



File: MP24-01 and SP24-01, Type II Partition and Site Design Review

Land Use District: Commercial Highway (C-H)

Date of Decision: March 13, 2025

Stewardship Development
1247 Villard St
Eugene, OR 97403

Knollcrest, LLC
4100 Payne Rd
Medford, OR 97504

The proposal is for a two (2) lot partition with a new east-west running road bisecting the parent parcel. The street has been identified as Street A in the applicant narrative; Parcel 2 is to be ~14.86 acres in size and is north of the street, Parcel 1 is to be ~4.77 acres and is south of the street. An apartment complex is also concurrently proposed on Parcel 1, with 88 dwelling units. The tract is currently undeveloped, but has historically been used for agricultural production.



North: Holding Zone (H-Z)- Agriculture

South: Low Density Residential (R-1) – Phoenix Hills Subdivision

East: Exclusive Farm Use (EFU, County) – Agriculture and Single-family Dwelling

West: Commercial Highway (C-H) – Truck sales, DSU Peterbilt

B. Comprehensive Plan Land Use Designation: Commercial

C. Property Zoning: Commercial Highway District (C-H)

Overall, the application on review met applicable submittal criteria, ORS 197.308 and Phoenix Land Development Code (PLDC) development standards.

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 2.4, 3.1-3.9, 3.12, 4.2 and 4.3, ORS 197.308, along with a preliminary site plan and tentative plat and other preliminary documents for City consideration. PLDC approval criteria for Minor Partition and Site Design Review in relation to the Applicant's submittal are summarized in the staff report and addressed in detail in the findings that follow.

CHAPTER 2 – LAND USE DISTRICTS

Chapter 2.4.5 – Special Standards for Certain Uses...

...L. *Residential Development (either stand-alone or mixed-use).*

1. *Residential development may be permitted on C-H zoned properties located west of I-5.*

ORS 197.308

- (1) *As used in this section, “affordable housing” means residential property:*
 - (a) *In which:*
 - (A) *Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development; or*
 - (B) *The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; and*
 - (b) *Whose affordability is enforceable, including as described in ORS 456.270 (Definitions for ORS 456.270 to 456.295) to 456.295 (Action affecting covenant), for a duration of no less than 30 years.*
- (2) *A local government shall allow affordable housing, and may not require a zone change or conditional use permit for affordable housing on property if:*
 - (a) *The housing is owned by:*
 - (A) *A public body, as defined in ORS 174.109 (“Public body” defined); or*
 - (B) *A nonprofit corporation that is organized as a religious corporation; or*
 - (b) *The property is zoned:*
 - (A) *For commercial uses;*
 - (B) *To allow religious assembly; or*
 - (C) *As public lands.*

FINDING: The subject property is zoned Commercial Highway (C-H), which does not permit stand-alone residential development east of the Interstate. However, Oregon Revised Statute (ORS) 197.308 first defines *affordable housing*, and second supersedes local government zoning code, providing a pathway for affordable housing in non-residentially zoned lands, so long as the applicable parameters of subsection 1, 2, 3, 4 and 5 are met:

Regarding subsection 1, as proposed in the application narrative, the applicant proposes to provide low-income housing that meets the state’s definition for a term of at least 30 years. As a condition of approval, prior to issuance of building permits, the applicant shall provide a deed restriction or other suitable instrument stipulating that the property will remain as affordable housing as defined in ORS 197.308(1) for a term of at least 30 years.

Regarding subsection 2, the City has determined the appropriate pathway for this affordable housing proposal in the Commercial Highway zone to be via a Type 2 Site Plan Review, consistent with other Multi-family projects west of the Interstate. **The standards are met with conditions.**

- (3) *Subsection (2) of this section:*
 - (a) *Does not apply to the development of housing not within an urban growth boundary.*
 - (b) *Does not trigger any requirement that a local government consider or update an analysis as required by a statewide planning goal relating to economic development.*
 - (c) *Applies on property zoned to allow for industrial uses only if the property is:*
 - (A) *Publicly owned;*

- (B) *Adjacent to lands zoned for residential uses or schools; and*
- (C) *Not specifically designated for heavy industrial uses.*
- (d) *Does not apply on lands where the local government determines that:*
 - (A) *The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;*
 - (B) *The property contains a slope of 25 percent or greater;*
 - (C) *The property is within a 100-year floodplain; or*
 - (D) *The development of the property is constrained by land use regulations based on statewide land use planning goals relating to:*
 - (i) *Natural disasters and hazards; or*
 - (ii) *Natural resources, including air, water, land or natural areas, but not including open spaces or historic resources.*

FINDING: (a) The subject property is within the City Urban Growth Boundary. (b) This subsection regarding analysis of economic development appears to be purely informational. (c) The subject property is not zoned for industrial use. (d) The subject property has the capacity to be developed with sufficient level of public services subject to conditions of approval as detailed in Chapter 3 findings contained herein below. It is relatively flat; well under 25% slopes according to State GIS data. It is not within regulatory floodplain according to the National Flood Hazard Layer. Although a portion of Payne Creek runs through a small section of the subject property, the location of the proposed development is not within a City-identified natural disaster/hazard area, nor has it been identified as a natural resource area, reserved for open space or set aside for historic significance.

The standards are met with conditions.

- (4) *A local government shall approve an application at an authorized density level and authorized height level, as defined in ORS 227.175 (Application for permit or zone change) (4), for the development of affordable housing, at the greater of:*
 - (a) *Any local density bonus for affordable housing; or*
 - (b) *Without consideration of any local density bonus for affordable housing:*
 - (A) *For property with existing maximum density of 16 or fewer units per acre, 200 percent of the existing density and 12 additional feet;*
 - (B) *For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, 150 percent of the existing density and 24 additional feet; or*
 - (C) *For property with existing maximum density of 46 or more units per acre, 125 percent of the existing density and 36 additional feet.*
- (5) *Intentionally left blank —Ed.*
 - (a) *Subsection (4) of this section does not apply to housing allowed under subsection (2) of this section in areas that are not zoned for residential uses.*
 - (b) *A local government may reduce the density or height of the density bonus allowed under subsection (4) of this section as necessary to address a health, safety or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal. Notwithstanding ORS 197.350 (Burden of persuasion or proof in appeal to board or commission), the local government must adopt findings supported by substantial evidence demonstrating the necessity of this reduction. [2021 c.385 §1]*

FINDING: In accordance with subsection (5)(a), this application for development, being located on commercially zoned (C-H) land, is not subject to the density and height provisions of subsection (4). **The standards are not applicable.**

Chapter 2.2 – Residential Districts (R-1, R-2, R-3, HO)

2.2.1 – Purpose

A. Intent:

3. *The R-2 Medium Density Residential zone has historically been characterized by duplex and triplex development. However, a variety of other housing options may be contemplated at a range of 8-30 units per acre. At the lower end of the range, single family detached structures can easily be built while still providing useable yards. As density increases, common wall (townhouse/rowhouse) and multifamily projects will be more likely.*
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.*

Table 2.2.2. Development Standards in Residential Zones				
Residential Density	R-1	R-2	R-3	Notes
Minimum units per acre	5.5	8	12	Density is calculated on a project scale and is "net" (calculated after ROW dedication)
Maximum units per acre	8	30	None	Density calculations may be rounded on sites larger than one acre
Minimum area per unit	1000	750	500	Primary dwelling unit, measured in conditioned square feet.
Setbacks				
Primary Structure	R-1	R-2	R-3	
Front Minimum	15	10	10	See 2.2.4 for additional setback details
Front Maximum	30	20	20	
Front-Side	10	10	10	
Side	5	4	4	
Rear	10	5	5	Street-facing side yard on corner lots May be combined for zero-lot-line SF-D in all zones May be reduced to 5' for alley garage in R-1
Accessory Structures	R-1	R-2	R-3	
Front	20	20	20	See 2.2.9.H. No accessory structures permitted in front (incl. front-side) of primary structure constructed after adoption of this Code. Accessory structures may be permitted on lots where a pre-existing primary structure has a setback of more than twice the minimum. Note - Structural/Fire Codes may require increased setbacks depending on construction type.
Front-Side	10	10	10	
Side	3	3	3	
Rear	3	3	3	
Garage/Carport Face facing public ROW	20	20	20	Attached or Detached, all zones. Measure from garage door or equivalent for carports. Garage or carport is required for all new SF-D, all zones.
Alley Garage/Carport	5	5	5	
Maximum Lot Coverage, all structures	50%	60%	75%	See 2.2.5. See definition and graphic.
Maximum Height	35	45	None	See 2.2.6. See definition and graphic.

