



CITY OF EAGLE POINT

"Gateway to the Lakes"

OREGON

EAGLE POINT CITY COUNCIL

Council Chambers
17 Buchanan Ave. South, Eagle Point, Oregon
July 9, 2013

REGULAR MEETING AGENDA

1. CALL TO ORDER – 7:00 P.M.
2. FLAG SALUTE AND INVOCATION
3. AUDIENCE QUESTIONS OR COMMENTS CONCERNING ITEMS NOT ON THE AGENDA
4. PRESENTATIONS
5. PUBLIC HEARINGS
6. CONSENT CALENDAR
 - 6.1 Presentation of Regular Meeting Minutes of June 25, 2013.
 - 6.2 Final Order No. 13-03, Greenhills Village PA#13-03:PD/PLATAMEND.
7. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR
8. PRESENTATION OF BILLS TO BE PAID
9. OLD BUSINESS
10. NEW BUSINESS
 - 10.1 Resolution No. 2013-42. A Resolution authorizing a City of Eagle Point Personal/ Professional Services Contract with Pacific Asphalt Surface Sealing, LLC, for the Seal Coat 2013 Improvements.
11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES

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12. STAFF REPORTS

13. INFORMATION

14. ADJOURN

AGENDA AND COUNCIL PACKETS ALSO AVAILABLE ON WEBSITE

CITY OF EAGLE POINT

"Gateway to the Lakes"

OREGON



EAGLE POINT CITY COUNCIL
17 BUCHANAN AVE. SOUTH, EAGLE POINT, OREGON

JUNE 25, 2013

REGULAR MEETING MINUTES

1. CALL TO ORDER – 7:00 P.M.

Mayor Russell called the meeting to order at 7:00 p.m.

Council Members Present: Bob Russell, Jonathan Bilden, Wayne Brown, Bill Fierke, Ruth Jenks, Aaron Prunty and Kathy Sell.

Staff Members Present: Henry Lawrence, City Administrator; Robert Miller, Public Works Director; Melissa Owens, Finance Officer; Vern Thompson, Police Chief; Mike Upston, Principal Planner; and Cindy Hughes, City Recorder.

Guests: Evelyn Kinsella, Food and Friends; Phillip Yates, the Community Action Agency of Jackson County (ACCESS); John Galbraith, Galbraith and Associates; Suzi Collins and Millie Wewerka, Planning Commissioners; Jerry Zieman, Budget Committee Member; and members of the public and press.

2. FLAG SALUTE AND INVOCATION

Mayor Russell led the Pledge of Allegiance and Jerry Zieman provided the invocation.

3. AUDIENCE QUESTIONS OR COMMENTS CONCERNING ITEMS NOT ON THE AGENDA

Suzi Collins of Eagle Point, Secretary of the Community Association, read a card to the Mayor and City Council expressing their gratitude for the recent funding for the 4th of July and other events.

4. PRESENTATIONS

There were no presentations on the agenda.

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5. PUBLIC HEARINGS

- 5.1 A Public Hearing in the matter of adopting a Tentative Subdivision Plat Amendment for the Greenhills Village project located on Dianne Way, east of Merlee Circle (Map #35SR1W34DC, lots 1400 & 1429 – 1450).

Mayor Russell opened the public hearing at 7:03 p.m. and requested Mike Upston, Principal Planner, to provide a report.

Mr. Upston explained the Council had the authority to approve amendment to the Tentative Subdivision Plat. The application was a two part process of which part one had been completed. Staff's recommendation was to approve the amendment with two conditions:

- 1) The owner would be required to provide the City with documentation from the Oregon Department of State Lands documenting that requirements associated with the wetlands had been met; and
- 2) Proposed buildings would be required to meet the minimum setbacks required by the City's Zoning Ordinance.

Mr. Upston concluded by noting that Clark Stevens with Richard Stevens & Associates of Medford was present.

Mayor Russell invited members of the audience to provide public testimony. Clark Stevens provided public testimony about changes to the market and noted the proposed amendment was to change the zoning to medium density. There were no questions for the speaker.

