



**CITY OF CENTRAL POINT  
PLANNING COMMISSION AGENDA  
November 5, 2019 - 6:00 p.m.**

**I. MEETING CALLED TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

Planning Commission members, Mike Oliver (chair), Tom Van Voorhees, Amy Moore, Jim Mock, Pat Smith, Kay Harrison, Chris Richey

**IV. CORRESPONDENCE**

**V. MINUTES**

Review and approval of the September 3, 2019 Planning Commission meeting minutes.

**VI. PUBLIC APPEARANCES**

**VII. BUSINESS**

- A. Continue the public hearing for a Site Plan and Architectural Review application to construct and oil change and carwash facility together with site improvements at 4245 Table Rock Road. Applicant: Premier Oil; Agent: Amy Gunter; File No. SPAR-19002. Approval Criteria: CPMC 17.72.
- B. A public hearing to consider text amendments to various sections of the Zoning Ordinance related to Accessory Dwelling Units (ADUs) and Accessory Structures. Applicant: City of Central Point; File No. ZC-19001. Approval Criteria: CPMC 17.10.

**VIII. DISCUSSION**

**IX. ADMINISTRATIVE REVIEWS**

**X. MISCELLANEOUS**

**XI. ADJOURNMENT**

Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 72 hours prior to the City Council meeting. To make your request, please contact the City Recorder at 541-423-1026 (voice), or by e-mail at: [deanna.casey@centralpointoregon.gov](mailto:deanna.casey@centralpointoregon.gov) .

Si necesita traductor en español o servicios de discapacidades (ADA) para asistir a una junta publica de la ciudad por favor llame con 72 horas de anticipación al 541-664-3321 ext. 201.

OCTOBER 15, 2019  
PLANNING COMMISSION MEETING MINUTES

**City of Central Point Planning  
Commission Minutes  
October 15, 2019**

**I. MEETING CALLED TO ORDER AT 6:00 P.M**

**II. ROLL CALL**

Commissioners Tom Van Voorhees (acting as chair) , Amy Moore, Jim Mock, Pat Smith, Chris Richey and Kay Harrison were present. Also in attendance were: Stephanie Holtey, Principal Planner, Justin Gindlesperger, Community Planner and Karin Skelton, Planning Secretary.

**PLEDGE OF ALLEGIENCE**

**III. CORRESPONDENCE**

**IV. MINUTES**

Kay Harrison made a motion to approve the September 3, 2019 minutes. Pat Smith seconded the motion. ROLL CALL: Kay Harrison, yes; Amy Moore, yes; Chris Richey, yes; Pat Smith, yes; Jim Mock, yes. Motion passed.

**V. PUBLIC APPEARANCES**

There were no public appearances.

**VI. BUSINESS**

**A. Public hearing to consider a Site Plan and Architectural Review application for the development of a 2,345 square foot oil change facility and a 4,971 square foot automated car wash, including parking, payment kiosks, vacuum stations and landscape areas. The project site is located at 4245 Table Rock Road within the Tourist and Office Professional (C-4) zoning district and is identified on the Jackson County Assessor's map as 37S 2W OIC Tax Lot 700. File No. SPAR-19002. Applicant: JB Steel, Inc.; Agent: Amy Gunter, Rogue Planning & Development Services, LLC.**

Tom Van Voorhees read the rules for a quasi-judicial hearing. The commissioners had no bias, conflict of interest or ex parte contact to declare.

Justin Gindlesperger said that at the September meeting the Commission had approved the Conditional Use Permit for the Premier Oil car wash on the corner of Biddle Road and Table Rock Road. The hearing of the Site Plan and Architectural Review had been continued to this October 15, 2019 meeting because the application was insufficient. He reviewed the issues regarding site design, private street design and architectural design. Additionally he said the recorded copy of the final plat has not been received. He stated the applicant has submitted updates to the application but staff has not had sufficient time to evaluate them. He showed renderings of the updated site design and building design. Mr. Gindlesperger stated staff is requesting a continuation of the public hearing to the November 5, 2019 Planning Commission meeting. He added the applicant has submitted a request for an extension of the

120 day deadline to accommodate this continuation.

**The public hearing was opened.**

There were no public comments.

Chris Richey made a motion to continue the public hearing to the November 5, 2019 meeting. Kay Harrison seconded the motion. ROLL CALL: Kay Harrison, yes; Amy Moore, yes; Chris Richey, yes; Pat Smith, yes; Jim Mock, yes. Motion passed.

**B. Public hearing to consider a Major Modification to Approved Plans and Conditions of Approval for a proposed modification of an existing stealth-designed telecommunication facility. The project site is located at 250 Peninger Road within the Tourist and Office Professional (C-4) commercial zoning district and is identified on the Jackson County Assessor's map as 37S 2W 02D Tax Lot 2905. File No. MOD-19001. Applicant: Sprint Corporation; Agent: SAC Wireless.**

Tom Van Voorhees announced the rules for a quasi-judicial hearing remained as previously stated. Amy Moore said there was a Verizon cell tower on her property. She said it would not influence her ability to make an unbiased opinion. The commissioners had no ex parte contact, bias or conflict of interest to declare.