FINDING: The applicant proposes 88 dwelling units on a 4.77 acre portion of land that will be following the approved partition. This results in a density of 18.44 dwelling units per acre and falls within the density range of the R-2 and R-3 zone. The applicant's Site Plan (Sheet LU-A0.01, dated 9/20/2024) shows building setbacks within the parameters consistent with those prescribed for R-2/R-3 in Table 2.2.2. The applicant's narrative indicates lot coverage is approximately 24%. And as shown on the building elevations, Sheets A3.01-A3.04, the maximum proposed building height will be 36 feet measured from grade to the midway point between the ridge and the eaves of the pitched roof. **The standards are met.**

2.2.7 – Building and Site Orientation

- 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: (B) Because this is an application for multi-family development, the building and site orientation standards are applicable. (C) (1) Table 2.2.2 standards have been addressed in separate findings herein above and are met. (2) According to the Site Plan, the primary façade of Building A, B and C are parallel to the primary frontage line (Grove Rd), and Building D is oriented to Street A. Building E is an interior apartment building, but is also oriented to face Grove Rd. (3) The building elevations (Sheets A3.01-A3.03) show breezeways that allow for easy access from the front and rear building elevations. (4) Parking has been centrally located; it is to be behind the main buildings and appears to be further screened from the right of way by landscape trees. **The standards are met.**

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.*

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 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.*
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.”*

FINDING: (B) Because this is an application for multi-family development, the architectural standards are applicable. (C)(1) Sheets A3.01-3 indicate the buildings features breezeways that break up the Building Form at intervals of less than 80ft. These elevations also show offsets, balconies and projections that when combined meet the minimum prescribed interval of 40ft. Each level provides recesses (breezeway entrances) and extensions (patios) that meet the minimum dimensions specified above. (2) Sheets A3.01-3 indicates that over 60% of front elevations and 30% of side elevations feature doors, porches, balconies, terraces, and/or windows providing Eyes on the Street. (3) Consistency in architectural style is achieved through the following shared architectural features: recessed entries, fiber cement siding and standing seam metal roofing. **The standards are met.**

2.2.9 – Special Standards for Certain Uses

- 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: (1) Breezeways within the large buildings preclude Building Mass from exceeding 150 ft end wall to end wall. (2) Common Open Space is provided through a 2637 ft² clubhouse and a 3,679 ft² adjacent playground. In addition to this, there is also 86,837 ft² of landscaping and 31,655 ft² of combined recreational areas for a total of 38.9% common space. (3) Private Open Space is provided on all floors, and the applicant's narrative indicates each unit will have 53 ft² of patio/balcony space. The Private Open Space is predominantly oriented towards common open space areas (such as landscaped areas). (4) Exemptions are neither proposed nor required. (5) Trash receptacles are shown on Sheet LU – A0.01 and are oriented away from adjacent residences, the applicant's narrative indicates these will be screened with solid masonry wall not less than 6 ft in height. **The standards are met.**

Chapter 2.9 – Trip Budget Overlay Zone

2.9.1 – Purpose

The Purpose of the Trip Budget Overlay Zone is to foster development in the vicinity of the Fern Valley Interchange in a way that maintains uncongested traffic conditions that meet State of Oregon mobility performance standards applicable to the interchange, North Phoenix Road, Fern Valley Road, and OR99. This Chapter implements the Fern Valley Interchange Area Management Plan trip budget measures which apply to the Trip Budget Overlay Zone of the Land Use District map.

2.9.2 – Definitions

A. *The following definitions apply to this section:*

1. *Net Developable Area. The total land area of a parcel minus the area of: existing development; area needed for the Fern Valley Interchange Project rights-of-way; irrigation canals and a 10-foot wide buffer from the top of the bank; land with slopes of 35 percent or greater; and land for streets and roads as approved pursuant to this Code.*
2. *PM peak-hour trips. Motor Vehicle trips to or from a parcel between 4 PM and 5 PM on weekdays exclusive of pass-by and diverted link trips.*
3. *Parcel Budget. The number of PM peak-hour trips listed for a parcel in the parcel budget column of Table 2.9 of this Chapter.*

2.9.3 – Limitation on Motor Vehicle Trip Generation

- A. *Development constructed in the Trip Budget Overlay Zone of the Land Use District Map must comply with the requirements of this Chapter, as well as requirements of other chapters of this Land Development Code except subsection 2.4.3.E, Traffic, of Chapter 2.4, Commercial Highway.*
- B. *All development on each parcel in the Trip Budget Overlay Zone, regardless of when constructed, may generate no more PM peak-hour trips than are in its Table 2.9 Parcel Budget, except as provided in section 2.9.7, Approval of Trip Generation Above Parcel Budget Numbers.*

2.9.4 – Traffic Impact Study

All new development and applications for land use approvals within the Trip Budget Overlay Zone must include a traffic impact study analysis that Oregon Department of Transportation has reviewed and approved.

2.9.8 – Recordkeeping, Monitoring, and Evaluation

The City of Phoenix Planning Director will maintain a Trip Budget Ledger in which following records are maintained:

- A. *The number of new PM peak-hour motor vehicle trips in the Trip Budget Overlay Zone at the time of ordinance adoption, i.e. 2,219 trips.*
- B. *The total number of PM peak-hour motor vehicle trips in the overlay at the time of ordinance adoption, i.e. 2,959 trips.*
- C. *For each tax lot in the Trip Budget Overlay at the time of ordinance adoption, or added to the Trip Budget Overlay Zone by partition, subdivision, or expansion:*
 1. *The map and tax lot number from the records of the Jackson County Department of Assessment and Taxation;*
 2. *The number of trips in the tax lot's parcel budget shown in Table 2.9 – Parcel Budget;*
 3. *The number of trips transferred to or from another tax lot pursuant to section 2.9.5, the tax lot to or from which the trips were transferred, and the Jackson County document number of the covenant referred to in 2.9.5.D;*
 4. *The number of PM peak-hour trips authorized to be generated by the City of Phoenix development approval;*
 5. *The balance of unused PM peak-hour trips within the tax lot's parcel budget.*

Table 2.9 – Parcel Budget

Trip Generation (PM Peak-Hour Trips)					
Parcel No.	Estimated Net Developable Acres	From Existing Development	From Future Development	Parcel Budget	Notes
381W10501	19.9		713	713	Knollcrest Orchard. Area of vacated N. Phoenix Road added.

FINDING: The subject property is within the Trip Budget Overlay and ODOT has reviewed and approved the applicant's Traffic Impact Study. According to the Traffic Impact Study, the Transportation Engineer provides the following calculus for determining trip budget:

This area was once part of 38-1W-10 tax lot 501. In looking at current assessor maps, it appears that tax lots 501 and 507 together make up the original tax lot 501, which was allocated 713 p.m. trips. Tax lot 507 represents approximately 62.4% of the 31.48 acres (19.63+11.85=31.48 acres), which give it 445 of the 713 p.m. trips. The proposed 88-unit affordable housing apartment complex occupies 4.77 acres of the 19.63 acres or 24%. Twenty four percent of the 445 allocated trips on tax lot 507 give 108 p.m. trips to the proposed development.

The Engineer used the Institute of Transportation Engineers Trip Generation Manual 11th edition Multi-family (Land Use Code 220) and concludes that the 4.77 acre development site has a trip budget allocation of 108 p.m. trips. Proposed development is estimated to generate 50 p.m. peak hour trips. This results in a trip credit of 58 p.m. trips from the 4.77 acre portion of 38-1W-10, tax lot 507 that can be used on another property within the trip budget overlay.

As a result of this development proposal, the remainder of Tax Lot 507 (Parcel 2 on the Tentative Plan) will now be eligible for up to 395 weekday PM Peak Hour trips and Tax Lot 501 will remain eligible for 268 weekday PM Peak Hour trips. **The standards are met.**

CHAPTER 3 – DESIGN STANDARDS

Chapter 3.2 – Access and Circulation

3.2.2 - Vehicular Access and Circulation

- D. Conditions of Approval. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, Access and Circulation installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public arterial or collector street.*

FINDING: Public comment has been received expressing concern over the quantity/location of vehicle access points, public transit availability, and traffic noise. The quantity and location of access points is prescribed in sections 3.2.2(F) and (G) below. Proximity from public transit stops and traffic noise are not prescribed for residential developments in the Phoenix Land Development Code (PLDC). However, the proposed development will require the creation of a new street (Street A), which should significantly reduce the quantity of vehicle trips entering Fern Valley Road. Furthermore, staff has imposed conditions ensuring Street Trees are installed along Fern Valley Road, which should help to lessen noise produced on-site.