There being no further public testimony, Mayor Russell closed the public hearing at 7:13 p.m.

Following the public hearing, Mayor Russell requested and received the Council's consent to move the order of business to allow for deliberation and voting on **Resolution No. 2013-37**.

There being no further discussion, Mayor Russell offered to entertain a motion. Councilor Bilden made a motion to authorize **Resolution No. 2013-37** and Councilor Prunty seconded the motion. Discussion followed regarding setbacks, fire protection, and lack of sidewalks. Roll call: Bill Fierke, aye; Wayne Brown, aye; Jonathan Bilden, aye; Ruth Jenks, aye; Kathy Sell, aye; Aaron Prunty, aye; and Bob Russell, aye. The motion passed unanimously.

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6. CONSENT CALENDAR

6.1 Presentation of the Regular Meeting Minutes of June 11, 2013.

Mayor Russell announced the Consent Calendar and asked for a motion. Councilor Bilden moved to approve the Consent Calendar as presented and Councilor Sell seconded the motion. There was no further discussion. Roll call: Wayne Brown, aye; Ruth Jenks, aye; Aaron Prunty, aye; Bill Fierke, aye; Kathy Sell, aye; Jonathan Bilden, aye; and Bob Russell, aye. The motion passed unanimously.

7. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

There were no items considered for removal from the Consent Calendar.

8. PRESENTATION OF BILLS TO BE PAID

Mayor Russell asked if there were any questions about the bills to be paid including the Additional Bills List (Submission No. 1). Councilor Sell inquired about the payment to the Oregon Department of Transportation (ODOT) for Mattie Brown Park. Robert Miller, Public Works Director, explained that ODOT required 110% of the match funding prior to beginning the project. At the conclusion of the project, any remaining funds will be returned to the City. Councilor Jenks asked about a payment for the Loto Street Sidewalk and Mr. Miller explained it was a partial payment. Councilor Bilden made a motion for the Council to approve the bills as presented including the Additional Bills List. Councilor Jenks seconded the motion. There was no additional discussion. Roll call: Kathy Sell, aye; Ruth Jenks, aye; Jonathan Bilden, aye; Bill Fierke, aye; Wayne Brown, aye; Aaron Prunty, aye; and Bob Russell, aye. The motion passed unanimously.

9. OLD BUSINESS

9.1 Resolution No. 2013-36. A Resolution authorizing agreements for disbursement of all funds from the City of Eagle Point's Jackson County Housing Authority Fund (78) and to sub-grant remaining home repair loans to Jackson County Housing Authority.

Henry Lawrence, City Administrator, explained this item was related to a 1998 Community Development Block Grant that was administered by the City for low income homeowners to make home improvements. Typically, loans from the Grant were repaid as the homes were sold and those funds have been held by the City. The Federal Government has revised the program rules and the City is now required to close out the funds. Options for closing out and disbursing the funds of nearly \$132,000 included giving the funds to the Jackson County Housing Authority or purchasing food for local food banks, or any combination thereof. Mr. Lawrence

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explained how other cities handled their disbursement of funds and the choice to make the appropriations was up to the Council. Further, there were four outstanding loans of approximately \$58,000 required to be assigned to an approved housing authority. The Resolution provided that the outstanding loans be assigned to the Jackson County Housing Authority. Mr. Lawrence proposed to keep the nearly \$132,000 in the community and to split the funds between the Food & Friends Senior Nutrition Program and ACCESS. Additionally, the proposal was to purchase half of the food through Ray's Food Place and the other half through Walmart. Details such as discounts and deliveries had not been finalized.

Evelyn Kinsella of Food and Friends, and Phillip Yates of ACCESS were present. Both agencies stated the funds would be enough to cover food through their programs in Eagle Point for approximately one year. A brief discussion followed about shopping arrangements. Mayor Russell was supportive of the proposal as presented and there was no further discussion.