Justin Gindlesperger introduced the Application to modify an existing Sprint telecommunications tower located on Peninger Road. He stated the main issue would be the visibility of the tower. He explained the current tower was being used as a flagpole. The modifications would increase the diameter of the upper portion of the pole by several inches. He said the modification is necessary to increase bandwidth, add capacity and provide better coverage. There would be no expansion to the site coverage and the pole would remain the same height. He reviewed renderings of the proposed modifications and said the signs nearby would help to minimize the visual impact. He noted it might look awkward to keep the flag as it would no longer resembled a flagpole. He said he thought the tower could be painted an unobtrusive color to help minimize the visual impact. He showed photos of similar towers in nearby locations.

**Public Hearing was opened**

There were no public comments.

**Public hearing was closed.**

The Commissioners discussed the changes and agreed the flag would not fit the scale on the modified tower. They expressed concerns regarding the additional weight and engineering and Mr. Gindlesperger said those issues would be addressed through the building permit process. They discussed safety with regard to foot traffic in the area and the possibility of fencing around the tower. Kay Harrison asked if it was going to change to 5G. Ms. Holtey responded that it would not. She added the City Manager gave a presentation with an informative video about 5G at the last Council meeting and she offered to forward it to the Commissioners. The Commissioners felt it would be good to stay abreast of current technology.

Pat Smith made a motion to approve the modifications to the Sprint Telecommunications tower. Jim Mock seconded the motion. ROLL CALL: Kay Harrison, yes; Amy Moore, yes;

Chris Richey, yes; Pat Smith, yes; Jim Mock, yes. Motion passed.

## **VII. DISCUSSION**

### **Planning Update**

- There was a pre application meeting with Jackson County for the UGB amendment. On October 10, 2019 the City Council approved a Resolution of Intent to submit the application after finalizing the findings based on the Traffic Impact Analysis
- There is a pre application meeting scheduled this week with someone who is interested in purchasing the Wal Mart site
- We have received a pre application for an annexation of a 12 lot parcel on Grant Road
- The November meeting will be a public hearing regarding ADU code revisions and the continued public hearing for the Premier Oil Site Plan Architectural Review
- Kay Harrison said she was recently in Victoria, Canada and had observed they were in the process of actually lifting some houses and constructing units underneath. She said some of them were very attractive
- There has been some interest in the White Hawk property. The bank has been contacting different developers and there have been inquiries regarding the conditions of approval and the trip cap that was imposed. So far there has not been any pre application request.
- The rail crossing has been working well.
- Chicory village is working to get final plat. The City Manager and Tom Humphrey have spoken with the property owner of the piece of property needed to connect South Haskell to Beall.
- The developer of the Pittview subdivision is working to get started building
- There is a partition for the lot at 6<sup>th</sup> and Laurel St. which should be submitting their final plat soon. They will be building with the TOD standards.

## **VIII. ADMINISTRATIVE REVIEWS**

## **IX. MISCELLANEOUS**

## **X. ADJOURNMENT**

Amy Moore moved to adjourn the meeting. Kay Harrison seconded the motion. All members said "aye". Meeting was adjourned at 6:30 p.m.

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Planning Commission Chair

SPAR-19002

SITE PLAN AND ARCHITECTURAL REVIEW - PREMIER OIL



## STAFF REPORT

### STAFF REPORT November 5, 2019

#### **AGENDA ITEM: VII-A (File No. SPAR-19002)**

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Consideration of a Site Plan and Architectural Review application for the development of a 2,345 square foot oil change facility and a 4,971 square foot automated car wash, including parking, payment kiosks, vacuum stations and landscape areas. The project site is located at 4245 Table Rock Road within the Tourist and Office Professional (C-4) zoning district and is identified on the Jackson County Assessor's map as 37S 2W 01C Tax Lot 700. **Applicant:** JB Steel, Inc.; **Agent:** Amy Gunter; Rogue Planning & Development Services, LLC.

#### **SOURCE**

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Justin Gindlesperger, Community Planner II

#### **BACKGROUND**

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The Applicant proposes construction of a carwash and oil change facility near the intersection of Biddle and Table Rock Road ("Attachment "A-1"). Staff introduced the project proposal at the September 3, 2019 Planning Commission meeting following the Planning Commission's approval of a Conditional Use Permit (CUP) for the proposed carwash use (CUP-19002). At that time, several issues were identified relative to the site plan and architecture that did not comply with the applicable review criteria. Per Staff's recommendation and at the Applicant's request, the Planning Commission continued the public hearing to October 15, 2019 to allow the Applicant time to prepare needed revisions. The Applicant submitted revised drawings on October 7, 2019. The timing of the revised submittal precluded staff's ability to review the changes and prepare a professional recommendation for consideration at the October 15<sup>th</sup> meeting. Accordingly, the Planning Commission continued the public hearing to the November 5, 2019 meeting.

#### **Project Description:**

The current application is a Site Plan and Architectural Review for the construction and operation of a 4,971 square foot automated carwash and 2,345 square foot oil change facility. The site plan for development includes parking, landscaping, street frontage improvements along Biddle Road and the construction of private retail streets (Attachment "A-1"). The 2 acre project site is Proposed Parcel 1/Phase 1 of a larger commercial development (PAR-19002). At this time, final plat has been approved but not recorded and no applications have been received for development of surrounding development on Proposed Parcel 2/Phase 2.

#### *Access/Circulation:*

Site accessed is proposed via private retail streets to comply with the development block standards. The new private retail street provides a north/south connection between Biddle Road and an existing private retail street that provides east/west connectivity with Hamrick Road. The retail streets will be constructed with a 24-foot wide travel way and include a 5-foot wide sidewalk and 5-foot wide landscape row

adjacent to the project site. The remaining retail street improvements will be completed with future development of the adjoining properties.