The access authority in this case will be City of Phoenix, who will be taking control for the portion of Fern Valley Road abutting the subject property and is developing a new road that connects with Grove Road. 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 § 3.2.2(J)(5) with Fern Valley and Street A. As shown on the site plan (Sheet LU – A0.01), off-street parking areas have been designed to prevent the need for backing onto a public street. **The standard is met with conditions.**

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.*

If it is not possible to provide access by one of the above methods, access may be provided from a public street adjacent to the development parcel. If possible, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Sections F and H, below. Owner/developer may be required to create a common access easement to allow joint use of a driveway, parking area, or other circulation as a condition of development approval...

FINDING: Because the subject property is undeveloped, new vehicle access is required for this development. The subject property is a corner lot with no access to existing private streets or alleys. Therefore, access to the apartment complex will be from public streets adjacent to the development parcel. Access will be provided from two points: a south access point from Fern Valley Rd, which is classified as a Collector Road in the City Transportation System Plan. A north access point is also proposed, extending off Grove Road, running east-west, and stubbing to Tax

Lot 600 to the east. The new road is identified as ‘Street A’ in the applicant’s narrative, and shown on the Preliminary Partition Plat dated January 29, 2024. The provisions of subsections F and H are detailed herein below. **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:*

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	

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.*
2. *If a development is unable to meet the access spacing standards in Subsection F, above, then the driveway must be as far from the other driveway or street intersection as possible. The Planning Commission shall require, at a minimum, that driveways be located outside the functional area of the intersection, even if such a distance would be greater than that set forth in the above table.*
3. *Arterial and Collector Streets. Access spacing on collector and arterial streets, and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the above chart and the standards contained in the City’s Transportation System Plan. Access to Interstate 5 and Highway 99 shall be subject to the applicable standards and policies contained in the Oregon Highway Plan, Oregon’s Access Management Standards (Oregon Administrative Rule, OAR 734-051), and/or other applicable state access laws and regulations.*
4. *Special Provisions for All Streets. Direct street access may be restricted for some land uses, in conformance with the provisions of Chapter 2 – Land Use Districts. For example, access consolidation, shared access, and/or access separation greater than that specified by subsections 1-2, may be required by the City, County, or ODOT to protect the function, safety, and operation of the street for all users. (See Section ‘H’, below.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.*

FINDING: Both streets that provide access to the development are classified as Collector-grade streets. This means that 150 ft of driveway spacing/distance from intersection is generally required. As proposed, ~180 ft of spacing is provided on Street A, and ~120 ft of spacing is provided onto Fern Valley Road. However, it should be noted that the location of Payne Creek prevents the Fern Valley access point from practically being shifted any further eastward (away from the intersection), and subsection (2) provides the needed discretion. Furthermore, the applicant’s TIS also indicates no issues with the proposed quantity or location of access points. **The standards are met.**

- 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.

FINDING: Access will be provided from two points: a south access point from Fern Valley Rd, which is classified as a Collector Road in the City Transportation System Plan. A north access point is also proposed, extending off Grove Road, running east-west, and stubbing to Tax Lot 600 to the east. The new road is identified as ‘Street A’ in the applicant’s narrative, and shown on the Preliminary Partition Plat dated 1/29/2024. Sited as proposed, two access points will strike a reasonable balance between maintaining functional operation in the abutting public streets, while providing a sufficient amount of redundancy access for emergency ingress/egress. Furthermore, the applicant’s TIS also indicates no issues with the proposed quantity or location of access points. **The criterion is met.**

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.*

I. Street Connectivity.

- 1. In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions and large site developments shall be bounded by a connecting network of public and/or private streets. Public and private streets shall also conform to Chapter 3.5.2 – Transportation Standards, Section 3.2.3 – Pedestrian Access and Circulation, and applicable Americans with Disabilities Act (ADA) design standards.*
- 2. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted due to topography, or in blocks adjacent to arterials, railroads, waterways, cemeteries, parks, public land or farmland.*
- 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.*
- 4. In order to promote efficient pedestrian and vehicular circulation throughout the city, subdivisions and site developments shall be served by a connecting network of public streets and/or access ways, in accordance with the following standards for minimum and maximum distances between streets and access ways:*

Block length and perimeter standards, in feet			
Zone(s)	Minimum length	Maximum length	Maximum perimeter
Residential	100	800	1800
City Center	100	400	1200
Commercial Highway	100	800	2000
Industrial	100	None	None

FINDING: This application, being an 88-unit apartment complex is a large site development, and comes with a proposal for a public street extending off Grove Road, running east-west, and stubbing to Tax Lot 600 to the east. The new road is identified as 'Street A' in the applicant's narrative, and shown on the Preliminary Partition Plat dated January 29, 2024.

The City Transportation System Plan (TSP) identifies the need for a collector street in the area to make connection with the Urban Reserve Areas identified as PH-10 and PH-5. Furthermore, the provisioning of Street A will allow the applicant to satisfy the block length and perimeter standards of this section. The result will be a block length of 640 ft and perimeter of 2000 ft.

Design, engineering and construction of right-of-way improvements will be required to meet the provisions of PLDC Chapter 3.2, 3.5 and remain in line with Transportation System Plan policy. The City has been awarded grant funding to assist in the design, engineering and construction of 'Street A' road, curb and gutter; the applicant will be responsible for the remainder of the 'Street A' right-of-way improvements, including a multi-use path paved to a minimum width of 10 ft as well as installation of planting strips. Fern Valley Road being partially improved, also requires right-of-way improvements, the applicant will need to install curbs, gutters, sidewalks and planting strips. However, Grove Road is fully improved with the exception of Street Trees. Which have been conditioned in Chapter 3.3 findings herein below.

As a condition of approval, prior to issuance of building permits, the applicant shall coordinate the development of Public Improvement Plans with the City Engineer, the plans will address: Fern Valley Road improvements including the curbs, gutters, sidewalks, and planting strips; Street A improvements include the road, curbs, gutters, planting strips and a multi-use path paved to a minimum width of 10 ft. As a condition of approval, prior to issuance of certificate of occupancy, the applicant shall install the required public improvements in accordance with the approved Public Improvement Plans. **The standards are met with conditions.**

- 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.*
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 applicant's narrative indicates the proposed development includes an 88-unit affordable multiple family housing project. There is one driveway proposed off Fern Valley Road to the south and one driveway opening to Street A the north end of the site. Both driveways are approximately 26-feet wide, and the driveways apron will be constructed of concrete to ADA specifications. As a condition of approval, prior to issuance of certificate of occupancy, driveway aprons that conform with ADA standards for sidewalks and pathways shall be installed. **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 has reviewed the Site Plan and provided requirements regarding fire code and access, the agency comments have been included as an attachment with this report. As a condition of approval, prior to issuance of building permits, the applicant shall coordinate with the Fire District to ensure that the required fire safety items are present on the building plans. **The standard is met with conditions.**

- 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 development involves the creation of a driveway, which requires a vision clearance triangle of 35 feet. Sheet A0.01 indicates that the vision clearance areas exceed the minimum requirement. **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.*

FINDING: As proposed, all driveways and parking areas will be surfaced with asphalt or concrete. **The standard is met.**

3.2.3 - Pedestrian Access and Circulation

- A. *Pedestrian Access and Circulation.*
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. Internal pedestrian circulation within new office parks and commercial developments shall be provided through clustering of buildings, construction of accessways, walkways and similar techniques.*
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) The pathway system extends throughout the development site and stubs to some, but not all property lines, as shown on the site plan. Specifically, the northwest pathway adjacent to Building C must connect to the multi-use pathway adjacent to Street A and the southeast pathway adjacent to the clubhouse must connect to the sidewalk on Fern Valley Road. As a condition of approval, prior to issuance of building permits, the applicant shall provide a revised site plan showing the southeast pathway connected to Fern Valley Road, and the northwest pathway connected to Street A. (2) The proposed pathways provide for reasonably direct, straight-line travel and, are reasonably free from hazards. (3) The proposed site plan shows pathways connecting to all building entrances. (4) Pathway lighting is shown on E1.01 and appears well distributed throughout the development site. (5) A multi-use path along Street A will be required to provide transportation facilities for pedestrians and bicyclists. As a condition of approval, prior to issuance of building permits, the applicant shall provide a revised site plan showing a multi-use pathway no less than 10 ft wide on the south side of Street A connecting to the pathways within the development. As a condition of approval, prior to issuance of building permits, the applicant shall coordinate the development of Public Improvement Plans with the City Engineer, the plans will address: Fern Valley Road improvements including the curbs, gutters, sidewalks, and planting strips; Street A improvements include the road, curbs, gutters, planting strips and a multi-use path paved to a minimum width of 10 ft. As a condition of approval, prior to issuance of certificate of occupancy, the applicant shall install the required public improvements in accordance with the approved Public Improvement Plans. **The standards are met with conditions.**