Mayor Russell asked for a motion to approve **Resolution No. 2013-36**. Councilor Jenks made a motion to approve **Resolution No. 2013-36** and Councilor Bilden seconded the motion. Councilor Sell commented that the receiving agencies would be pleased considering their recent budget cuts. Councilor Fierke inquired about the Resolution title and Attorney Kellerman confirmed it was acceptable. There was no further discussion. Roll call: Kathy Sell, aye; Ruth Jenks, aye; Aaron Prunty, aye; Jonathan Bilden, aye; Wayne Brown, aye; Bill Fierke, aye; and Bob Russell, aye. The motion passed unanimously.

10. NEW BUSINESS

- 10.1 Resolution No. 2013-37. A Resolution adopting a Tentative Subdivision Plat Amendment for the Greenhills Village project located on Dianne Way, east of Merlee Circle (Map #35SR1W34DC, lots 1400 & 1429 – 1450). Planning Action No. 13-03: PD/PlatAmend.

Resolution No. 2013-37 was deliberated and approved following the Public Hearing listed as Item No. 5.1. See Item No. 5.1 for additional details.

- 10.2 Resolution No. 2013-38. A Resolution authorizing adjustments to revenue and expenses within various funds for the 2012-2013 Fiscal Year.

Ms. Owens explained that it is typical to make final year-end adjustments to the budget. Basically there were six amendments that were detailed in the Resolution. Those changes related to: an increase in General Fund Revenue regarding building permit activity, an increase in Water SDC fund, an increase in the Storm Water Fund, an increase in the Water Fund, an increase in Sewer Fund, and an increase in funds in Jackson County Housing Authority Fund. There was no further discussion.

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Mayor Russell asked for a motion to approve **Resolution No. 2013-38**. Councilor Bilden made a motion to approve **Resolution No. 2013-38** and Council President Fierke seconded the motion. There was no discussion. Roll call: Jonathan Bilden, aye; Aaron Prunty, aye; Wayne Brown, aye; Kathy Sell, aye; Ruth Jenks, aye; Bill Fierke, aye; and Bob Russell, aye. The motion passed unanimously.

- 10.3 Resolution No. 2013-39. A Resolution adopting the 2013-2014 Budget, declaring tax levied, making appropriations for the 2013-2014 Fiscal Year, and categorizing the tax levy.

Ms. Owens reported a public hearing on the budget had been held on June 11, 2013, and there was no public comment at the hearing. Staff recommended adoption of the 2013-2014 budget. There was no further discussion.

Mayor Russell asked for a motion to approve **Resolution No. 2013-39**. Council President Fierke made a motion to approve **Resolution No. 2013-39** and Councilor Sell seconded the motion. There was no discussion. Roll call: Ruth Jenks, aye; Aaron Prunty, aye; Bill Fierke, aye; Wayne Brown, aye; Jonathan Bilden, aye; Kathy Sell, aye; and Bob Russell, aye. The motion passed unanimously.

- 10.4 Resolution No. 2013-40. A Resolution authorizing a City of Eagle Point Personal/Professional Services Contract with Galbraith and Associates, Inc. for Lucas Park – Task II Construction Documents.

Robert Miller, Public Works Director, provided background about the Lucas Park Plan. John Galbraith with Galbraith and Associates presented a drawing of a proposed Park Master Plan (Submission No. 2). Mr. Galbraith described a beautiful gateway opening, parking areas, pathway, open lawn and play area, shelters with picnic tables, restroom facility, as well as park benches. Councilor Prunty stated that the Parks and Recreation Commission had not seen the drawing but thought they would be pleased. Additional discussion followed regarding the walking path, trail system connection with Arrowhead Trail Road, and cost of drawings and construction drawings including the engineering component. It was estimated that the project would begin by the end of the summer and the overall design cost including landscape architecture would be about 15% of the total construction cost.

Mayor Russell asked for a motion to approve **Resolution No. 2013-40**. Councilor Prunty made a motion to approve **Resolution No. 2013-40** and Councilor Bilden seconded the motion. There was no discussion. Roll call: Aaron Prunty, aye; Kathy Sell, aye; Ruth Jenks, aye; Jonathan Bilden, aye; Wayne Brown, aye; Bill Fierke, aye; and Bob Russell, aye. The motion passed unanimously.

