feet by four feet to ensure adequate soil, water, and space for healthy plant growth. Trees planted within parking areas shall be a minimum of 2-inch caliper trees, unless the landscape plan includes a dense planting of varying sized trees.*
  - 3. *Buffering and Screening Required. Buffering and screening are required under the following conditions:*
    - a. *Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a raised pathway, plaza, or landscaped*

*buffer no less than eight feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to residential ground-floor living space, a landscape buffer is required to fulfill this requirement.*

- b. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and Residential districts.*

**FINDING:** (1) The Proposed Landscape Plan (L0.0-L1.2, 10/18/23 revision) provides sufficient landscaping to meet the criteria of subsection A-H. (2) Neither the applicant's narrative nor the proposed Landscape Plan indicate the parking area perimeter and portion that is landscaped. However, a GIS analysis of the proposed parking area (parking spaces and maneuvering areas) indicates a parking area perimeter of approximately 1,000 ft. Of that, approximately 38% -or- 380 ft contain an evenly distributed mix of shade trees with shrubs and/or ground cover plants. The proposed Site Plan (A1.0, 9/14/23 revision) shows thirty-seven (37) parking spaces, which calls for a minimum of eight (8) trees; L1.1 shows that twenty-two (22) trees are proposed. The Site Plan and Landscape Plan reflect the presence of a landscape island, which is necessary to break up parking areas with more than 20 spaces. The proposed landscape island measures approximately 13 ft by 19 ft and the landscape plan includes a dense planting of varying sized trees. (3)(a) Because parking and maneuvering areas are proposed to be adjacent to ground floor living space, a landscape buffer is required between the parking area and the building. The pathway and landscape buffer combined, must measure no less than eight (8) ft in width. As a condition of approval, prior to submittal for building permits, the applicant shall submit a revised site plan and landscape plan that shows a landscape buffer and pathway between the parking area and the residential ground floor living space; the pathway shall measure no less than 6 ft and the landscape buffer shall measure no less than 2 ft. (b) Details on mechanical equipment have not been provided in the applicant's submittal. All mechanical equipment will need to be screened from view from all public streets and residential districts. As a condition of approval, prior to issuance of permits, planning staff will review construction plans to ensure that all mechanical equipment has been screened from view. **The standards are met with conditions.**

### **3.3.4 – Street Trees**

*Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Requirements for street tree planting strips are provided in Chapter 3.5.2 – Transportation Standards. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks.*

**FINDING:** The subject property does not abut a street. Therefore, Street Trees will not be required. **The standard is not applicable.**

### **3.3.5 – Fences and Walls**

#### **B. Dimensions**

- 1. In residential zones, the maximum allowable height of fences and walls is six feet as measured from the highest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed six feet when permitted as part of a site development approval or as necessary to construct streets and sidewalks. Bufferwalls (e.g., sound walls or other screens provided between noncompatible uses) may exceed six feet when permitted as part of a site development approval.*

*A building permit shall be obtained when required by the Building Code as amended...*

- ...7. *Fences and walls shall comply with the vision clearance standards of Chapter 3.2.2 – Vehicular Access and Circulation, Section M.*

**FINDING:** The applicant narrative indicates fences are proposed to be six (6) feet tall. As a general condition of approval, fencing shall not exceed six (6) feet in height; or three (3) feet in vision clearance areas as defined by PLDC § 3.2.2(M). **The standard is met with conditions.**

## **Chapter 3.4 – Vehicle and Bicycle Parking**

### **3.4.3 – Vehicle Parking Standards**

- A. *Number of Spaces Required. The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in Table 3.4.3.A.*
- B. *Parking Location and Shared Parking.*
1. *Location. Vehicle parking is allowed only on approved parking shoulders (streets), within garages or carports (no temporary or tarp carports are allowed), or on drive-ways or parking lots that have been developed in conformance with this code. Specific locations for parking are indicated in Chapter 2 for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). (See also, Chapter 3.2 – Access and Circulation).*
- C. *Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this Section by more than 5%.*
- D. *Parking Stall Standard Dimensions and Compact Car Parking. All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping. Standard parking spaces shall conform to the dimensions in Figure 3.4.3.E.*
- E. *Disabled Person Parking Spaces. The following parking shall be provided for disabled persons, in conformance with the Americans with Disabilities Act. Disabled parking is included in the minimum number of required parking spaces in Section A, above.*

**FINDING:** (A) Per recent changes to state law (OAR 660-012-0440), the City is no longer permitted to require parking within one-half mile of 'frequent transit corridors.' Therefore, the minimum parking standards of Table 7 are not enforceable. However, standards related to vehicle parking location, maximums, and dimensions are still regulated. (B) The Proposed Site Plan (9/14/23 revision) shows that a location for parking is proposed. The applicant has requested a variance to the parking location standard. Accordingly, this section is discussed in Chapter 5.2 findings herein below. (C & E) The application is for eighteen (18) two-bedroom dwelling units, which calls for 1.75 parking spaces per dwelling unit for thirty-one (31) parking spaces. With an additional 5%, the maximum parking spaces permitted, including ADA parking spaces, would be thirty-three (33). As a condition of approval, prior to submittal for building permits, the applicant shall provide a revised site plan showing no more than thirty-three (33) parking spaces, including ADA parking spaces. (D) Regarding parking dimensions and infrastructure, the site plan shows that parking stalls will measure 9' x 19' which meets the minimum dimensional requirement for 90 degree-in parking. The site plan also shows the parking lot is to be surfaced with asphalt, and supplemental documentation from Construction Engineering Consultants indicates that a stormwater facility will meet the requirements of the Rogue Valley Stormwater Design Manual. Furthermore, the applicant narrative acknowledges OAR 660-012-0410 which requires multi-family developments of five (5) or more dwelling units to make provisions for electrical service capacity (as defined in ORS



455.417) to serve 40 percent of all vehicle parking spaces. As a condition of approval, prior to issuance of building permits, planning staff will review construction plans to ensure provisioning of electrical service for a minimum of 40% of all vehicle parking spaces. As a condition of approval, prior to certificate of occupancy, drive aisles and parking areas will be inspected to ensure they meet standards for surfacing, stormwater management and striping. **The standards are met subject to conditions -and- approval of Type-III Variance.**

**3.4.4 – Bicycle Parking Requirements**

*All uses that are subject to Site Design Review shall provide bicycle parking...*

A. *General Bicycle Parking Requirement. Bicycle parking shall be provided for all new multi-family residential developments (4 units or more), commercial, industrial and institutional uses, in the following manner:*

1. *The minimum number of required bicycle parking spaces is listed in Table 3.4.4.*