- B. *Design and Construction. Pathways shall conform to all of the standards in 1-5:*
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. *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.*
 3. *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.)*
 4. *Accessible routes. Pathways shall comply with the Americans with Disabilities Act, which requires accessible routes of travel.*

FINDING: (1) The narrative indicates the pathways will be raised but does not provide specifics beyond this. As a condition of approval, prior to issuance of certificate of occupancy, all pathways parallel and adjacent to a driveway or street shall be installed with elevation or separation in compliance with PLDC § 3.2.3(B)(1). (2) Crosswalks are not shown on the site plan, and will be required to connect pathways and span the driveways adjacent to Fern Valley Road and Street A. As a condition of approval, prior to issuance of building permits, the applicant shall submit a revised site plan that: shows crosswalks spanning the driveways adjacent to Fern Valley Road and Street A. As a condition of approval, prior to issuance of certificate of occupancy, the applicant shall clearly mark crosswalks in compliance with PLDC § 3.2.3(B)(2). (3) The proposed site plan shows pathways measuring 6 ft. As a condition of approval, prior to issuance of certificate of occupancy, the applicant shall install pathways according to the revised site plan and surfaced in accordance with PLDC § 3.2.3(B)(3). (4) The applicant narrative indicates pathways will comply with this requirement. As a condition of approval, prior to issuance of building permits, the pathways must be reviewed and approved by the City Building Official to verify compliance with the Americans with Disabilities Act. **The standards are met with conditions.**

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, as described below:*

1. *Natural Vegetation.* Natural vegetation shall be preserved or planted where practicable.
2. *Plant Selection.* A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. As necessary, soils shall be amended to allow for healthy plant growth.
3. *Non-native, invasive plants,* as per Chapter 3.3.2 – Landscape Conservation, Section B, shall be prohibited.
4. *Hardscape features,* such as patios, decks, plazas, etc., may cover up to 20 percent of the required landscape area; except in the City Center District where hardscape features may cover up to 50 percent of the landscape area. Swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
5. *Non-plant Ground Covers.* Bark dust, chips, aggregate or other non-plant ground covers may be used, but shall cover no more than 20 percent of the area to be landscaped. Coverage is measured based on the size of plants at maturity or after two years of growth, whichever comes sooner.
6. *Tree Size.* Trees shall have a minimum caliper size of 1.5 inches at DBH or greater, or be six feet or taller, at time of planting.
7. *Shrub Size.* Shrubs shall be planted from 5-gallon containers or larger.
8. *Ground Cover Size.* Ground cover plants shall be sized and spaced so that they grow together to cover a minimum of 75 percent of the underlying soil within three years.
9. *Significant Vegetation.* Significant vegetation preserved in accordance with Chapter 3.3.2 – Landscape Conservation may be credited toward meeting the minimum landscape-area standards. Credit shall be granted on a per square foot basis. The Street Tree standards of Chapter 3.3.4 – Street Trees may be waived when trees preserved within the front yard provide the same or better shading and visual quality as street trees would otherwise provide.
10. *Storm Water Facilities.* Storm water facilities (e.g., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants.

FINDING: (A) The application is for a Site Design Review, therefore this section is applicable. (B) The applicant has submitted a detailed landscape and irrigation plan that provides all information required by 4.2.5. (C) The landscape plan (Sheet L1.00) indicates that 42% of the site is to be landscaped. (D) The landscape plan shows a mix of trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features. The narrative indicates that all significant vegetation is being preserved. The trees and shrubs (Sheet L2.00) meet the minimum size specifications and the stormwater facilities are undergrounded. As a condition of approval, prior to issuance of certificate of occupancy, the applicant shall install all landscaping including Street Trees in accordance with the approved landscape plan. **The standards are met with conditions.**

E. Landscape Design Standards.

All yards, parking lots, and required street tree planter strips shall be landscaped in accordance with the provisions of this Chapter. Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space, shading, and wind buffering, based on the following 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.*

FINDING: (a) Perimeter landscape trees are provided as shown on sheet L1.00 that will serve as sufficient windbreaks. (b) The applicant's narrative indicates that all existing significant vegetation is being preserved. (c) Pedestrian pathways are generally defined with shrubs. (d) The parking area trees and street trees will be the focal point of the landscaping. (e) The front yard (Grove Rd) will feature Street Trees that will provide shade, and the common open space areas feature landscape trees as well according to Sheets L1.00-L3.00. (f) There are 23 different species of landscape tree and shrub proposed; this will provide yearlong color and interest. (g) Outdoor storage and mechanical equipment are screened with trees according to Sheets L1.00-L3.00. (h) The applicant has not indicated concerns with the viewshed. **The criteria are met.**

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.*

FINDING: Sheet L1.00 shows an evenly distributed mix of shade trees, shrubs and ground cover plants, it also indicates that the percentage of parking area that is landscaped exceeds 11% as proposed. The required landscape islands have also been included and are found to meet the minimum dimensional requirements of this section. According to sheet L2.00, the parking area trees appear to be sized at 1 ½" however this will be sufficient, as the parking lot will need to include a dense planting of trees to satisfy Oregon Administrative Rule (OAR) 660-012-0405, detailed in separate findings herein below. **The standards are met.**

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: (a) Parking/maneuvering areas are spatially separated from buildings in excess of 8 feet according to the Site Plan, and the narrative indicates the pathways will be raised. (b) Staff was unable to locate mechanical equipment on the site plan. As a condition of approval, prior to the issuance of permits, the applicant shall provide a revised site plan identifying the location of all mechanical equipment and the design of the required mechanical equipment buffering. As a condition of approval, prior to the issuance of certificate of occupancy, the applicant shall install mechanical screening in accordance with the revised site plan. **The standard is met with conditions.**

OAR 660-012-0405 – Parking Regulation Improvements

- (4) *Cities and counties shall adopt land use regulations for any new development that includes more than one-half acre of new off-street surface parking on a lot or parcel as provided below. The new surface parking area shall be measured based on the perimeter of all new off-street parking spaces, maneuvering lanes, and maneuvering areas, including driveways and drive aisles.*
 - (a) *Developments not required to comply with OAR 330-135-0010 must provide a climate mitigation action. Climate mitigation actions shall include at least one of the following. Cities and counties are not required to offer all these options:
...(C) Tree canopy covering at least 40 percent of the new parking lot area at maturity but no more than 15 years after planting; or...*
 - (b) *Developments must provide tree canopy. Developments shall provide either trees along driveways or a minimum of 30 percent tree canopy coverage over new parking areas. Developments are not required to provide trees along drive aisles. The tree spacing and species planted must be designed to maintain a continuous canopy except when interrupted by driveways, drive aisles, and other site design considerations. Developments providing 40 percent tree canopy to comply with paragraph (a)(C) comply with this subsection.*
 - (c) *Developments must provide pedestrian connections throughout the parking lot, connecting at minimum the following, except where not practical due to site-specific conditions:*
 - (A) *building entrances;*
 - (B) *existing or planned pedestrian facilities in the adjacent public rights-of-way;*
 - (C) *transit stops; and*
 - (D) *accessible parking spaces.*

FINDING: (a) The proposal includes ~1.2 acres of parking area; therefore, Climate Mitigation Action will be required to comply with the state law provisions above. The applicant has addressed Climate Mitigation Action in their completeness response memo dated November 4, 2024 and indicates that the development will provide greater than 40% canopy no more than 15 years after planting if planted as proposed in Landscape Sheets L3.00 and L3.01. (b) The proposed Landscape Plan shows trees located along driveways. (c) The proposed Site Plan shows pedestrian connections throughout the parking lot and connecting building entrances, pedestrian facilities in adjacent rights of way, transit stops and accessible parking spaces. **The standards are met.**

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.