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- 10.5 Resolution No. 2013-41. A Resolution authorizing a Job Description and Compensation Wage Scale for a Planning Director position.

Mr. Lawrence reported the Principal Planner, Mike Upston, had been employed with the City for about a year and a half. During that time, the job duties of the Principal Planner have grown with upcoming demands such as revising the Comprehensive Plan and Zoning Code, as well as undefined economic development initiatives. Approval of the Resolution would adopt a new job description and wage scale for a Planning Director, as a non-union position, and part of the management team. The Principal Planner position would remain unfilled until needed. Mr. Lawrence confirmed that this position had been budgeted. A brief discussion followed and there was support of adoption.

Mayor Russell asked for a motion to approve **Resolution No. 2013-41**. Councilor Bilden made a motion to approve **Resolution No. 2013-41** and Councilor Sell seconded the motion. There was no discussion. Roll call: Wayne Brown, aye; Ruth Jenks, aye; Aaron Prunty, aye; Bill Fierke, aye; Kathy Sell, aye; Jonathan Bilden, aye; and Bob Russell, aye. The motion passed unanimously.

- 10.6 Discussion regarding the Linn Road Grant.

Mr. Miller summarized a grant application submission to the Oregon Department of Transportation (ODOT) in November, 2012. The proposed project includes a new sidewalk on the north side of Linn Road. The cost estimate proposed by Eagle Point was the closest made by local agencies to ODOT's analysis, with the City's match of approximately \$190,000. During the review process for the project, a gateway arch sign had been discussed. Mr. Miller provided details about the possibility of a gateway and John Galbraith spoke about the concept of an archway. Mr. Galbraith thought a gateway arch should be artistic and expressive about the community, but it could be challenging as well as expensive. Mr. Miller sought the Council's direction. Discussion followed and the Council agreed they did not want to include a gateway arch in the grant application to ODOT.

11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES

Council President Fierke reported there had been a School Board meeting on June 12. Discussions during that meeting focused on security including guns; the Shady Cove school teaming with the Sheriff's Office, and pay rates. Council President Fierke noted that was the last meeting of the old Board.

Councilor Bilden reported attending the League of Oregon Cities (LOC) Board meeting. The Legislative Session was discussed and its focus was on the budget as well as Public

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Employees Retirement System (PERS). Mr. Bilden noted there is a possibility that court fees and medical marijuana may come up again, and city situations with casinos (Medford) was also discussed. Councilor Bilden concluded by reporting over 200 people, including some of Eagle Point's Council Members, had attended Southern Oregon Regional Economic Development Inc.'s (SOREDI's) annual meeting.

Councilor Jenks reported attending the Rogue Valley Metropolitan Planning Organization (RVMPO) Policy Committee meeting. The focus of their meeting was about the Oregon Department of State Lands' requirement for the RVMPO to demonstrate and report benchmarks and efforts to reduce vehicle traffic and emissions. Benchmarks are set through the year 2038, and Eagle Point will assist in providing data.

Councilor Prunty reported the Parks and Recreation Commission meeting had been canceled. A brief discussion followed about the Commission's quorum.

Councilor Brown reported there had been a Rogue Valley Sewer Services (RVSS) Board Meeting and they approved budget for the year. Further, they adopted a contractors list for the year and certified the election results. New trucks are on back order but they will get next year's model.

Councilor Sell reported attending a Planning Commission Meeting which addressed the Greenhills development. During the Planning Commission Meeting, the City's sign Ordinance, wetlands and setbacks were discussed as well as CCRs. Councilor Sell discussed the sign Ordinance and noted the Police Department provides assistance when there is a safety issue. Additionally, Councilor Sell reported a question about a park for Poppy Village. Mr. Upston added historical background but noted this should be discussed between the Homeowners' Association and developer. Discussion followed about System Development Charges (SDCs), and a donation of property by the developer.