Table 3.4.4 Minimum Bicycle Parking Space Requirements		
Use	Minimum Number of Required Bicycle Parking Spaces	Short / Long Term Bicycle Parking Requirements
Residential Use Categories		
Household Living	None required, <b>except:</b> For a multifamily dwelling containing four or more dwelling units: 1.1 spaces per dwelling unit	25% ST   75% LT

**FINDING:** The proposed multi-family development is subject to Site Design Review, therefore, bicycle parking is required. At 1.1 spaces per dwelling unit, the eighteen (18) unit development will require twenty (20) bicycle parking spaces; 5 short-term, and 15 long-term. Although the exact quantity of bicycle parking spaces is not provided on the site plan or the narrative, staff finds it feasible for the applicant to provide twenty (20) bicycle parking spaces. As a condition of approval, prior to submittal for building permits, the applicant shall provide a revised site plan that shows a minimum of twenty (20) bicycle parking spaces. As a condition of approval, prior to issuance of certificate of occupancy, bicycle parking shall be installed in accordance with the revised Site Plan. **The standard is met with conditions.**

B. *Bicycle Parking Design Standards. Required bicycle parking shall comply with the following standards:*

1. *Standards for all bicycle parking. These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.*

a. *Where required bicycle parking is provided in lockers, the lockers must be securely anchored.*

b. *Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided in racks, the racks must meet the following standards:*

i. *The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle. Staple-design steel racks are recommended.*

ii. *A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.*

iii. *The rack must be securely anchored.*

- c. *Each required bicycle parking space must be accessible without moving another bicycle.*
  - d. *There must be an aisle at least 5 feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.*
  - e. *The area devoted to bicycle parking must be hard surfaced...*
- ...3. *Additional standards for long-term bicycle parking. Long-term bicycle parking provides employees, students, residents, commuters and others who generally stay at a site for several hours, a secure and weather-protected place to park bicycles. Although long-term parking does not have to be provided on-site, the intent of these standards is to ensure bicycle parking is within a reasonable distance in order to encourage bicycle use. Required long-term bicycle parking shall meet the following standards in addition to the standards in Subsection (a) above*
- a. *Long-term bicycle parking must be provided in racks or lockers.*
  - b. *Long-term bicycle parking must be located on the site or in an off-site area where the closest point is within 500 feet of the site. If provided off-site, the standards of Subsection 133.070 shall be met.*
  - c. *At least 50 percent of required long-term bicycle parking shall be covered. Covered bicycle parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. Where required covered bicycle parking is not within a building or locker, the cover shall be:*
    - i. *Permanent.*
    - ii. *Designed to protect bicycles from rainfall.*
    - iii. *At least 7 feet above the floor or ground.*
  - d. *To provide security, long-term bicycle parking shall be in at least one of the following locations:*
    - i. *A locked room or storage container.*
    - ii. *An area that is enclosed by a fence with a locked gate. The fence shall be either 8 feet high, or be floor-to-ceiling.*
    - iii. *Within view of an attendant or security guard.*
    - iv. *Within 100 feet of an attendant or security guard.*
    - v. *An area that is monitored by a security camera.*
    - vi. *An area that is visible from employee work areas.*
  - e. *Required long-term bicycle parking spaces must be available for employees, students, residents, commuters, and others who stay at the site for several hours.*

**FINDING:** The applicant's narrative indicates that short-term bicycle parking will be facilitated with a u-rack near the parking lot, and that long-term bicycle parking will be provided within the covered porch of each unit. The method by which long-term bicycle parking will be secured (locker or rack) has not been indicated in findings or on the site plan. Nor have long-term bicycle parking security measures been addressed. As a condition of approval, prior to submittal for building permits, the applicant shall provide a revised site plan showing the methods by which long-term bicycle parking is secured in accordance with PLDC § 3.4.4(B)(1) and (3). **The standard is met with conditions.**

### Chapter 3.5 – Street and Public Facilities Standards

### 3.5.2 – Transportation Standards

- A. *Development Standards. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of Chapter 3.2 – Access and Circulation, and the following standards are met:*
- ...3. *New streets, alleys and drives connected to a collector or arterial street shall be paved; and*
  4. *The purpose of this subsection is to coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.*
  5. *When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:*
    - a. *A change in zoning or a plan amendment designation;*
    - b. *The road authority indicates in writing that the proposal may have operational or safety concerns along its facility(ies);*
    - c. *An increase in site traffic volume generation by 200 Average Daily Trips (ADT) or more;*
    - d. *An increase in peak hour volume of a particular movement to and from a street or highway by 10 percent or more; or*
    - e. *An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day;*
    - f. *The location of an existing or proposed approach or access connection does not meet minimum spacing or sight distance requirements or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;*
    - g. *A change in internal traffic patterns may cause safety concerns; or*
    - h. *A TIA is required by ODOT pursuant with OAR 734-051.*

**FINDING:** (3) The applicant proposes to use an existing, paved access drive that ultimately connects to South Pacific Hwy. (4 & 5) This application has been submitted with a Trip Generation Memo provided by Southern Oregon Transportation Engineering. It addresses the above standards in detail and indicates that a TIA/TIS will not be required for the proposed development. **The standards are met.**

### 3.5.4 – Sanitary Sewer and Water Service Improvements

- A. *Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies.*



- B. Sewer and Water Plan approval. Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards.
- C. Over-sizing. Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan. The developer shall be entitled to system development charge credits for the over-sizing.
- D. Permits Denied. Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system which cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building moratoriums shall conform to the criteria and procedures contained in ORS 197.505.

**FINDING:** Sanitary Sewer service is provided by Rogue Valley Sewer Services (RVSS). They have provided comment indicating that service for the proposed development can be had by a new tap connection to the Bear Creek Interceptor that runs along the east property line.