*Building Design:*

Architecturally the buildings are typical of “highway traveler design” that is reflective of interstate infrastructure from the 1960’s. The building design includes angular roof designs, integrated canopies over the bay doors and modern materials, including stucco, metal and glass (Attachment “A-2”).

*Landscape Design:*

The landscape plan provides landscape areas along all street frontages, the perimeter of the site and interior landscape around the proposed structures and parking lot islands (Attachment “A-4”). A 15-foot landscape area is provided along the Biddle Road frontage with ample street trees. The site is bordered by a 10-foot landscape area between adjacent properties that includes a mix of shrubs and trees to provide a buffer to future adjacent uses.

*Parking:*

The proposal includes off-street parking to accommodate employees and customers together with interior and perimeter landscape improvements. The number of spaces provided is based on a 20-percent reduction per CPMC 17.64.040(B). Although the requested reduction is permitted outright, the Applicant’s Findings note that the reduction eliminates unnecessary parking given the auto-centric nature of the business. Customers generally stay with their vehicles during service and do not generate additional parking demands.

**ISSUES:**

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There are two (2) issues relative to the proposal:

1. **Final Plat/Reciprocal Access.** Site access is provided to the site via private retail streets and are shown on the Tentative Plan (PAR-19002) dividing the project site from the larger commercial development.. The Final Plat has been approved by the City but to-date has not been recorded by Jackson County as necessary to provide legal reciprocal access between the project site and adjoining properties.

**Comment:** Permanent easements are required for development, access and circulation along the private street. Staff recommends Condition No. 1(A) requiring a recorded copy of the final plat and permanent easements for development and access along the private street prior to building permit issuance.

2. **Building Design (Pedestrian Entrance).** The proposed building design for the oil change facility fronts Biddle Road and does not meet the Pedestrian Entrance designs standards in CPMC 17.75.042(A)(3). A commercial building facing a street is required to provide a primary pedestrian entrance that is easily visible or accessible from a street or other pedestrian access. The front façade of the oil change structure identifies the pedestrian entrance with a door and sidelight window and a metal overhang that differs in color from the overhangs over the bay doors. The Applicant’s findings (Attachment “B-2”) also describe a landscape area with customer seating.

**Comment:** To meet the Pedestrian Entrance building design requirements in CPMC 17.75.042(A)(3), the design of a front building facade must incorporate three (3) elements to achieve the objectives of providing a pedestrian entrance. The proposed design incorporates two



(2) design elements and describes a final element to demonstrate compliance with this section. Staff recommends Condition of Approval No. 1(B) requiring a revised site plan and landscape plan that depict the proposed landscaping and furniture for the customer seating.

3. **Bicycle Parking.** Per Table 17.64.04, CPMC 17.64.040, bicycle parking must be provided for automobile oriented commercial uses and the proposed use requires a minimum of 2 bicycle parking spaces. Bicycle parking is not provided on the plans and the Applicant requests an exception to the bicycle parking standards noting the customers are on site automobile services and will not generate bicycle traffic.

**Comment:** Exceptions to the bicycle parking standards may be allowed for uses that do not generate the need for bicycle parking. Despite the auto-centric nature of the use, traffic to the site is generated by customers and employees and the Applicant's Findings note that there is adequate room within the structures to accommodate bicycle parking for the employees. Staff does not find the exception request appropriate and recommends the applicant count the interior area of the structures to satisfy the requirements in providing bicycle parking for employees.

#### **FINDINGS OF FACT & CONCLUSIONS OF LAW:**

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The Premier Oil Site Plan and Architectural Review has been evaluated against the applicable Site Plan and Architectural Review Criteria set forth in CPMC 17.72 and CPMC 17.75 and found to comply as conditioned and as evidenced in the Applicant's Findings and Supplement Findings (Attachments "B-1" & "B-2").

#### **CONDITIONS OF APPROVAL:**

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1. Prior to building permit issuance, the applicant shall:
  - a. Provide recorded copies of the following documents to the Community Development Department:
    - i. A recorded Final Plat for PAR-19002; and
    - ii. Documentation of permanent easement for development of the proposed north/south private retail street on the adjacent property at 37S 2W 01C, Tax Lot 804; and
    - iii. Documentation of cross-access easement along the length of the proposed north/south retail street for the subject property and the properties to the west.
  - b. Provide a revised site plan and landscape plan that depicts the landscaped seating area at the west side of the front façade of the oil change structure that includes, but is not limited to, the location and type of landscape, ground cover materials and furniture proposed to comply with the requirements of CPMC 17.75.042(A)(3), Pedestrian Entrances.
  - c. Demonstrate compliance with the following conditions listed in the Public Works Department Staff Report (Attachment "C"):