Mayor Russell reported the Flag Day ceremony at the Harnish Wayside was well attended and included a dedication of the Vietnam plaque. Mayor Russell planned to attend a meeting of the Rogue Valley Council of Governments (RVCOG), and a Water Coalition meeting. Mayor Russell concluded by providing a report about the Japanese delegation's upcoming visit, and the July 4th celebrations.

12. STAFF REPORTS

Mike Upston, Principal Planner, reported staff is working with the Rogue Valley Transit District (RVTD) and will bring back information as it becomes available. Mr. Upston noted that community support may be different than the 2008 or 2009 survey. With regard to Federal Emergency Management Agency (FEMA) mitigation projects, a kickoff meeting was scheduled for June 28 via telephone. In addition, Mr. Upston reported on a variety of items including: a property owner near Radar Hill interested in subdividing; proposed lot

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line adjustments; signage near Carl's Jr.; and benchmarks regarding improvement to air quality.

Melissa Owens, Finance Officer, noted the Financial Report was in the Council packet. She reported on property taxes, closing out the 2012-2013 fiscal year, and implementing the 2013-2014 budget.

Robert Miller, Public Works Director, reported on the Loto Street sidewalk project, weed abatement, and repairs at the Chamberlain Park restroom. At the next meeting, he planned to present the Council with a contract for seal coat services to repair roads.

Police Chief Thompson announced a pre-employment offer had been made and they hoped to have the new officer on staff during the first week of July. Chief Thompson concluded by noting the Police Department planned to issue citations for illegal fireworks, and confirmed he was working with School District No. 9 on safety.

Joe Kellerman, City Attorney, reported attending a tour of the State Capital.

Henry Lawrence, City Administrator, announced the skatepark grant application was not successful; however, the City will apply again in the future.

Cindy Hughes, City Recorder, reported attending the Northwest Clerk's Institute and expressed appreciation to the Council for their support of staff's continued education.

13. INFORMATION

There were no information items for discussion.

14. ADJOURN

There being no further business, Mayor Russell closed the meeting at 9:02 p.m.

Respectfully submitted,

Cindy Hughes, City Recorder

ATTEST:

Robert E. Russell, Mayor

**BEFORE THE CITY COUNCIL
FOR THE CITY OF EAGLE POINT
JACKSON COUNTY, OREGON**

**IN THE MATTER OF A PLANNED)
DEVELOPMENT AMENDMENT AND)
TENTATIVE SUBDIVISION PLAT)
AMENDMENT FOR GREENHILLS)
VILLAGE AT DIANNE WAY)
MAP 351W34DC, LOTS 1400 & 1429-1450)**

**FINAL ORDER NO. 13-03,
GREENHILLS VILLAGE
PA#13-03:PD/PLATAMEND**

**APPLICANT/AGENT: CLARK STEVENS, RICHARD STEVENS & ASSOCIATES
OWNER: AMERICANWEST BANK**

I

SUMMARY OF DECISION

The application PA#13-03:PD/PLATAMEND, Greenhills Village is approved based upon the reasons and subject to the conditions set forth herein below.

II

NATURE OF THE APPLICATION

Application for a Planned Development Amendment and a Tentative Subdivision Plat Amendment to re-plat the subject property from 22 pad-lots for townhomes to 11 single-family lots of approximately 4,000 – 6,000 square feet for detached homes, with the private street and common area preserved and maintained as originally approved in 2005 under Planning Action No. 04/05-18:SUB/PUD/CUP. This application follows a Comprehensive Plan Map amendment (Multifamily High Density to Multifamily Medium Density) and Zoning Map amendment (R-4 Multifamily High Density to R-2 Multifamily Medium Density) approved in 2011 under Planning Action No. 10/11-04:CPA/ZCH.