- A. Growth Characteristics. Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:*
 - 1. Provide a broad canopy where shade is desired.*
 - 2. A minimum of two tree species is required to prevent total loss of tree cover in case of disease.*
 - 2. Use low-growing trees for spaces under utility wires.*
 - 3. Select trees that can be limbed-up where vision clearance is a concern.*
 - 4. Use narrow or columnar trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.*
 - 5. Use species with similar growth characteristics on the same block for design continuity.*
 - 6. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.*
 - 7. Select trees that are well adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.*
 - 8. Use deciduous trees for summer shade and winter sun.*
- B. Caliper Size. The minimum caliper size at planting shall be 1.5 inches at DBH, based on the American Association of Nurserymen Standards.*
- C. Spacing and Location. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Street tree spacing shall be based upon the type of trees selected and the canopy size at maturity. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers.*
- D. Soil Preparation, Planting, and Care. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. Street trees shall be planted after the house is finished. The developer shall also be responsible for street tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting. The lot or parcel landscaping shall be completed within six months of occupancy. If the lot or parcel is to be landscaped by the developer, the developer shall have the option of having an account for landscaping which would allow the home owner to decide on types of vegetation.*

FINDING: The multi-family project is subject to Site Design Review, therefore, Street Trees are required. (A) The landscape plan (Sheet L1.00) shows two different species of broad canopy Street Trees are proposed. (B) Street Tree Caliper size measure 1.5 inches. (C) As shown on Sheet L1.00, Street Trees are shown to be spaced at intervals of 30 ft or less; however, the southeast corner of the development on Fern Valley Road does not feature Street Trees and the narrative does not provide an explanation. Public comment received indicates a desire for buffering from noise. The provisioning of Street Trees is likely to assist with the absorption of noise from the subject property and is required due to the functional classification of the road. As a condition of approval, prior to issuance of building permits, the applicant shall provide a revised landscape plan providing Street Trees along the entirety of Fern Valley Rd at an average interval of no less than 30 ft Street Trees with a DBH of 1.5" or greater and having growth characteristics conducive to a right-of-way. (D) The applicant's narrative acknowledges the planting provisions of this subsection and the two year maintenance responsibilities. As an ongoing condition of approval, for a period of two (2) years following initial planting, the applicant shall be responsible

for planting the street trees, including soil preparation, ground cover material, staking, irrigation, pruning, fertilization and replacement as necessary. **The standard is met with conditions.**

3.3.5 – Fences and Walls

B. Dimensions

2. *In commercial and industrial zones, and where public buildings are developed, 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) and fencing required to secure the site 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...*
- ... 5. *In zones with no front yard setback requirement, fencing along a street frontage and within 20 feet of a sidewalk or other pedestrian accessway shall not exceed three feet in height.*

FINDING: The applicant's narrative indicates that there are two types of fence proposed at the site; a six ft chain link fence, and a four ft split rail wooden fence. The Site Plan (Sheet LU – A0.01) shows the location of the chain link fence, but the split rail wooden fence location is not clear. As a condition of approval, prior to the issuance of building permits, the applicant shall provide a revised site plan showing the location of all fencing; fencing within 20 ft of a sidewalk or other pedestrian accessway shall be limited to 3 ft in height; all other fencing may not exceed 6 ft in height. **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 driveways 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.*

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, this subsection is not enforceable. (B) Parking/maneuvering areas are proposed, and are located as required by Chapter 2. (C & E) According to the applicant's narrative, the proposed use is a 'multi family use,' with 24 1-bedroom units, 32 2-bedroom units and 32 3-bedroom units. 1-bedroom units call for 1.5 spaces; 2-bedroom units call for 1.75 spaces and 3-bedroom units call for 2 spaces. Therefore, the maximum parking spaces, including ADA parking spaces, would be one-

hundred and fifty-six (156). The applicant proposes one-hundred and fifty-six (156) parking spaces. (D) All parking stalls have been reviewed for compliance with the dimensional requirements of this section. 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 standard is met with conditions.**

3.4.4 – Bicycle Parking Requirements

All uses that are subject to Site Design Review shall provide bicycle parking, in conformance with the following standards, which are evaluated during Site Design Review:

- A. *General Bicycle Parking Requirement. Bicycle parking shall be provided for all new multiple 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.*

FINDING: Multifamily dwellings containing four or more dwelling units require 1.1 spaces per dwelling unit. There are five (5) multi-family buildings proposed, each contains 4 units or more. Because 88 dwelling units are proposed, this calls for 97 bicycle parking spaces; 25% (24 spaces) are to be for short-term use, and 75% (73 spaces) are to be for long-term use. The applicant narrative indicates that fifty-two (52) bicycle parking stalls are proposed. As a condition of approval, the applicant shall provide a revised site plan providing no less than 73 long-term bicycle parking spaces, and 24 short-term bicycle parking spaces, designed to the standards of PLDC § 3.4.4(B). **The standard is met with conditions.**

Chapter 3.5 – Street and Public Facilities Standards

3.5.2 – Transportation Standards

- A. *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:*
1. *Streets within or adjacent to a development shall be improved in accordance with the Transportation System Plan and the provisions of this Chapter.*
 2. *Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable city, county or state jurisdiction;*
 3. *New streets, alleys and drives connected to a collector or arterial street shall be paved;...*

FINDING: The subject property will ultimately have frontage on three roads: Fern Valley Road, Grove Road, and Street A. The proposed development can meet the access and circulation provisions of Chapter 3.2 subject to conditions of approval applied in findings herein above.

The provisioning of Street A will allow the applicant to satisfy the block length and perimeter standards of Chapter 3.2. The result will be a block length of 640 ft and perimeter of 2000 ft.

Design, engineering and construction of right-of-way improvements will be required to meet the provisions of PLDC Chapter 3.2, 3.5 and remain in line with Transportation System Plan policy. The City has been awarded grant funding to assist in the design, engineering and construction of 'Street A' road, curb and gutter; the applicant will be responsible for the remainder of the 'Street A' right-of-way improvements, including a multi-use path paved to a minimum width of 10 ft as well as installation of planting strips. Fern Valley Road being partially improved, also requires right-of-way improvements, the applicant will need to install curbs, gutters, sidewalks and planting strips. However, Grove Road is fully improved with the exception of Street Trees. Which have been conditioned in Chapter 3.3 findings herein below.

As a condition of approval, prior to issuance of building permits, the applicant shall coordinate the development of Public Improvement Plans with the City Engineer, the plans will address: Fern Valley Road improvements including the curbs, gutters, sidewalks, and planting strips; Street A improvements include the road, curbs, gutters, planting strips and a multi-use path paved to a minimum width of 10 ft. As a condition of approval, prior to issuance of certificate of occupancy, the applicant shall install the required public improvements in accordance with the approved Public Improvement Plans. **The standards are met with conditions.**

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...*

FINDING: (4) City of Phoenix is the roadway authority of Grove Road, and Jackson County Roads is the roadway authority of Fern Valley Road, accordingly, this application has been noticed to County Roads, as well as to City Public Works and Police Department. (5) A traffic impact study has been required of the applicant because the proposed multi-family development is within the Trip Budget Overlay.

The applicant has provided the required Traffic Impact Study. The Transportation Engineer concludes that the proposed 88-unit apartment complex can be approved without causing operational or safety concerns on the transportation system. The analysis evaluated intersection operations, queueing, site distance, and crash history. No operational or safety concerns were identified as a result of proposed development. **The standard is met.**

- C. *Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Council for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this Code. All deeds of dedication shall be in a form prescribed by the City Attorney and shall name "the public," as grantee.*

FINDING: The City approved the creation of 'Street A' by acceptance of a deed by City Council. Official Record 2024-022426 describes a 65 ft wide strip of land, which conforms to the width requirements of a Collector classification road. **The standard is met.**

- E. *Street Location, Width, and Grade. Except as noted below, the location, width and grade of all streets shall conform to the Transportation System Plan, an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:*
 1. *Street grades shall be approved by the City Engineer; and*

2. *Where the location of a street is not shown in an existing street plan (See Section H), the location of streets in a development shall either:*
 - a. *Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Chapter, or*
 - b. *Conform to a street plan adopted by the City Council, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets, and the need for public convenience and safety.*

FINDING: The provisioning of Street A will allow the applicant to satisfy the block length and perimeter standards of Chapter 3.2.