- i. Submit a landscape and irrigation plan for landscape and street tree installation along Biddle Road and the private retail streets.
    - ii. Submit civil improvement plans to the Public Works Department for the street frontage improvements and street construction. The applicant shall use the 2014 revised Public Works Standards and Specifications for all new construction drawings.
    - iii. Obtain any, and all, necessary permits and approvals from Jackson County Roads Department for the construction of a new driveway along Biddle Road and for any public utility connections.
    - iv. Submit a stormwater management plan for the entire tax lot demonstrating compliance with the MS4 Phase II stormwater quality standards.
    - v. Any modifications to the site plan necessary to meet stormwater quality requirements shall be subject to CPMC 17.09, Modifications to Approved Plans and Conditions of Approval.
    - vi. Apply for an erosion and sediment control permit (NPDES 1200-CN) and provide a copy to the Public Works Department.
    - vii. Pay all System Development Charges and permit fees.
  - d. Demonstrate compliance with the following conditions listed in the Rogue Valley Sewer Services Staff Report (Attachment “D”):
    - i. Submit construction plans, prepared per RVSS standards, for approval.
    - ii. Obtain a sewer service permit from RVSS. This permit will be issued by RVSS upon submittal of appropriate plans and payment of appropriate fees.
  - e. Demonstrate compliance with the following conditions listed in the Jackson County Roads Department Staff Report (Attachment “E”):
    - i. Obtain a minor road improvement permit for the installation of sidewalks along Biddle Road.
    - ii. Obtain utility permits for any utility work with the Biddle Road right-of-way.
    - iii. Provide a hydraulic analysis and storm drain facilities analysis for review and approval.
2. Prior to Public Works Final Inspection, the applicant shall demonstrate compliance with the following:

- a. Complete Biddle Road frontage improvements and construction of the private retail streets as required per the civil improvement and landscape and irrigation plans approved by the Public Works Department.
- b. Complete stormwater management improvements per the Stormwater Management Plan approved by the Public Works Department. The Engineer-of-Record shall certify that the construction of the drainage system was constructed per the approved plans.
- c. Record an operations and maintenance agreement for all new stormwater quality features.
- d. Pay all System Development Charges and permit fees.

## **ATTACHMENTS**

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Attachment "A-1" – Site Plan

Attachment "A-2" – Architectural Elevations

Attachment "A-3" – Floor Plans

Attachment "A-4" – Landscape Plan

Attachment "B" - Planning Department Supplemental Findings

Attachment "C-1" – Applicant's Amended Findings, dated 10/14/2019, as corrected

Attachment "C-2" – Applicant's Findings, dated 06/27/2019, as corrected

Attachment "D" – Public Works Department Staff Report, dated 08/05/2019

Attachment "E" – RVSS Staff Report, dated 08/05/2019

Attachment "F" – Jackson County Roads Staff Report, dated 08/19/2019

Attachment "G" – Resolution No. 876

## **ACTION**

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Consideration of Resolution No. 876, Site Plan & Architectural Review application for Premier Oil and 1) approve; 2) approve with modifications; or 3) deny the application.