III

PROCEDURAL BACKGROUND

The application was received and accepted by the City of Eagle Point ("the City") on February 11, 2013. The application was found to be complete on March 11, 2013. Following public notice given to the owners of adjoining properties in accordance with the provisions of Eagle Point Zoning Ordinance, Chapter 17.96, the City of Eagle Point Planning Commission conducted a required public hearing on June 18, 2013 to consider the Planned Development Amendment and Tentative Subdivision Plat Amendment. During the public hearing, all interested parties were afforded the opportunity to present evidence and argument. At the conclusion of public

testimony, the public hearing was closed, and the Commission held its deliberations. It was duly moved and seconded that the Planned Development Amendment be approved along with a recommendation that the City Council approve the Tentative Subdivision Plat Amendment with the recommended conditions of approval. The motion passed unanimously on a voice vote.

The City Council then conducted the required public hearing to consider the Tentative Subdivision Plat Amendment on June 25, 2013. During the public hearing, all interested parties were afforded the opportunity to present evidence and argument. At the conclusion of the public testimony the public hearing was closed, and the Council held its deliberations. It was duly moved and seconded that the Tentative Subdivision Plat Amendment be approved with the recommended conditions of approval. The motion passed unanimously on a voice vote.

IV

SUBSTANTIVE APPROVAL CRITERIA

COMPREHENSIVE PLAN

COMPREHENSIVE PLAN MAP
LAND USE ELEMENT
PUBLIC FACILITIES AND SERVICES ELEMENT
HOUSING ELEMENT
PHYSICAL ELEMENT
TRANSPORTATION

ZONING ORDINANCE

CHAPTER 17.08 – BASIC PROVISIONS
CHAPTER 17.16 – DISTRICT REGULATIONS
CHAPTER 17.22 – TWO FAMILY RESIDENTIAL DISTRICT
CHAPTER 17.60 – SITE PLAN AND LANDSCAPE APPROVAL
CHAPTER 17.76 – PLANNED DEVELOPMENT
 SECTION 17.76.010 – DESCRIPTION AND PURPOSE
 SECTION 17.76.030 – APPLICATION PROCEDURE
CHAPTER 17.96 – NOTICE AND HEARING PROCEDURE

SUBDIVISION ORDINANCE

CHAPTER 16.08 – TENTATIVE PLANS
CHAPTER 16.12 – HEARING ON TENTATIVE PLANS
 SECTION 16.12.010 – APPROVAL OF TENTATIVE SUBDIVISION PLAN
 SECTION 16.12.020 – REVIEW BY COUNCIL

V

FINDINGS OF FACT

The City finds the following facts to be true with respect to this matter. The adopted Findings include both those listed below, and those contained within the applicant's submittal (on file).

A. FINDINGS OF CONFORMANCE WITH THE EAGLE POINT COMPREHENSIVE PLAN

Chapter III – Land Use Element (Statewide Planning Goal #2): To provide a long-range guide for the physical development of the City that maximizes the community's livability.

FINDING: The Land Use Element provides the framework for the Zoning Districts that have been adopted by the City. The subject property has been designated on the Comprehensive Plan Map as Medium Density Residential, with an R-2 zoning designation, both of which are designed to implement the urban residential goals and guidelines of the City. The subject property lies within the Urban Growth Boundary and city limits. The proposed Planned Development and Tentative Subdivision Plat Amendment are a minor modification of the original approval. The proposed plan provides for development consistent with the new zoning designation - a single family residential Planned Development of 11 lots rather than 22. The project proposal is consistent with the Zoning and Comprehensive Plan Map designations recently amended by the City Council, and thus consistent with the Land Use Element.

Chapter IV – Public Facilities and Services Element (Statewide Planning Goal #11): To provide public facilities and services in a timely, orderly and efficient manner to meet the needs of present and future citizens of Eagle Point.

FINDING: All public services/facilities are in place as required by the original plat.

Fire Protection: To provide for the safety of the Citizens of Eagle Point by continuing to maintain effective fire protection services.

Policy 1: *The city shall continue to meet the fire protection needs of its citizens.*

Policy 3: *The City shall strive to maintain adequate fire flow capabilities in its water source, storage and distribution system.*

Policy 4: *The location of fire hydrants throughout the city shall be based upon engineering and fire fighting principles and standards, in compliance with the National Fire Code.*

FINDING: All fire protection issues were originally addressed by the City Engineer, Public Safety Director, Public Works Superintendent and Fire Chief of District #3. The proposed new subdivision is consistent with the previously approved engineered plans,

and fully complies with all City fire protection standards; adequate capacity exists to service the site. Compliance with this standard will demonstrate compliance with the Public Facilities and Services Element.