Design, engineering and construction of right-of-way improvements will be required to meet the provisions of PLDC Chapter 3.2, 3.5 and remain in line with Transportation System Plan policy. The City has been awarded grant funding to assist in the design, engineering and construction of 'Street A' road, curb and gutter; the applicant will be responsible for the remainder of the 'Street A' right-of-way improvements, including a multi-use path paved to a minimum width of 10 ft as well as installation of planting strips. Fern Valley Road being partially improved, also requires right-of-way improvements, the applicant will need to install curbs, gutters, sidewalks and planting strips. However, Grove Road is fully improved with the exception of Street Trees. Which have been conditioned in Chapter 3.3 findings herein below.

As a condition of approval, prior to issuance of building permits, the applicant shall coordinate the development of Public Improvement Plans with the City Engineer, the plans will address: Fern Valley Road improvements including the curbs, gutters, sidewalks, and planting strips; Street A improvements include the road, curbs, gutters, planting strips and a multi-use path paved to a minimum width of 10 ft. As a condition of approval, prior to issuance of certificate of occupancy, the applicant shall install the required public improvements in accordance with the approved Public Improvement Plans. **The standards are met with conditions.**

Chapter 3.6 – Signs

3.6.3 - Applicability and Exemptions

Sign Permit Required. All signs visible from the public right-of-way or private areas accessible to the public within the City of Phoenix shall be subject to the provisions of this Chapter.

FINDING: Signage is neither proposed nor required. **The standard is not applicable.**

3.7.2 – Riparian Setbacks – Protection of Class 1 and 2 Streams

- A. *Purpose. To provide a buffer between Class 1 and Class 2 streams any type of development to preserve the streams visual, ecological, and environmental vitality.*
- B. *Scope. This ordinance is intended to apply to all Class 1 and Class 2 streams located within the City of Phoenix. Class 1 streams are identified as Bear Creek, Coleman Creek, and Anderson Creek. The only Class 2 stream is Payne Creek. The identification and class rating of streams located within the City may change based upon studies prepared by the Oregon Department of Fish and Wildlife or other state agencies. This ordinance is intended to apply to the most recent stream rating identified by the State of Oregon.*
- C. **Setbacks**
 1. *No structures other than bridges, dams, or pumping or water treatment facilities shall be located closer than 50 feet to banks of any Class 1 stream,*

or 25 feet to the bank of a Class 2 water course, reservoir, or basin which contains water at least six months of the year. The stream bank shall be defined as the top of bank of the average high water line, whichever is higher. Any improvements permitted within the stream shall be designed to minimize the removal of riparian vegetation, and shall reclaim lands disturbed by development activities in accord with the standards of the Oregon Department of Fish and Wildlife.

- ...4. All overstory and understory vegetation within 50 feet of the bank of Class 2 water courses, reservoirs, or basins which contain water at least six months of the year shall be retained.*
- 5. Understory materials for both Class 1 and Class 2 streams may be supplemented with native horticultural varieties of plant species according to a landscape plan approved by the Oregon Department of Fish and Wildlife and the State Department of Forestry, as required under conditions of approval for all land use actions. The stream bank shall be defined as the top of bank or the average high water line, whichever is higher...*
- ...E. Exceptions. Exceptions to the understory and overstory setback requirements of this ordinance may be granted to allow the following:*
 - 1. Minor maintenance of understory vegetation including the control of vine growth;*
 - 2. Development of trails and other passive recreational usage of property adjacent to Class 1 and 2 streams.*

FINDING: As shown on the Site Plan (Sheet LU – A0.01), a portion of Payne Creek, a class 2 stream, traverses the subject property, and is greater than 50 ft from the nearest proposed structure. The applicant's narrative indicates that no understory or overstory vegetation within 50 ft is proposed for removal. However, a staff site visit finds this portion of Payne Creek is impacted by Himalayan Blackberries, a non-native invasive species identified in municipal code as noxious vegetation because of a potential for (fire) hazard. This will need to be remedied. Furthermore, the Landscape Plan (Sheet L1.00) shows what appears to be non-native Oak trees to be planted within the setback area. The provisions of this section allow for modification of vegetation in the Riparian Setback Area, subject to City and Oregon Department of Fish and Wildlife (ODFW) approval of a Riparian Landscape Plan. The appropriate form has been attached to this document as an exhibit. As a condition of approval, prior to issuance of building permits, the applicant shall submit an ODFW-approved Riparian Landscape Plan to the Community & Economic Development Department. As a condition of approval, prior to issuance of certificate of occupancy, Riparian Landscaping shall be installed in accordance with the approved Riparian Landscape Plan. **The standards are 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 provided a memo indicating the development *is being designed with a detention system (Stormtech SC-740 chambers) under the proposed parking facilities and an outlet structure which will limit the post-development stormwater flows to pre-development levels before being discharged into a public storm drain system. All stormwater facilities will be designed to meet current requirements of the Rogue Valley Stormwater Quality Design Manual.* The stormwater facility will be reviewed by RVSS to ensure that it 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 issuance of building permits, the applicant shall provide a copy of the stormwater management plan approved by Rogue Valley Sewer Services. **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 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 1200c Permit meets the standards of this section. As a condition of approval, prior to construction, the applicant shall provide a copy of a 1200c (erosion control) Permit approved by Rogue Valley Sewer Services. **The standard is met with conditions.**

Chapter 3.12 – Outdoor Lighting

3.12.3 – Lighting area classifications

Different types of land uses, activities, and operations require different levels of ambient lighting. Lighting zones are hereby determined according to the land use district in which a particular property is located. Table 3.12.3 defines lighting area classifications by land use district map designation and describes each lighting zone in terms of its purpose and suitability for certain types and intensities of outdoor lighting.

Greenway	R-1	R-2	R-3	CC	C-H	GI	LI	PUD
LZ-1	LZ-1	LZ-1	LZ-2	LZ-2	LZ-3	LZ-3	LZ-3	Varies

Table 3.12.3 Lighting Area Classifications.

3.12.7 – Standards for residential lighting.

A. *General Requirements. For residential properties including multiple family residential properties not having common areas, all outdoor luminaires shall be fully shielded, 100% cutoff and shall not exceed the allowed lumen output in Table G, row 2.*

B. *Exceptions.*

1. *One partly shielded or unshielded luminaire at the main entry, not exceeding the allowed lumen output in Table G row 2.*
2. *Any other partly shielded or unshielded luminaires not exceeding the allowed lumen output in Table G row 3.*

3. *Low voltage landscape lighting aimed away from adjacent properties and not exceeding the allowed lumen output in Table G row 4.*
 4. *Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and public and private streets and pedestrian ways and not exceeding the allowed lumen output in Table G row 5.*
 5. *Open flame gas lamps.*
 6. *Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 15 minutes after the area is vacated, provided that the luminaire is shielded, 100% cutoff.*
 7. *Lighting exempt per Section 3.12.5.*
- C. *Requirements for Residential Landscape Lighting.*
1. *Shall comply with Table G.*
 2. *Shall not be aimed onto adjacent properties.*

Table G – Residential Lighting Limits

Lighting Application	LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
Row 1 Maximum Allowed Luminaire Lumens* for Unshielded Luminaires at one entry only	Not permitted	420 lms	630 lms	630 lms	630 lms
Row 2 Maximum Allowed Luminaire Lumens* for each Fully Shielded Luminaire	630 lms	1,260 lms	1,260 lms	1,260 lms	1,260 lms
Row 3 Maximum Allowed Luminaire Lumens* for each Unshielded Luminaire excluding main entry	Not permitted	315 lms	315 lms	315 lms	315 lms
Row 4 Maximum Allowed Luminaire Lumens* for each Landscape Lighting	Not permitted	Not permitted	1,050 lms	2,100 lms	2,100 lms
Row 5 Maximum Allowed Luminaire Lumens* for each Shielded Directional Flood Lighting	Not permitted	1,260 lms	1,260 lms	2,100 lms	2,100 lms
Row 6 Maximum Allowed Luminaire Lumens* for each Low Voltage Landscape Lighting	Not permitted	30 lms, max. of 10 luminaires	525 lms	525 lms	525 lms

* Luminaire lumens equals Initial Lamp Lumens for a lamp multiplied by the number of lamps in the luminaire.

FINDING: Sheet E1.01 addresses outdoor lighting information. The subject tract is zoned C-H, therefore residential lighting standards of the LZ-3 classification are applied.