## **RECOMMENDATION**

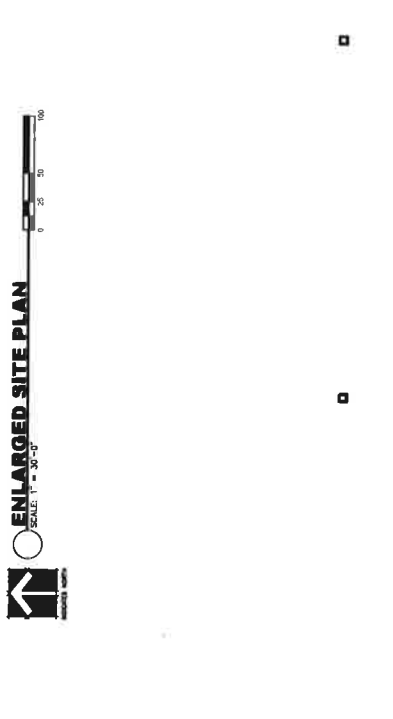
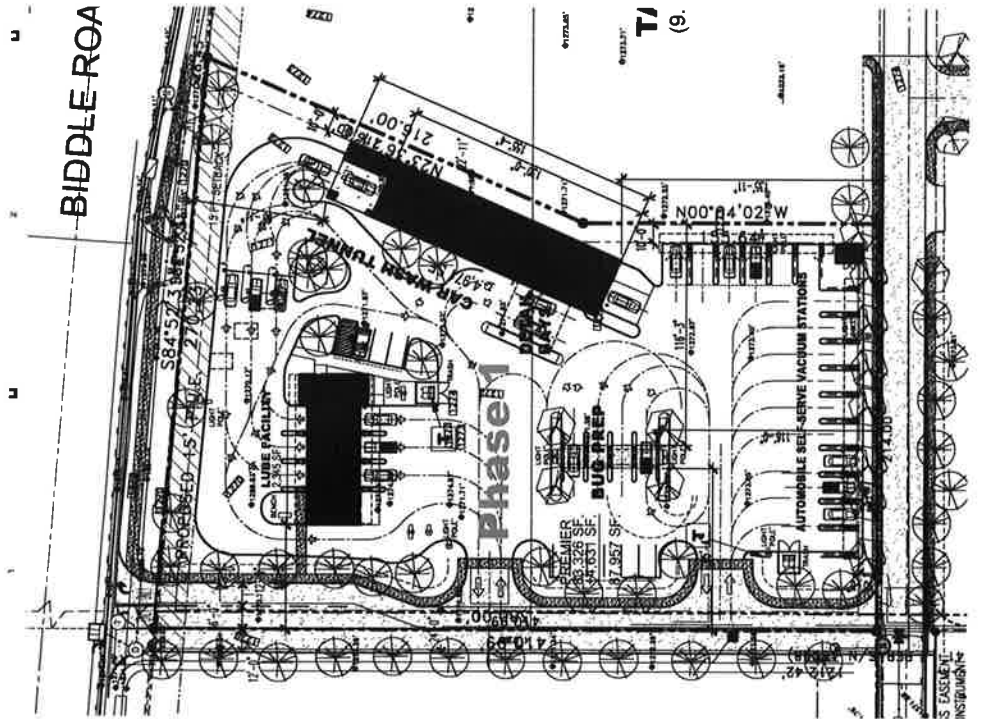
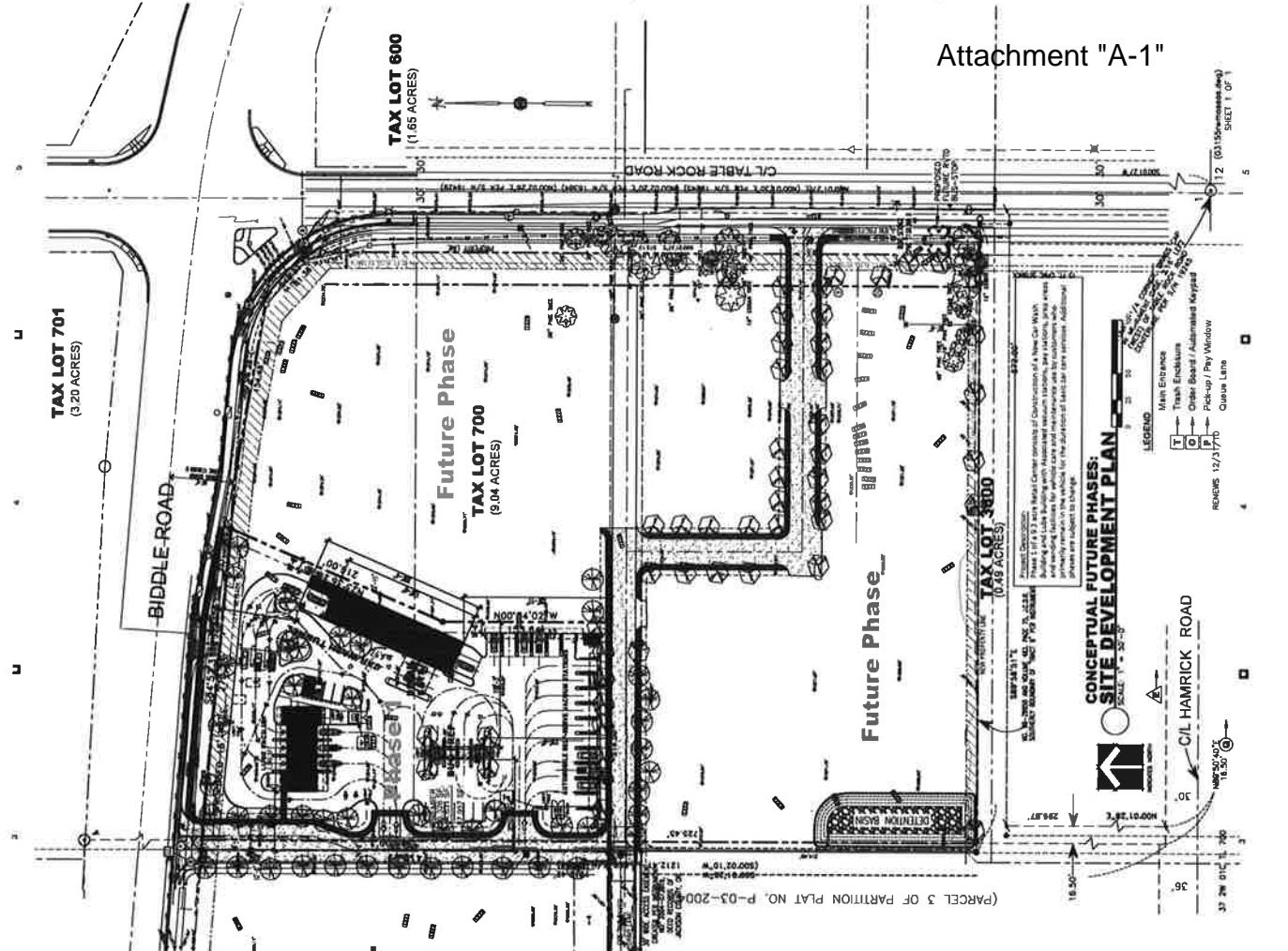
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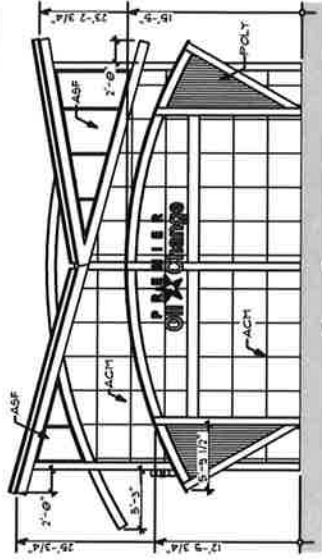
Approve Resolution No. 876, Site Plan & Architectural Review for Premier Oil per the Staff Report dated November 5, 2019, including all attachments thereto.