Police Protection: The subject property contains approximately 4+ acres which are proposed for a reduction in density from the originally approved Planned Development. The reduction in density will reduce the impacts on the Police Department.

FINDING: Police services have been, and will continue to be, provided to this property as it develops, consistent with demands for service. The application is consistent with the Public Facilities and Services Element.

Street Lighting: This section reviews the requirements for adequate and consistent street lighting considerations, as well as related features.

FINDING: Street lighting, street design and layout, and related features have been prepared with public safety issues in mind, including policing and fire/emergency service. The application is consistent with the Public Facilities and Services Element.

Chapter V – Housing Element (Statewide Planning Goal #10): To provide for the long range housing needs for all citizens.

FINDING: The proposed development will provide 11 lots with single family dwellings consistent with the R-2 zoning criteria. A large area of the site is existing open space and common area, which will not be affected by the proposed amended Planned Development and tentative subdivision plat. The intent of the Goals and Policies of the Housing Element are met by this application to provide 11 new units, consistent with the R-2 land use designation.

FINDING: The intent of re-platting the Planned Development to create single-family homes on modestly-sized lots will do away with a high-density “spot zone”, typically viewed as poor planning practice.

Chapter VI – Physical Element (Statewide Planning Goal #7): To encourage development that is accommodated to the physical characteristics of the area.

Policy 1: *Approval of any development shall be contingent upon the adequate consideration of natural hazards found to exist on the site proposed for development.*

FINDING: The property has an existing drainage ditch that has been designed into the project as protected open space, and the pre-existing flood hazard has been mitigated by the City. As discussed in the June 18, 2013 Planning Commission staff report for this project, a condition of approval is included in Section VII of this final order requiring that, prior to City approval of the final plat, the owner must provide the City with a signed

approval from the Department of State Lands stating that all State requirements associated with the wetland have been met.

In addition, soils on the site are generally clay, with a high shrink/swell potential. Appropriate engineering considerations will need to be incorporated into construction drawings to ensure that the project complies with the Construction Limitations section of this Element of the Plan.

Policy 2: *In all cases, land development shall be encouraged to take into consideration the natural topography, drainage pattern and soil characteristics of the proposed development site.*

Policy 8: *The City shall discourage development and construction techniques which result in rapid runoff and accelerated erosion.*

Policy 10: *The City Building Official, Public Works & Safety Department and City Engineer shall jointly review and approve all construction plans for development in slope areas to insure that proposed structures and uses will not become a hazard to themselves or adjacent properties due to inadequate construction techniques, unstabilized slopes, insufficient compaction, inadequate or severe grading, and all other problems related to steep slopes and subsequent urban development.*

FINDING: The policies above provide guidelines for staff and public officials to review and approve, or condition, various development proposals within the City. The amendment and tentative re-plot of this Planned Development, as provided by the applicant, indicates that the topography, drainage pattern, soils, and orientation of the parcel can be developed consistent with the Subdivision Ordinance, and approval conditions and standards applied by the City addressed each of the considerations above, mitigating any impact. With compliance with the Subdivision and Zoning criteria, *de facto* compliance with the Physical Element is demonstrated.

Chapter VII – Transportation (Statewide Planning Goal #12): To guide transportation planning and project development in the Eagle Point Urban Growth Boundary over the next 20 years, and support the City's long term land use planning.

Arterials, Collectors, and Local Streets

Policy 8: *All new subdivisions shall provide improved streets to adopted City standards, including curbs, gutters, and sidewalks or an alternative pedestrian system such as separated/meandering or multi use pathways.*

Policy 10: *The City shall seek to reduce direct access of local streets and private driveways onto arterial streets to the maximum extent feasible. Access requests and modifications shall conform to Eagle Point's adopted access management standards and*

guidelines or move in the direction of those standards, except in cases when alternative access solutions are not possible.