City water infrastructure has been installed along the nearest public right-of-way (South Pacific Highway). According to concept civil plans submitted by Construction Engineering Consultants, the subject property will be served from a new water lateral that connects to an existing water line on Tax Lot 90000, to the north. **The standard is met.**

### 3.5.5 – Utilities

- A. *Easements. Easements shall be provided for all underground utility facilities.*

**FINDING:** The Proposed Site Plan (9/14/23 revision) does not show underground utility easements. As a condition of approval, prior to submittal for building permits, the applicant shall provide a revised site plan showing underground utility easements. **The standard is met with conditions.**

## Chapter 3.7 – Environmental Constraints

### 3.7.3 – Flood Damage Prevention Regulations

#### E. Administration

- 1. *Development Permit Required. A Floodplain Development Permit shall be obtained before any development begins within any Areas of Special Flood Hazard. A permit application shall be made on forms provided by the City, and may include but not be limited to scaled plans showing the nature, location, dimensions, elevations of the subject property, existing or proposed structures, fill material, storage of materials or equipment, and drainage facilities.*

**Finding:** According to the FEMA National Flood Hazard Layer (NFHL), a small portion of the subject property (along the southeast property line) is within the Floodway of Bear Creek; to the northwest, there are small portions outside of the mapped floodplain altogether. The majority of the property, however, is within the 100-year floodplain, also known as the Special Flood Hazard Area (SFHA). A Floodplain Development application has been made on forms provided by the City. **The standard is met.**

- b. *Construction Stage*

- i. Provide copies of all necessary permits from other governmental agencies from which approval is required by Federal or state law must be provided prior to start of construction.
- ii. Development activities shall not begin without an approved Development Permit.
- iii. For all new construction and substantial improvements, the permit holder shall provide to the Floodplain Administrator an as-built certification of the floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is placed and prior to further vertical construction.
- iv. Any deficiencies identified by the Floodplain Administrator shall be corrected by the permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections shall cause for the Floodplain Administrator to issue a stop-work order for the project.

**FINDING:** As a condition of approval, prior to vertical construction, the permit holder shall provide to the Floodplain Administrator an under construction elevation certificate for both structures indicating the floor elevation or flood-proofing elevation level prepared and sealed by a registered surveyor or engineer. **The standard is met with conditions.**

- c. **Certificate of Occupancy**
  - i. In addition to the requirements of the Specialty Codes pertaining to certificate of occupancy, prior to final inspection the owner or authorized agent shall submit the following documentation that has been prepared and sealed by a registered surveyor or engineer:
    - i. For elevated buildings and structures in Areas of Special Flood Hazard (A zones), the as-built elevation of the lowest floor, including basement or where no Base Flood Elevation is available, the height above highest adjacent grade of the lowest floor;
    - ii. For buildings and structures that have been flood proofed, the elevation to which the building or structure was flood proofed.
  - ii. Failure to submit certification or failure to correct violations shall be cause for the Floodplain Administrator to withhold a certificate of occupancy until such deficiencies are corrected.
- d. **Expiration of Floodplain Development Permit –** A floodplain development permit shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing.

**FINDING:** As a condition of approval, prior to issuance of certificate of occupancy, the permit holder shall provide to the Floodplain Administrator a finished construction elevation certificate prepared and sealed by a registered surveyor or engineer.

- H. **Provisions For Flood Hazard Reduction.** In all areas of special flood hazards these standards apply:
  - 1. **Site Improvements and Subdivisions**
    - a. All plans and permits for proposed new site improvements, subdivisions, and manufactured home parks shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe

from flooding. The test of reasonableness is a local judgment and includes historical data, high water marks, photographs of past flooding, etc.

- b. Building lots shall have adequate buildable area outside of regulatory floodways.
- c. Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres, whichever is less.
- d. Site improvements, subdivisions, and manufactured home parks shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize or eliminate damage and infiltration of floodwaters. Replacement public utilities and facilities such as sewer, gas, electric and water systems, likewise shall be sited and designed to minimize or eliminate damage and infiltration of floodwaters.
- e. New and replacement on-site waste disposal systems and sanitary sewerage systems shall be located and constructed to avoid functional impairment, or discharges during flooding.

**FINDING:** (a) The proposed development reasonably minimizes flood damage by orienting the buildings as far as practical from, and parallel with Bear Creek. (b) Less than 5% of the subject property is encumbered by regulatory floodway. (c) Base Flood Elevation data is available in this area. According to the FIRM, the Base Flood Elevation (BFE) is 1476 ft. (d & e) much of the infrastructure to support this development is already in place. **The standards are met.**

3. *Building Design and Construction Standards*

- a. *New construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage, using methods and practices designed to minimize flood damage.*
- b. *New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.*
- c. *All mechanical and electrical equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during flooding.*

**FINDING:** The standards contained within this section are informational and will be reviewed for compliance with state building code at time of building plan review.

5. *Specific Building Design and Construction Standards for residential Construction (A Zones) – In addition to Section 3.7.3.H.3:*

- a. *New construction and substantial improvement of residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the Base Flood Elevation or three feet above highest adjacent grade where no BFE is defined, and*
- b. *Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:*



- i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- ii. The bottom of all openings shall be no higher than one foot above grade; and
- iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. Exception: openings with engineering design.\
- c. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:
  - i. If located within a floodway the proposed garage must comply with the requirements of section 3.7.3.H.12.
  - ii. The floors are at or above grade on not less than one side;
  - iii. The garage is used solely for parking, building access, and/or storage;
  - iv. The garage is constructed with flood openings in compliance with section 3.7.3.H.5.b to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
  - v. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
  - vi. The garage is constructed in compliance with the standards in section 3.7.3.H; and
  - vii. The garage is constructed in compliance with the standards in section 3.7.3.H; and
  - viii. The garage is constructed in compliance with the standards in section 3.7.3.H; and
  - ix. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- d. Detached garages must be constructed in compliance with the standards for accessory structures in section 3.7.3.H.14 or non-residential structures in section 3.7.3.H.6 depending on the square footage of the garage.

**FINDING:** (a) The Proposed Site Plan (9/14/23 revision) notes that the finish floor will be elevated a minimum of 1 foot above flood plain. As a condition of approval, prior to issuance of building permits, the applicant shall provide to the Floodplain Administrator pre-construction drawings and elevation certificates to ensure both residential structures have the lowest floor, including basement, elevated a minimum of one foot above the Base Flood Elevation. (b) The applicant's narrative indicates that foundation venting is proposed to reduce the hydro static pressure of the water with Smart Vents that provide one-square inch of venting 'per 100 square feet' of crawlspace or building footprint. This does not meet the code requirement of one square inch of opening per one square foot of building footprint. As a condition of approval, prior to issuance of building permits, the applicant shall submit designs that ensure fully enclosed areas below the lowest floor demonstrate compliance with PLDC § 3.7.3(H)(5)(b). (c & d) Garages are not proposed. **The standards are met with conditions.**

6. *Specific Building Design and Construction Standards for Non- residential Construction...*

**FINDING:** Non-residential construction has not been proposed in this application. **The standards are not applicable.**

7. *Below-grade Crawl Spaces...*

**FINDING:** Crawl Space details have not been provided in the applicant's submittal. As a condition of approval, prior to issuance of building permits, the applicant shall provide to the Floodplain

Administrator pre-construction drawings and elevation certificates to ensure crawl spaces comply with the provisions of PLDC § 3.7.3(H)(7). **The standard is met with conditions.**