DATE	DESCRIPTION
12/31/20	PRELIMINARY SITE DEVELOPMENT PLAN

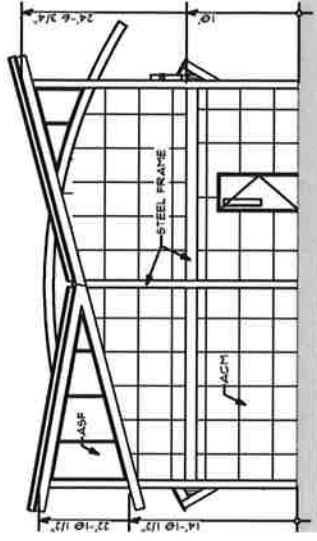
**SITE DEVELOPMENT PLAN**  
 PRELIMINARY  
 FOR DESIGN REVIEW





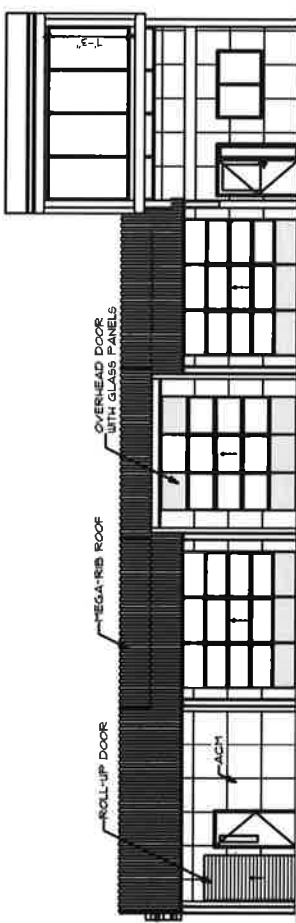
**EAST ELEVATION**

SCALE: 3/32" = 1'-0"



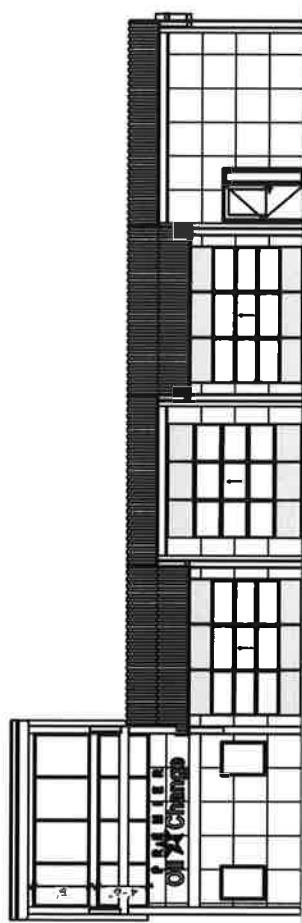
**WEST ELEVATION**

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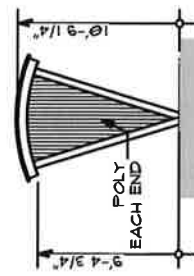
**NORTH ELEVATION**

SCALE: 3/32" = 1'-0"



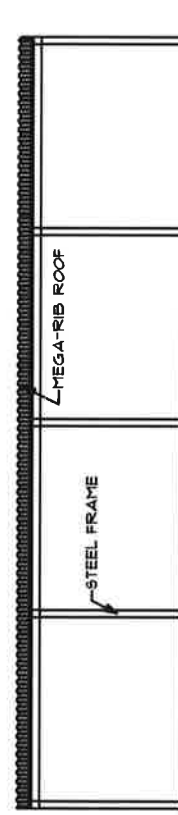
**SOUTH ELEVATION**

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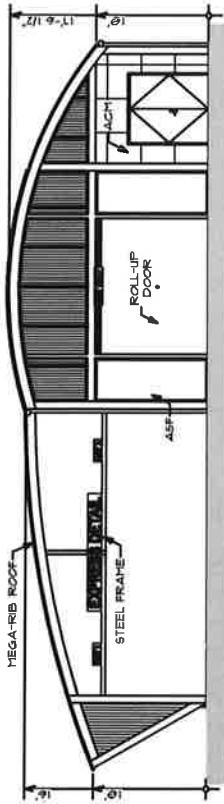
**SOUTH BUG-PREP**

SCALE: 1/8" = 1'-0"



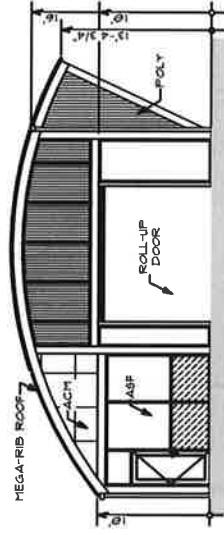
**EAST BUG-PREP**

SCALE: 1/8" = 1'-0"