The data provided by the applicant cannot be used to verify compliance with the lumen limits of Table G. A photometric plan is not required to demonstrate compliance. A simple site plan showing the location and direction of luminaire labeled, with a key that indicates the quantity of luminaires, and the lumens-per-luminaire will be sufficient. As a condition of approval, prior to issuance of building permits, the applicant shall provide a revised lighting plan providing luminaire data necessary to verify compliance with the illumination standards of PLDC § 3.12.7. As an ongoing condition of approval, all luminaires will remain fully shielded and feature lumen values consistent with the illumination standards of PLDC § 3.12.7. **The standard is met with conditions.**

CHAPTER 4 – APPLICATIONS AND REVIEW PROCEDURES

Chapter 4.2 – Development Review and Site Design Review

4.2.5 – Site Design Review Application Submission Requirements

- A. *All of the following information is required for Site Design Review application submittal:*
- ...2. *Proposed site plan. The site plan shall contain the following information, if applicable:*
 - a. *North arrow and scale*
 - b. *The proposed development site, including boundaries, dimensions, and gross area;*

- c. *The name and address of project designer, engineer, surveyor, and/or planner, if applicable.*
- d. *The location, size, and species of trees having a 2" diameter that are proposed to be removed or modified by the development;*
- e. *The location and dimensions of all proposed public and private streets, drives, rights of-way, and easements;*
- f. *The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;*
- g. *The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;*
- h. *The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable);*
- i. *Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;*
- j. *Loading and service areas for waste disposal, loading, and delivery;*
- k. *Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;*
- l. *Location, type, and height of outdoor lighting;*
- m. *Location of mail boxes, if known;*
- n. *Location of bus stops and other public or private transportation facilities.*
- o. *Locations, sizes, and types of signs.*
- p. *Location of trash enclosures or other waste storage areas.*
- q. *Identification of slopes greater than 35 percent.*
- r. *Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the city, county, or state as having a potential for geologic hazards;*
- s. *Resource areas, including marsh and wetland areas, streams, wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;*
- t. *Site features, including existing structures, pavement, drainage ways, canals and ditches;*
- u. *Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;*
- v. *Other information determined by the Planning Director to be pertinent. The City may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, environmental features, natural hazards, etc.), in conformance with this Code.*

FINDING: The proposed site plan provides a substantial amount of the required information listed above. (i) As conditioned in Chapter 3.2 findings herein above, the applicant will need to provide a revised site plan to show the required 10 ft wide multi-use path between the development and Street A. (l) The Outdoor lighting plan must be revised and has been addressed in § 3.12.7 above. The proposal meets -or can meet with conditions of approval- the provisions of § 4.2.5. **The standard is met with conditions.**

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 December 23, 2024. **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 subject property is zoned Commercial Highway (C-H), which does not permit stand-alone residential development east of the Interstate. However, Oregon Revised Statute (ORS) 197.308 first defines affordable housing, and second supersedes local government zoning code, providing a pathway for affordable housing in non-residentially zoned lands, so long as the applicable parameters of subsection 1, 2, 3, 4 and 5 are met. This has been demonstrated in ORS 197.308 findings herein above.

Aside from the residential use standard of Ch 2.2 superseded by ORS, all other applicable provisions of Chapter 2 are met outright. **The standard is met.**

- 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. Chapter 5.3 – Non-Conforming Uses and Developments does not apply to this property. All proposed development meets the current zoning code regulations or can meet with conditions of approval. **The standard is met.**

- 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 meets or can meet with conditions of approval 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: The application includes a land division (partition) request. Conditions have been applied in Ch 4.3 findings herein below to ensure compliance. **The standard is met with conditions.**

4.3.4 – Preliminary Plat Submission Requirements

- ...B. Preliminary Plat Information. In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary*

written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

1. General information:
 - a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with County surveyor);
 - b. Date, north arrow, and scale of drawing;
 - c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;
 - d. Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor if any, and the date of the survey;
 - e. Identification of the drawing as a preliminary plat; and
 - f. Assessor parcel numbers.
2. Site analysis:
 - a. Streets: Location, name, and present width of all streets, alleys and rights-of-way on and abutting the site;
 - b. Easements: Width, location, and purpose of all existing easements of record on and abutting the site;
 - c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;
 - d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on average, are less than five percent;
 - e. The location and elevation of the closest benchmarks within or adjacent to the site (i.e., for surveying purposes);
 - f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having high erosion potential;
 - g. Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See also relevant portions of the Comprehensive Plan.);
 - h. Site features, including existing structures, pavement, drainage ways, canals and ditches;
 - i. The location, size and species of trees having a diameter of six inches or greater at four feet above grade in conformance with Chapter 3.3 – Landscaping, Street Trees, Fences, and Walls;
 - j. North arrow, scale, and name and address of owner;
 - k. Name and address of project designer, if applicable; and
 - l. Other information, as deemed appropriate by the Planning Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.
3. Proposed improvements:
 - a. Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
 - b. Easements: location, width, and purpose of all easements;

- c. *Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts;*
- d. *Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;*
- e. *Proposed improvements, as required by Chapter 3 – Design Standards, and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);*
- f. *The proposed source of domestic water;*
- g. *The proposed method of sewage disposal, and method of surface water drainage and treatment if required;*
- h. *The approximate location and identity of other utilities, including the locations of street lighting fixtures;*
- i. *Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation related to proposed railroad crossing;*
- j. *Changes to navigable streams or other watercourses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;*
- k. *Identification of the base flood elevation and 100-year flood plain;*
- l. *Evidence of contact with Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the state's jurisdiction; and*
- m. *Evidence of contact with the applicable natural resource regulatory agencies for any development within or adjacent to jurisdictional wetlands and other sensitive lands.*

FINDING: The applicant's preliminary plat, site plan and narrative contain the necessary information required of a partition application. **The standards are met.**

4.3.5 – Approval Criteria for Preliminary Plat

- A. *General Approval Criteria. The City may approve, approve with conditions, or deny a preliminary plat based on the following approval criteria:*
 - 1. *The proposed preliminary plat complies with all of the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, and the applicable sections of Chapter 2 – Land Use Districts and Chapter 3 – Design Standards shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 5 – Exceptions;*
 - 2. *The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;*
 - 3. *The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat; and*
 - 4. *All proposed private common areas and improvements (e.g., home owner association property) are identified on the preliminary plat.*

FINDING: The applicant's preliminary plat, site plan and narrative contain the necessary information required of a partition application. **The standards are met.**

B. *Housing Density. The subdivision meets the City's housing standards of Chapter 2*

FINDING: The subject property is zoned Commercial Highway and is therefore not subject to the density requirements of a residential zone. **The standard is not applicable.**

C. *Block and Lot Standards. All proposed blocks (i.e., one or more lots bound by public streets), lots, and parcels conform to the specific requirements below:*

1. *All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (See Chapter 2).*
2. *Setbacks shall be as required by the applicable land use district (See Chapter 2).*
3. *Each lot shall conform to the standards of Chapter 3.2 – Access and Circulation.*
4. *Landscape or other screening may be required to maintain privacy for abutting uses. See also, Chapter 2 – Land Use Districts and Chapter 3.3 – Landscaping, Street Trees, Fences, and Walls.*
5. *In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See also, Chapter 3.2 – Access and Circulation.*
6. *Where a common drive is to be provided to serve more than one lot, a reciprocal easement that will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.*

FINDING: (1 & 2) Both resulting parcels will be able to facilitate development compatible with the applicable provisions of Chapter 2 as proposed. (3) Access and circulation conditions have been applied to ensure compliance with the provisions of Chapter 3.2 herein above. (4) Landscaping and screening conditions have been applied to ensure compliance with the provisions of Chapter 3.3 herein above. (5) The proposed parking drive aisle is greater than 20 ft wide and will ensure fire access to within 150 ft of all proposed buildings. (6) Private common drives are neither proposed nor required to serve the subject property. **The standards are met with conditions.**

4.3.7 – Final Plat Submission Requirements and Approval Criteria

A. *Submission Requirements. Final plats shall be reviewed and approved by the City prior to recording with Jackson County. The applicant shall submit the final plat within one year of the approval of the preliminary plat as provided by Chapter 4.3.3 – Approvals Process. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the Planning Department.*

FINDING: Final plats shall be reviewed and approved by the City prior to recording with Jackson County. The applicant shall submit the final plat within one year of the approval of the preliminary plat as provided by Chapter 4.3.3. As a condition of approval, prior to recording final plat, the applicant shall submit the final plat to Community and Economic Development for review, within one year of the approval of the preliminary plat as provided by Chapter 4.3.3. **The standard is met with conditions.**