17. *Fences – A new or replacement fence or wall located in an area of special flood hazard requires a floodplain development New and replacement fencing shall be designed to collapse under conditions of the base flood, or to allow the passage of water by having flaps or openings in the areas at or below the Base Flood Elevation sufficient to allow flood water and associated debris to pass freely.*

Fence or Wall Type	Fencing or Wall Allowed?			
	Floodway Fringe (Riverine)	Regulatory Floodway (Riverine)	Shallow/Sheet Flow/Ponding Zones	Coastal Velocity Zones
A	Yes			
B	Yes	Yes, with limited cross channel fencing	Yes	Yes
C	Design Review Required <sup>1</sup>			
D	Yes, if open at base to BFE	No <sup>2</sup>	Yes, if open at base to BFE	Yes, if installed parallel to shore, otherwise Design Review required.
E	Yes, if open at base to BFE	No <sup>2</sup>	Yes, if open at base to BFE	Yes, if installed parallel to shore, otherwise Design Review required.
F	Yes, if adequate openings at base to BFE	No <sup>2</sup>	Yes, if adequate openings at base to BFE	Design Review required <sup>3</sup>
G	Yes, if adequate openings at base to BFE	No <sup>2</sup>	Yes, if adequate openings at base to BFE	Design Review required <sup>3</sup>
H	Yes, if adequate openings at base to BFE	No <sup>2</sup>	Yes, if adequate openings at base to BFE	No

<sup>1</sup> Ensure fence will collapse under anticipated base flood conditions. Debris impacts must be considered.

<sup>2</sup> Unless shown, using FEMA-approved engineering/modeling standards, to cause no-rise in BFE

<sup>3</sup> Fences and walls in V zone must be analyzed for their effects on flood conditions, including ramping effects on adjacent buildings and effects of debris during flood events (TB 5)

**FINDING:** The applicant’s narrative indicates that boundary fencing is proposed, but that it is not to be located within the Floodway. Contrarily, the Preliminary Map of Floodplain Development shows a fence within the Floodway, leaving it unclear where the fence is truly proposed to be. As a condition of approval, the applicant shall provide a revised site plan, showing the floodway and all existing and proposed fencing. As a general condition of approval, any fencing proposed in the floodway shall be constructed of barbless wire, or open pipe/rail fencing unless shown using FEMA-approved engineering/modeling standards, to cause no-rise in BFE in accordance with PLDC § 3.7.3(H)(17). It should also be noted, masonry walls are proposed to visually shield the trash/recycling facilities on site. These walls are within the SFHA (not floodway) and are allowed because there are adequate openings. **The standard is met with conditions.**

### Chapter 3.8 – Storm and Surface Water Management Standards

#### 3.8.1 – Purpose and Applicability

- B. *Applicability. No permit for construction of new development or tenant improvements that result in impervious cover greater than 500 square feet within the city and urban growth boundary shall be issued until effects on stormwater management are evaluated. The level of review varies according to the affected area:*

3. 5000+ square feet. A comprehensive stormwater study that conforms to the stormwater management manual shall be submitted for approval.
4. Areas smaller than 500 square feet may require review, and a greater level of review for properties between 500 and 4999 square feet may be necessary when the site is identified as having especially sensitive conditions, including but not limited to wetlands and steep slopes.

**FINDING:** (3) The proposed site design plan includes the development of more than 5,000 square feet of new impervious surface and the construction of a stormwater quality facility. As the Phase II Permit holder for the City of Phoenix, the stormwater management plan shall be reviewed and approved by Rogue Valley Sewer Services prior to construction or issuance of building permits. The applicant's Engineer has indicated that stormwater management is feasible but has not demonstrated that the development is in compliance with the city's current MS4 permit and the Rogue Valley Stormwater Quality Design Manual. As a condition of approval, prior to submittal for building permits, the applicant shall provide a copy of the stormwater management plan approved by Rogue Valley Sewer Services. (4) A greater level of review is required for this property because comment from Oregon Department of State Lands (DSL) indicates that a *wetland delineation report was approved by DSL under file # WD2022-0425. Five wetlands and two ditches were determined to be jurisdictional to the state Removal-Fill Law, and several of these features were impacted by fill in 2021.* DSL has requested that the applicant consult with the Aquatic Resource Coordinator for Jackson County to obtain DSL authorization for the project. The agency comments conclude by adding that federal permits may also be required. As a condition of approval, prior to grading/submittal for building permits, the applicant shall provide documentation showing DSL and USACE authorization -or- waiver for the proposed project and any related grading. **The standard is met with conditions.**

#### 3.8.4 – Surface Water Conveyance Standards

...E. *It shall be the responsibility of the owner that the new drainage system shall not negatively impact any natural water conditions. The owner is responsible for providing a drainage system for all surface water, springs, and groundwater on site and for water entering the property as well as management of springs and groundwater that surface during construction.*

**FINDING:** Oregon Department of Fish and Wildlife indicate that the subject property has several springs present. Directing spring water into stormwater facilities may negatively impact the natural water conditions for fish habitat by increasing the water temperature. As a condition of approval, prior to grading/submittal for building permits, the applicant shall provide revised civil plans showing spring waters draining cold and unchanged into Bear Creek and that none of the spring water will be captured or routed into the proposed stormwater detention facilities. **The standard is met with conditions.**

### Chapter 3.9 – Erosion Prevention and Sediment Control

#### 3.9.1 – Applicability and Purpose

- B. *Applicability. An erosion prevention and sediment control plan shall be required and approved by the city engineer under any of the following circumstances:*
2. *Prior to Site Design Review, in accordance with Chapter 4.2 – Development Review and Site Design Review.*
  3. *Prior to approval of any building or grading permit that results in: a. Disturbance of 500 square feet or more of land surface.*



*Nothing in this Section shall relieve any person from the obligation to comply with the regulations or permits of any federal, state, or local authority.*

**FINDING:** The proposed development includes the disturbance of more than 500 square feet of land surface and requires Site Design Review in accordance with Chapter 4.2. As the Phase II Permit holder for the City of Phoenix, processing of erosion control permits for properties over 7,000 square feet, but under 1 acre in size shall be administered and approved by Rogue Valley Sewer Services prior to onsite construction or the disturbance of any land surface. Approval of the required medium storm drain protection permit meets the standards of this section. As a condition of approval, prior to grading/issuance of building permits, the applicant shall provide a copy of the approved medium storm drain protection (erosion control) permit approved by Rogue Valley Sewer Services. **The standard is met with conditions.**