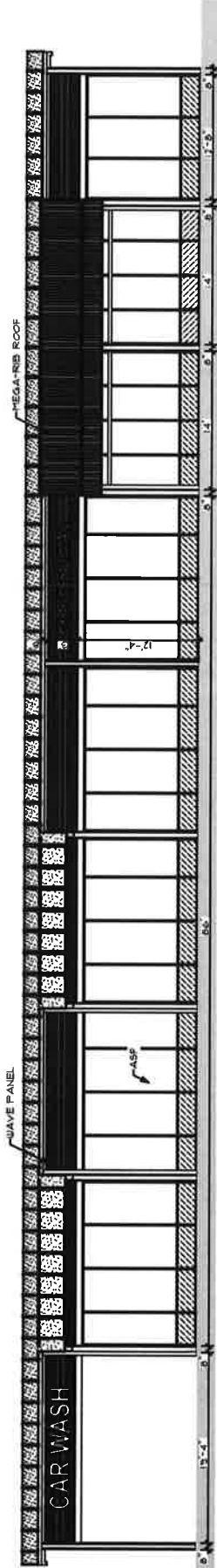
**NORTH ELEVATION**

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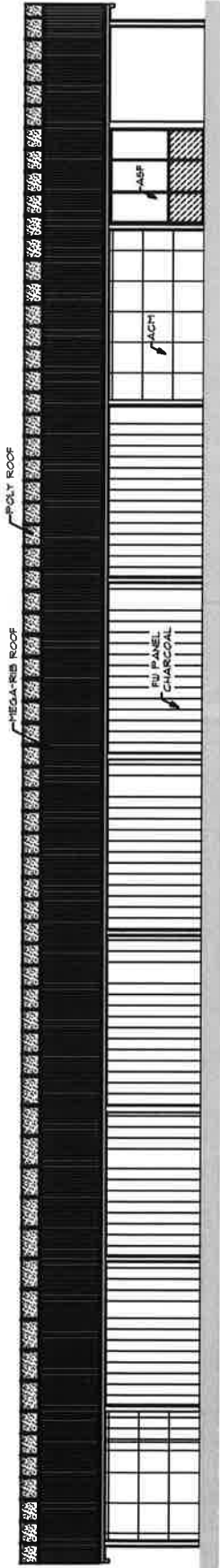
**SOUTH ELEVATION**

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**EAST ELEVATION**

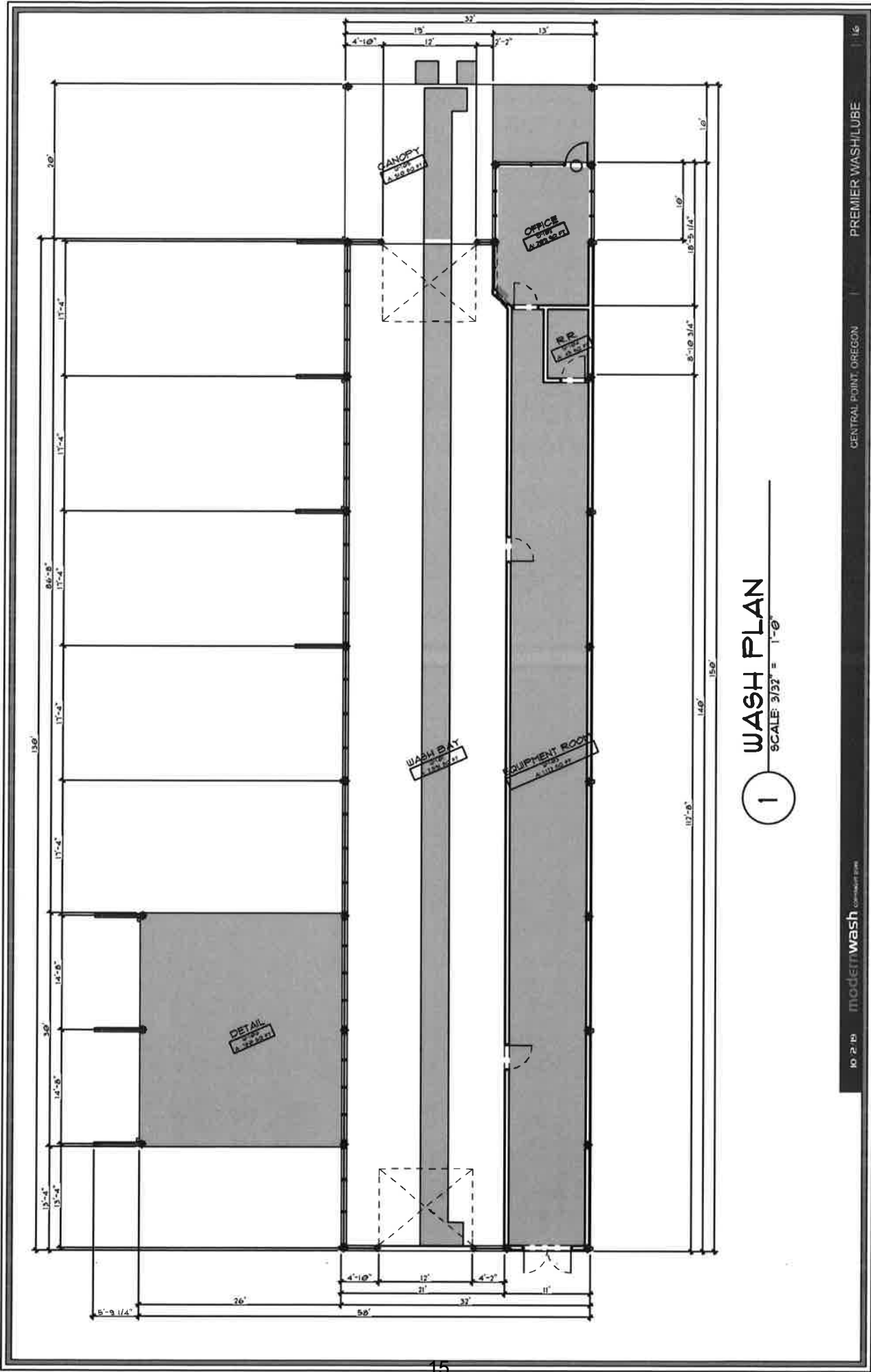
SCALE: 3/32" = 1'-0"