Policy 15: *All land use decisions shall include a consideration of their impact on existing and planned transportation facilities, protection of the safety and function of transportation facilities. Proposals for specific types of development projects, zone changes or other types of plan amendments shall include traffic impact studies and proposed mitigation measures for any significant impacts. The City shall adopt mobility standards for its local roads and adhere to State and County mobility standards for roads under their respective jurisdictions. These jurisdictional mobility standards shall be used in determining transportation impacts.*

Bicycle and Pedestrian Facilities and Programs

Policy 4: *Sidewalks, or approved, alternative systems, shall be included on all new streets within the Urban Growth Boundary.*

FINDING: The proposed Planned Development and Tentative Subdivision Plat Amendment are consistent with all relevant goals and policies contained in the Transportation Element of the Comprehensive Plan. Streets have been developed consistent with the City's criteria for both public and private streets, and sidewalks will be provided as part of the plat.

Based upon information from the *ITE Traffic Generation Manual, 6TH edition*, single family homes generate 9.57 average daily trips. The proposed 11-unit project is therefore estimated to generate approximately 105 average daily trips, a reduction of approximately 95 trips from the previously approved 22-unit PUD. With this as the baseline for calculating traffic, the project provides for a reduction, and thus is consistent with the City's Transportation System Plan.

Chapter XIII – Citizen Involvement Element (Statewide Planning Goal #1): To provide opportunities for citizen involvement throughout the City's planning process.

Policy 3: *The City shall continue to emphasize the public hearing process during land use decision making. All hearings shall be well advertised and open to all affected citizens.*

Policy 4: *The City shall continue to maintain public availability of planning related proposals and reports.*

Policy 5: *The City shall continue to notice affected agencies and organizations of specific planning related activities, proposals and reports.*

Policy 6: *The City shall continue to coordinate land use actions with affected agencies.*

FINDING: The City has an adopted citizen involvement program based upon the policies noted above. The program involves a complete and open public information and involvement process which incorporates public noticing and open public meetings and hearings. This development application is being processed consistent with that program, and is consistent with the goals and policies of the Citizen Involvement Element.

B. FINDINGS OF CONFORMANCE WITH THE EAGLE POINT ZONING ORDINANCE

Legal Notifications. All legal notifications and advertisements were made in satisfaction of the legal requirements to hold public hearings on this application.

Zoning Regulations. All zoning requirements will be met as summarized below.

- a. The R-2 zoning district allows single family dwellings subject to approval under Chapter 17.16 (District Regulations) and Chapter 17.22 (R-2 Two-Family Residential District).
- b. Planned Developments are subject to the requirements of Chapter 17.76. Section 17.76.010 states that Planned Developments allow diversification in the relationships of various uses, buildings and structures in planned building groups and the allowable heights of buildings and structures, while insuring substantial compliance with the basic district regulations relative to adjacent land uses, density, parking and signs. Chapter 17.76.030 requires Site Plan approval, plus compliance with all other applicable public hearing procedures.

FINDING: The applicant is seeking Planned Development approval to permit single family homes clustered on individual lots that are smaller than the 6,000 square foot minimum lot size required by the R-2 zoning. The Site Plan is essentially unchanged from that approved by the Planning Commission with the original application in 2005.

- c. Planned Development approval includes review of Conditions, Covenants and Restrictions (CC&R's) and by-laws for any homeowner's association, meeting the provisions of ORS 94.595 (creating a reserve account for maintenance of all common property) and submittal of architectural drawings which depict a typical building design.

FINDING: The applicant provided draft CC&R's and by-laws with their application. These were included as attachments to the June 18, 2013 Planning Commission staff report (Attachment C - Conditions, Covenants and Restrictions (CC&R's) for Greenhills Village, and Attachment D - Bylaws of Greenhills Village Property Owners Association). The primary purpose of reviewing the CC&R's is to confirm that common areas will be maintained in perpetuity (required under ORS 94.595 - Reserve Account for Common Property). The draft CC&R's have been reviewed as part of this application, and will be