### **Chapter 3.12 – Outdoor Lighting**

#### *3.12.7 – Standards for residential lighting...*

**FINDING:** The applicant's narrative acknowledges that lighting must comply with the standards required in Chapter 3.12, but lighting details have not yet been provided. As a condition of approval, prior to submittal for building permits, the applicant shall provide a lighting plan, the plan will identify all outdoor lighting including required pathway lighting. Lighting specifications for outdoor lighting must be in accordance with PLDC § 3.12.7 and will be reviewed for compliance by Planning Staff. As a condition of approval, prior to issuance of certificate of occupancy, Outdoor Lighting shall be installed in accordance with the approved Lighting Plan. **The standard is met with conditions.**

## **CHAPTER 4 – APPLICATIONS AND REVIEW PROCEDURES**

### **Chapter 4.2 – Development Review and Site Design Review**

#### *4.2.6 – Site Design Approval Criteria*

*The Planning Director shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:*

A. *The application is complete, as determined in accordance with Chapter 4.1 – Types of Applications and Review Procedures and Chapter 4.2.5 – Site Design Review Application Submission Requirements, above.*

**FINDING:** The applicant's proposal was deemed complete on October 12, 2023. **The standard is met.**

B. *The application complies with the all of the applicable provisions of the underlying Land Use District (Chapter 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;*

**FINDING:** The applicant's proposal either meets, or can meet with conditions, the provisions of the underlying Land Use District (Chapter 2) if the requested variance to: the building orientation standard (PLDC § 2.2.2) parking location standard (PLDC § 2.2.7) building length standard (PLDC

§ 2.2.8 and 2.2.9) are approved. The requested variance to these standards is discussed in Chapter 5.2 findings herein below. **The standard is met subject to conditions -and- approval of Type-III Variance.**

- C. *The applicant shall be required to upgrade any existing development that does not comply with the applicable land-use district standards, in conformance with Chapter 5.3 – Non-Conforming Uses and Developments;*

**FINDING:** The applicant's proposal is located on vacant land with no existing structures or utilities that are considered non-conforming. **The standard is not applicable.**

- D. *The application complies with the Design Standards contained in Chapter 3. All of the following standards shall be met:*
- *Chapter 3.2 – Access and Circulation*
  - *Chapter 3.3 – Landscaping, Street Trees, Fences, and Walls*
  - *Chapter 3.4 – Vehicle and Bicycle Parking*
  - *Chapter 3.5 – Street and Public Facilities Standards*
  - *Chapter 3.6 – Signs*
  - *Chapter 3.7 – Environmental Constraints*
  - *Chapter 3.8 – Storm and Surface Water Management Standards*
  - *Chapter 3.9 – Erosion Prevention and Sediment Control*
  - *Chapter 3.10 – Other Design Standards*

**FINDING:** The applicant's proposal either meets, or can meet with conditions, the provisions of the Design Standards contained in Chapter 3. **The standard is met with conditions.**

- E. *Conditions required as part of a Land Division (Chapter 4.3 – Land Divisions and Lot Line Adjustments), Conditional Use Permit (Chapter 4.4 – Conditional Use Permits), Planned Unit Developments (Chapter 4.5 – Planned Unit Developments), or other approval shall be met.*

**FINDING:** This development application was submitted concurrently with a request for lot line adjustment. The requested lot line adjustment is discussed in section 4.3.12 findings herein below. **The standard is met with conditions.**

#### 4.2.7 – Bonding and Assurances

- C. *Completion of Landscape Installation. Landscaping and irrigation shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping and installation as determined by the Planning Director or a qualified landscape architect is filed with the City Recorder assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.*

**FINDING:** Although the application narrative and Landscape Plan shows plans for landscaping, a timeline has not been provided. As a condition of approval, prior to certificate of occupancy, landscaping and irrigation shall be installed, unless security equal to the cost of landscaping and installation is provided in accordance with PLDC § 4.2.7. **The standard is met with conditions.**

### Chapter 4.3 – Land Divisions and Lot Line Adjustments

#### 4.3.12 – Lot Line Adjustments

- C. *Approval Criteria. The Planning Director shall approve or deny a request for a lot line adjustment in writing based on findings that all of the following criteria are satisfied:*
1. *No additional parcel or lot is created by the lot line adjustment; however, the number of lots or parcels may be reduced.*
  2. *Lot standards. All lots and parcels comply with the applicable lot standards of the land use district (Chapter 2) including lot area and dimensions.*
  3. *Access. All lots and parcels comply with the standards or requirements of Chapter 3.2 – Access and Circulation.*
  4. *Setbacks. The resulting lots, parcels, tracts, and building locations comply with the standards of the land use district (Chapter 2).*

**FINDING:** (1) According to the applicant's narrative, the subject property originated as two larger parent parcels, they were brought to their current configuration through the approval of the Bear Creek Townhome condominiums by Phoenix City Council, recorded as Survey # 7605 on 1/25/1979. As shown on the Preliminary Property Line Adjustment Map, the applicant proposes to reconfigure the parcels such that Parcel 1 encompasses all of the north apartment building, and Parcel 2 encompasses all of the south apartment building. No change in the number of parcels is proposed. (2 & 4) These standards can be met subject to the approval of the variance to building and site orientation standards (PLDC § 2.2.7) due to proposed front yards in excess of 20ft. Accordingly, that section is discussed in Chapter 5.2 findings herein below (3) The access standards of PLDC Chapter 3.2 are met, or can be met with conditions of approval. **The standards are met subject to approval of Type-III Variance.**

- D. *Recording Lot Line Adjustments*
1. *Recording. The applicant shall record the lot line adjustment survey map with Jackson County within 60 days of signature, and submit a copy of the recorded survey map to the City, to be filed with the approved application.*
  2. *Time limit. The applicant shall submit the copy of the recorded lot line adjustment survey map to the City within 15 days of recording and prior to the issuance of any building permits on the re-configured lots.*

**FINDING:** Because the current property lines interfere with the location/placement of the north structure, the Lot Line Adjustment must be recorded prior to development. As a condition of approval, prior to issuance of building permits, the applicant shall record the Lot Line Adjustment Survey Map with Jackson County and submit a copy of the recorded survey map to the City. **The standard is met with conditions.**

## **CHAPTER 5 – EXCEPTIONS TO CODE STANDARDS**

### **Chapter 5.2 – Variances**

#### **5.2.1 – Purpose**

- A. *Purpose. The Planning Director, through an administrative review or the Planning Commission with a Public Hearing may grant a variance from strict compliance with standards contained in this Code in cases where documented evidence proves that it is impossible or impractical to comply with the standard for one or more of the reasons set forth in the following Subsections.*