B. *Approval Criteria. By means of a Type I procedure, the Planning Director shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:*

1. *The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied;*
2. *All public improvements required by the preliminary plat have been installed and approved by the city official and/or city engineer. Alternatively, the developer has provided a performance guarantee in accordance with 4.3.9 – Performance, Maintenance Guarantee and Development Agreement.*

3. *The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;*
4. *The streets and roads held for private use have been approved by the City as conforming to the preliminary plat;*
5. *The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal storm drainage and water supply systems;*
6. *The applicant has provided copies of all recorded homeowners association Codes, Covenants, and Restrictions (CC&Rs); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat. The CC&Rs have been reviewed by the City and found to contain no conflicts with the City's development codes. A separate review fee will be charged for the review of the CC&R's.;*
7. *The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);*
8. *Certification by the City or service district, as applicable, that water and sanitary sewer service is available to each and every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider to the City that such services will be installed in accordance with Chapter 3.5 – Street and Public Facilities Standards, and the bond requirements of Chapter 4.3.9 – Performance, Maintenance Guarantee and Development Agreement. The amount of the bond, contract, or other assurance by the subdivider shall be determined by a registered professional engineer, subject to review and approval by the City;*
9. *The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location.*

FINDING: As the final plat review is the next step in the land division process, this section has been included for informational purposes only.

4.3.8 – Public Improvements

The following procedures apply to subdivisions and partitions when public improvements are required as a condition of approval:

- A. *Public Improvements Required. Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the subdivider shall provide a performance guarantee, in accordance with Chapter 4.3.9 – Performance, Maintenance Guarantee and Development Agreement.*
- B. *Procedure. Prior to the commencement of any construction work on any subdivision or land partition, the project improvement must be approved by the City in accord with the process defined below:*
 1. *After receiving the required project approvals by the Planning Commission and City Council, the developer shall submit six complete sets of subdivision improvement plans to the City Planning Department. The Planning Director shall distribute one set each to the City Engineer, Public Works Director, and Fire Chief;*
 2. *The City Engineer, Public Works Director, Planning Director, and Fire Chief shall review the improvement plans for compliance with City ordinances, standards, and conditions of approval within approximately 30 days of receipt of the plans;*

3. *After review of the improvement plans, the Planning Director, Public Works Director, and Fire Chief shall forward written comments to the City Engineer. The City Engineer shall then notify the developer by letter of any required changes that must be made to the improvement plans prior to commencement of construction. A copy of the City Engineers letter must be signed by the developer and the project engineer, concurring with the requirements stated in the letter. The signed letter must be submitted with amended improvement plans;*
4. *Once the improvement plans are found to be in satisfactory compliance with all City standards, policies and conditions and the City Engineer's letter is signed as noted in paragraph 3 above, the City Engineer, Public Works Director, Planning Director and Fire Chief shall formally approve the final improvement plans by signing each of six copies as provided for in the official "City of Phoenix - Approved Improvement Plans" stamp;*
5. *The City shall provide the project engineer two sets of the approved improvement plans, one set must be kept on the job site at all times when construction activities are taking place;*
6. *Improvements may commence after the final project improvement plans are signed by the City and the City is given notification 48 hours prior to commencement of construction;*

FINDING: Public Improvement Plans reviewed and approved by the City Engineer will be required to support the proposed development. Conditions have been imposed in Chapter 3 findings herein above to ensure the timely installation of the required Public Improvements. **The standards are met with conditions.**

VI CONCLUSION/DECISION

As proposed, the site development plan meets or can meet with conditions, the applicable standards set forth in the Phoenix Land Development Code and as enumerated in this staff report. The request is **TENTATIVELY APPROVED** subject to the conditions of approval below.

VII CONDITIONS OF APPROVAL PRIOR TO THE ISSUANCE OF BUILDING PERMITS

1. Revised Site Plan: The applicant shall provide a revised site plan
 - Showing a multi-use pathway no less than 10 ft wide on the south side of Street A connecting to the pathways within the development
 - Showing the southeast pathway connected to Fern Valley Road, and the northwest pathway connected to Street A
 - Identifying the location of all mechanical equipment and the design of the required mechanical equipment buffering
 - Showing the location of all fencing; fencing within 20 ft of a sidewalk or other pedestrian accessway shall be limited to 3 ft in height; all other fencing may not exceed 6 ft in height
 - Providing no less than 73 long-term bicycle parking spaces, and 24 short-term bicycle parking spaces, designed to the standards of PLDC § 3.4.4(B)
 - Shows crosswalks spanning the driveways adjacent to Fern Valley Road and Street A
2. Revised Landscape Plan: the applicant shall submit a revised Landscape Plan
 - Providing Street Trees along the entirety of Fern Valley Rd at an average interval of no less than 30 ft Street Trees with a DBH of 1.5" or greater and having growth characteristics conducive to a right-of-way.

3. Riparian Landscape Plan: the applicant shall submit an ODFW-approved Riparian Landscape Plan to the Community & Economic Development Department
4. Outdoor Lighting Plan: the applicant shall submit a revised Outdoor Lighting Plan
 - providing luminaire data necessary to verify compliance with the illumination standards of PLDC § 3.12.7.
5. Deed Restriction, Affordable Housing: the applicant shall provide a deed restriction or other suitable instrument stipulating that the property will remain as affordable housing as defined in ORS 197.308(1) for a term of at least 30 years.
6. Access, Encroachment Permit: the applicant shall provide a copy of an approved Encroachment Permit that demonstrates compliance with the driveway apron standards of § 3.2.2(J)(5)
7. Public Improvement Plans: the applicant shall coordinate the development of Public Improvement Plans with the City Engineer, the plans will address:
 - Fern Valley Road improvements including the curbs, gutters, sidewalks, and planting strips;
 - Street A improvements include the road, curbs, gutters, planting strips and a multi-use path paved to a minimum width of 10 ft.
8. RVSS, Stormwater Management Plan Approval: The applicant shall provide a copy of the stormwater management plan approved by Rogue Valley Sewer Services.
9. Fire District #5, Requirements: the applicant shall coordinate with the Fire District to ensure that the required fire safety items are present on the building plans.
10. Pathways, ADA Compliant: Pathways must be reviewed and approved by the City Building Official to verify compliance with the Americans with Disabilities Act

PRIOR TO CONSTRUCTION

11. RVSS, Erosion Control: the applicant shall provide a copy of a 1200c (erosion control) Permit approved by Rogue Valley Sewer Services.

PRIOR TO CERTIFICATE OF OCCUPANCY

12. Driveway Aprons, ADA Compliant: driveway aprons that conform with ADA standards for sidewalks and pathways shall be installed.
13. Crosswalk Marking: The applicant shall clearly mark crosswalks in compliance with PLDC § 3.2.3(B)(2)
14. Pathway Protection: all pathways parallel and adjacent to a driveway or street shall be installed with elevation or separation in compliance with PLDC § 3.2.3(B)(1)
15. Pathway Installation and Surfacing: the applicant shall install pathways according to the revised site plan and surfaced in accordance with PLDC § 3.2.3(B)(3).
16. Landscaping, Installed: the applicant shall install all landscaping including Street Trees in accordance with the approved landscape plan.
17. Mechanical Screening, Installed: the applicant shall install mechanical screening in accordance with the revised site plan.
18. Public Improvements, Installed: the applicant shall install the required public improvements in accordance with the approved Public Improvement Plans
19. Parking Area Improvements: drive aisles and parking areas will be inspected to ensure they meet standards for surfacing, stormwater management and striping.
20. Riparian Landscaping, Installed: Riparian Landscaping shall be installed in accordance with the approved Riparian Landscape Plan.

ONGOING CONDITIONS OF APPROVAL

21. Final Plat Review: the applicant shall submit the final plat to Community and Economic Development for review, within one year of the approval of the preliminary plat as provided by Chapter 4.3.3
22. Street Tree Care and Maintenance: for a period of two (2) years following initial planting, the applicant shall be responsible for planting the street trees, including

soil preparation, ground cover material, staking, irrigation, pruning, fertilization and replacement as necessary.

23. Site Illumination: all luminaires will remain fully shielded and feature lumen values consistent with the illumination standards of PLDC § 3.12.7.

COMMUNITY AND ECONOMIC DEVELOPMENT



By: Jeff Wilcox
Senior Planner

Date: March 13, 2025