- B. *Applicability. The facts and conclusions relied upon to grant a variance from a particular standard shall clearly be set forth in the FINAL ORDER of the Administrative Review or the review by the Planning Commission.*
1. *The variance standards are intended to apply to individual platted and recorded lots only, and in the case of signs, the applicant may be the business agent with a written letter of consent from the property owner.*
  2. *An applicant who proposes to vary a specification standard for lots yet to be created through a subdivision process may only utilize the Type II or Type III variance procedure.*
  3. *A variance shall not be approved which would vary the permitted uses of a land use district (Chapter 2).*
  4. *Exceptional or extraordinary conditions applying to the subject property which do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control make strict compliance impossible or impractical; or,*
  5. *A Variance from the design standard for reasons set forth, will result in equal or greater compatibility with the architectural and/or site planning style and features that exist in adjacent and nearby buildings; or the proposed design is a functional requirement of the proposed use.*

**FINDING:** (1) The application proposes to vary five standards to an individual development project on an individual tract of land. These specific standards are addressed in separate findings herein below. (2) The application does not propose to vary specification standards for lots yet to be created. (3) The application does not propose to vary the permitted uses of the R-3 district. (4) The applicant's narrative cites the presence of exceptional/extraordinary conditions applying to the subject property that make strict compliance with select standards of the PLDC impractical/impossible. These conditions include: the irregular shape of the site (long/linear), the presence of the FEMA floodplain and Bear Creek on the east, the lack of street frontage, the topography, and unique characteristics of the zoning patterns of the surrounding area. (5) The agent's finding indicates *"the variance from the design standards will result in compatibility with multi-family architecture. The proposed design standard variance allows for a structure that will be more functional. The variance allows for a multi-family structure to be similar in scale and mass as the predominate zoning of adjacent properties which is commercial with only a minor exception in the total allowed building length. The proposed wall length is less than a three percent increase in the standard. The variance to the location of the parking in the "front" yard area and between the building and the street is unavoidable. The lot dimensions, location without street frontage and accessed via only a shared access easement prevent orientation to a public street."* Staff generally agrees with the applicant's finding. **The criteria are met with conditions.**

#### 5.2.2 – Type II Variances

- A. *Type II variances. Due to their discretionary nature, the following types of variances shall be reviewed using a Type II administrative procedure, in accordance with Chapter 4.1.4 – Type II Procedure (Administrative):*
3. *Variance to Chapter 3.2 – Access and Circulation. Where vehicular access and circulation cannot be reasonably designed to conform to Code standards within a particular parcel, shared access with an adjoining property shall be considered. If shared access in conjunction with another parcel is not feasible, the Planning Director may grant a variance to the access requirements after finding the following:...*

**FINDING:** The applicant narrative indicates a variance is being requested to the pedestrian pathway connection standards found in PLDC § 3.2.3 utilizing the variance criterion cited above. Staff finds that this criterion applies only to vehicle access and circulation. However, staff finds it feasible for the applicant to facilitate safe and convenient pathway connections subject to conditions of approval contained in separate findings herein below. **The criterion is not applicable.**

### 5.2.3 – Type III Variance

A. *Purpose. The purpose of this Section is to provide standards for variances that exceed the Types II variance review procedure.*

B. *Approvals Process and Criteria*

1. *Type III variances shall be processed using a Planning Commission review procedure, as governed by Chapter 4.1.5 – Type III Procedure (Quasi-Judicial), using the approval criteria in subsection 2, below. In addition to the application requirements contained in Chapter 4.1.5, the applicant shall provide a written narrative or letter describing the proposed variance, from which standards the variance is requested, why it is required, alternatives considered, and findings showing compliance with the criteria in subsection 2.*

**FINDING:** (A) The applicant has requested a variance to five standards, all of which exceed the parameters for which a Type-II variance process might offer relief. (B)(1) The applicant has provided a written narrative covering the relevant information. The applicant is requesting a variance from the following standards:

- PLDC § 2.2.7(C)(1, 3 & 4): Building setbacks, building and site orientation, parking location
- PLDC § 2.2.8 and 2.2.9: Building mass/length
- PLDC § 3.2.3(A): pedestrian pathway connections

**The criteria are met.**

2. *The Planning Commission shall approve, approve with conditions, or deny an application for a variance based on finding that all of the following criteria are satisfied:*
  - a. *The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;*

**FINDING:** Staff finds the requested variance to the below standards will not be materially detrimental to the purposes of the code or other city policies and are addressed in greater detail in separate findings herein below.

- PLDC § 2.2.7(C)(1, 3 & 4): Building setbacks, building and site orientation, parking location
- PLDC § 2.2.8 and 2.2.9: Building mass/length

Regarding § 3.2.3(A) on pedestrian pathway connections:

As shown on the Proposed Site Plan (9/14/23 revision), pathway connections between buildings and the parking lot are included, but a variance to the off-site pathway connection standards of (1, 2 and 5) are proposed and no off-site pathway connections are shown on the site plan.

Staff finds the requested variance to the above standard will be materially detrimental to the purposes of the code and policies within the Phoenix Comprehensive Plan (Transportation Element) that consistently call for interconnectivity of multi-modal transportation networks. Chapter 3.2.3 makes it clear that developments must provide continuous pathways to connect to future phases

of development (such as the commercial lots to the west, and residential lots to the north), and adjacent trails, public parks and open space areas whenever possible (Bear Creek Greenway). The code further states that pathways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets.

On 11/21/23, staff conducted a site visit. Aside from the sidewalk along South Pacific Highway and Bear Creek Greenway, pathways are non-existent in this general area. Additionally, the block length is massive, far larger than the 600' threshold for midblock pathways required by § 3.2.3(A)(5).

Pedestrian access can be greatly improved in the area through the creation of a six (6) foot wide pathway that connects to existing pedestrian and bicycle facilities along South Pacific Highway. As a condition of approval, prior to submittal for building permits, the applicant shall provide a revised site plan that shows a six (6) foot wide pathway that directly connects the subject property with South Pacific Highway.

Furthermore, the applicant narrative requests variance to the standard requiring connection to Bear Creek Greenway. As it *"would require approval of the Oregon Department of Transportation (ODOT), and access is not guaranteed and a separate application to that agency will be necessary."* Staff finds the provisions of § 3.2.3(A)(1) require connections to adjacent trails and open space areas "whenever possible." And that the applicant making a good faith effort to make connection to the Bear Creek Greenway could easily satisfy the intent of this provision. Therefore, as a condition of approval, prior to submittal for building permits, the applicant shall provide a revised site plan showing: an area reserved for future pathway connection to the Bear Creek Greenway. As a condition of approval, prior to issuance of certificate of occupancy, the Bear Creek Greenway trail connection shall be improved to the standards of § 3.2.3(B) -or- documentation shall be provided from the authoritative agency indicating that a request for connection to Bear Creek Greenway has been denied.

As a result of these findings and conclusions, staff recommends that four of the five variance requests be approved; the variance request to pedestrian access [PLDC § 3.2.3(A)] cannot be approved as proposed. **The criterion is met with conditions.**



Site Visit 11/21/23 from the north, looking south.



- b. *A hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);*

**FINDING:** Regarding PLDC § 2.2.7(C)(1, 3 & 4) on building and site orientation, the applicant narrative indicates the following hardships/circumstances exist:

- *the property does not have public street frontage which typically defines resulting setbacks, orientation and access location*
- *the property is below the grade of the street...*
- *physical constraints of the floodplain, floodway and Bear Creek Greenway along one side of the property, a steep slope on the opposite side of the property*
- *access from an easement on one side of the property*
- *and a very narrow dimension on the opposite side of the property.*

Subsection 3 calls for properties to have buildings front the nearest street, in this case that street would be South Pacific Highway. As proposed, re-orienting the apartment buildings to front Bear Creek helps to resolve the topographical (hillslope) and lot size/shape hardships to development based on this criterion.

Subsection 1 addresses setbacks and 4 regulates parking lot location. The R-3 zone calls for front setbacks ranging from 10-20 feet, as proposed, the re-oriented front setback would exceed 30 feet for both buildings. However, this configuration allows the applicant to make practical use of the space most vulnerable to flood for landscaping, parking and waste storage. Siting the building footprints near the west property line allows the applicant to mitigate unnecessary flood risk by maximizing spatial separation from Bear Creek, while maintaining dwelling densities at levels commensurate with the R-3 zone at 21 units-per-acre. Furthermore, staff finds the intention/purpose behind that front yard setback distance standard can be met by having the parking lot (being an extension of the driveway/street) located in 'front' of the apartment buildings.

Regarding PLDC § 2.2.8 and 2.2.9 on Building mass/length, the applicant narrative indicates the following hardships/circumstances exist:

- *The properties between the subject property and the public street are zoned for commercial development with large scale building potential.*
- *The property is in the Floodplain*
- *the area of physical development area is limited by the long, linear shape of the property.*

The architectural standard of § 2.2.8(C)(1) requires a maximum building length of 80 feet but the multi-family housing standard of § 2.2.9(E)(1) requires a maximum building length of 150 feet. Where there are conflicts like this in our code, PLDC § 1.4.1(B) indicates that the most restrictive requirements apply. Therefore, the maximum building length should be 80 feet. However, according to the applicant's narrative, the proposed north building would measure 154'4" and the proposed south building would measure 102'6".

Staff agrees with the agent's findings. The parcel is long/linear and further constrained between the creek floodplain and hillslope. Upon conducting a site visit, it appears the building forms will be largely hidden from view from the right-of-way, both by future commercial development, and by the substantial hillslope along the west property line. Furthermore, the purposeful design of building forms that parallel the creek should help reduce blocking of flood waters.

Regarding § 3.2.3(A) on pedestrian pathway connections.

The applicant narrative indicates the following hardships/circumstances exist:

- *inadequate physical space*
- *portion of the easement is for parking for the property at 600 N Main (north side of shared easement)*
- *the multi-family development to the north was not required to install a sidewalk during the rebuild*
- *the access has a grade change*

Staff cannot find the above requested variance is caused by things over which the applicant has no control. The existing access easements measure 30' in width, and per § 3.2.2(J)(3) the minimum driveway size is 24', leaving 6' remaining; pathways only need to be developed to 6' in width. The agent contends that space has been reserved on the drive aisle for parking, however, a review of the easement document (OR 95-15350) indicates that so long as alternative parking is provided elsewhere (such as the parking lot proposed by the applicant), the area is available for use.

The multi-family development to the north (Bear Creek Townhome Condominiums) is not new development, but rather, it was redeveloped shortly after the 2020 Alameda Drive Fire utilizing pre-existing non-conforming provisions within PLDC § 5.3.3(B). Those standards cannot be applied to new development as is this case with this application.

The applicant has not provided documentation demonstrating that the access cannot meet the pathway design requirements of § 3.2.3(B).

On 11/21/23, staff conducted a site visit. Aside from the sidewalk along South Pacific Highway and Bear Creek Greenway, pathways are non-existent in this general area. And the block length is massive, far larger than the 600' threshold for midblock pathways re-quired by § 3.2.3(A)(5).

Pedestrian access can be greatly improved in the area through the creation of a six (6) foot wide pathway that connects to existing pedestrian and bicycle facilities along South Pacific Highway. As a condition of approval, prior to submittal for building permits, the applicant shall provide a revised site plan that shows a six (6) foot wide pathway that directly connects the subject property with South Pacific Highway.

Furthermore, the applicant narrative requests variance to the standard requiring connection to Bear Creek Greenway. As it would "require approval of the Oregon Department of Transportation (ODOT), and access is not guaranteed and a separate application to that agency will be necessary." Staff finds the provisions of § 3.2.3(A)(1) require connections to adjacent trails and open space areas "whenever possible." And that the applicant making a good faith effort to make connection to the Bear Creek Greenway could easily satisfy the intent of this provision. Therefore, as a condition of approval, prior to submittal for building permits, the applicant shall provide a revised site plan showing: an area reserved for future pathway connection to the Bear Creek Greenway. As a condition of approval, prior to issuance of certificate of occupancy, the Bear Creek Greenway trail connection shall be improved to the standards of § 3.2.3(B) -or- documentation shall be provided from the authoritative agency indicating that a request for connection to Bear Creek Greenway has been denied.

As a result of these findings and conclusions, staff recommends that four of the five variance requests be approved; the variance request to pedestrian access [PLDC § 3.2.3(A)] cannot be approved as proposed. **The criterion is met with conditions.**

- c. *The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;*

**FINDING:** The subject property is zoned R-3. The proposed use is multi-family which is permitted in the R-3 zone. The proposed Site Plan layout allows the applicant to mitigate unnecessary flood risk by maximizing spatial separation from Bear Creek, while maintaining dwelling densities at levels commensurate with the R-3 zone at 21 units-per-acre. Staff finds that with conditions as outlined herein, City standards will be maintained to the greatest extent that is possible while permitting reasonable economic use of the land. **This criterion is met with conditions.**

- d. *Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;*

**FINDING:** The proposed variance relates to standards that address architectural details, the general site layout and pedestrian access. Standards in place to protect existing physical and natural systems are not proposed to be changed by the requested variance and have been fully addressed in the Chapter 3 findings herein above. **This criterion is met.**

- e. *The hardship is not self-imposed;*

**FINDING:** Staff finds the requested variance to the below standards are from hardship that is not self-imposed:

- PLDC § 2.2.7(C)(1, 3 & 4): Building setbacks, building and site orientation, parking location
- PLDC § 2.2.8 and 2.2.9: Building mass/length

The hardship is in the form of floodplains, topography, no direct frontage, and lot shape.

Regarding § 3.2.3(A) on pedestrian pathway connections, the applicant narrative indicates the following hardships exist:

- *inadequate physical space*
- *portion of the easement is for parking for the property at 600 N Main (north side of shared easement)*

Staff cannot find the above requested variance is from a hardship that is not self-imposed. There are no provisions in subsection 1 and 2 that provide relief to pedestrian access connections if existing access conditions are insufficient. To the contrary, PLDC § 3.2.2(l)(3) even allows the City to require easements or dedicated right-of-way to accommodate pedestrian/bicycle connections. Furthermore, alternatives have not been addressed in the applicant's narrative. All properties to the west of the subject property are largely vacant, and the applicant has not demonstrated that alternative pathway access through one of these properties is infeasible.

On 11/21/23, staff conducted a site visit. Aside from the sidewalk along South Pacific Highway and Bear Creek Greenway, pathways are non-existent in this general area. And the block length is massive, far larger than the 600' threshold for midblock pathways re-required by § 3.2.3(A)(5).



Pedestrian access can be greatly improved in the area through the creation of a six (6) foot wide pathway that connects to existing pedestrian and bicycle facilities along South Pacific Highway. As a condition of approval, prior to submittal for building permits, the applicant shall provide a revised site plan that shows a six (6) foot wide pathway that directly connects the subject property with South Pacific Highway.

Furthermore, the applicant narrative requests variance to the standard requiring connection to Bear Creek Greenway. As it “would require approval of the Oregon Department of Transportation (ODOT), and access is not guaranteed and a separate application to that agency will be necessary.” Staff finds the provisions of § 3.2.3(A)(1) require connections to adjacent trails and open space areas “whenever possible.” And that the applicant making a good faith effort to make connection to the Bear Creek Greenway could easily satisfy the intent of this provision. Therefore, as a condition of approval, prior to submittal for building permits, the applicant shall provide a revised site plan showing: an area reserved for future pathway connection to the Bear Creek Greenway. As a condition of approval, prior to issuance of certificate of occupancy, the Bear Creek Greenway trail connection shall be improved to the standards of § 3.2.3(B) -or- documentation shall be provided from the authoritative agency indicating that a request for connection to Bear Creek Greenway has been denied.

As a result of these findings and conclusions, staff recommends that four of the five variance requests be approved; the variance request to pedestrian access [PLDC § 3.2.3(A)] cannot be approved as proposed. **The criterion is met with conditions.**

*f. The variance requested is the minimum variance that would alleviate the hardship.*

**FINDING:** In summary, the applicant has requested variance to five standards. They are as follows:

- PLDC § 2.2.7(C)(1, 3 & 4): Building setbacks, building and site orientation, parking location
- PLDC § 2.2.8 and 2.2.9: Building mass/length
- PLDC § 3.2.3(A): pedestrian pathway connections

Regarding § 2.2.7(C)(1, 3 & 4) on building setbacks, orientation, and parking location.

The proposed Site Plan layout allows the applicant to mitigate unnecessary flood risk by maximizing spatial separation from Bear Creek, while maintaining dwelling densities at levels commensurate with the R-3 zone at 21 units-per-acre. Lesser variance to the standards may result in reductions in dwelling density below that required by the R-3 zone and may impact the economic viability of the project and the land.

Regarding § 2.2.8 and 2.2.9: Building mass/length:

According to the applicant’s narrative, the proposed north building would measure 154’4” and the proposed south building would measure 102’6”. Staff has performed a brief review of large apartment buildings in the City using GIS, and found eight, with sizes ranging from 90’ to 145’ and an average of 120’ – this means that the building lengths proposed here would not be entirely out of character with what exists elsewhere throughout town.

Regarding § 3.2.3(A) on pedestrian pathway connections:

Staff cannot find that the variance request to include no off-site pathway connections is the minimum required to alleviate the hardship. The applicant has not provided evidence demonstrating pursuit of alternative pathway connections. Nor has evidence been provided which demonstrates that existing pathways in the general area are sufficient to compensate for connections lacking in the proposed Site Plan.

On 11/21/23, staff conducted a site visit. Aside from the sidewalk along South Pacific Highway and Bear Creek Greenway, pathways are non-existent in this general area. And the block length is massive, far larger than the 600' threshold for midblock pathways re-quired by § 3.2.3(A)(5).

Pedestrian access can be greatly improved in the area through the creation of a six (6) foot wide pathway that connects to existing pedestrian and bicycle facilities along South Pacific Highway. As a condition of approval, prior to submittal for building permits, the applicant shall provide a revised site plan that shows a six (6) foot wide pathway that directly connects the subject property with South Pacific Highway.

Furthermore, the applicant narrative requests variance to the standard requiring connection to Bear Creek Greenway. As it *"would require approval of the Oregon Department of Transportation (ODOT), and access is not guaranteed and a separate application to that agency will be necessary."* Staff finds the provisions of § 3.2.3(A)(1) require connections to adjacent trails and open space areas "whenever possible." And that the applicant making a good faith effort to make connection to the Bear Creek Greenway could easily satisfy the intent of this provision. Therefore, as a condition of approval, prior to submittal for building permits, the applicant shall provide a revised site plan showing: an area reserved for future pathway connection to the Bear Creek Greenway. As a condition of approval, prior to issuance of certificate of occupancy, the Bear Creek Greenway trail connection shall be improved to the standards of § 3.2.3(B) -or- documentation shall be provided from the authoritative agency indicating that a request for connection to Bear Creek Greenway has been denied.

As a result of these findings and conclusions, staff recommends that four of the five variance requests be approved; the variance request to pedestrian access [PLDC § 3.2.3(A)] cannot be approved as proposed. **The criterion is met with conditions.**

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**This approval shall become final 14 days from the date this decision and supporting findings of fact are signed by the Chair of the Phoenix Planning Commission, below. A Planning Commission decision may be appealed to the City Council within 14 days after the final order has been signed and mailed. An appeal of the City Council's decision must be submitted to the Land Use Board of Appeals within 21 days of the Hearing Officer's decision becoming final.**

**Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.**

\_\_\_\_\_  
Planning Commission Chair

\_\_\_\_\_  
Date

ATTEST

\_\_\_\_\_  
Jeff Wilcox  
Associate Planner

\_\_\_\_\_  
Date

DRAFT