**WEST ELEVATION**

SCALE: 3/32" = 1'-0"





1 WASH PLAN  
SCALE: 3/32" = 1'-0"



**MADARA DESIGN INC.**  
Landscape Design & Consultation  
2994 Wells Fargo Rd  
Central Point, Or 97502  
541-864-7055

**J.B. STEEL, INC.**  
COMMERCIAL - INDUSTRIAL  
4150 NE 10th Ave., Suite 100  
Portland, OR 97218  
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503-281-1111

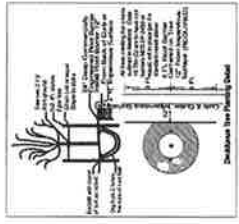
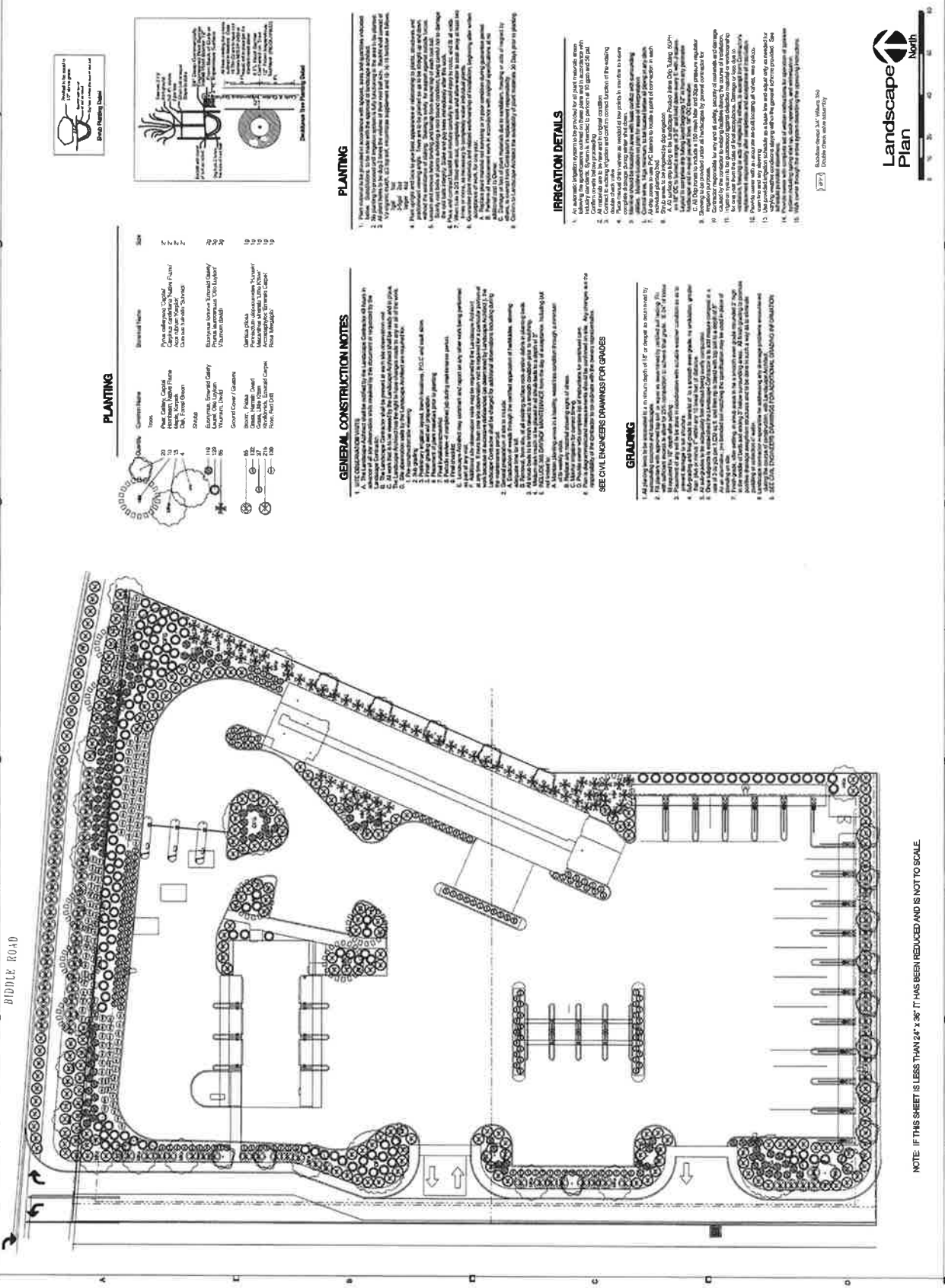
**PROJECT LOCATION:**  
4455 Tenth Street Road  
Central Point, OR 97502

**DATE:** 10/20/2017  
**PROJECT NUMBER:** 17  
**ISSUE:** PRELIMINARY

**PROJECT TITLE:**  
Landscape Plan

**PROJECT STATUS:**  
ISSUE STATUS

PRELIMINARY - NOT FOR CONSTRUCTION - FOR REVIEW and DISCUSSION PURPOSES ONLY



**PLANTING**

Planting	Quantity	Planting Notes
1	10	Planting Notes
2	10	Planting Notes
3	10	Planting Notes
4	10	Planting Notes
5	10	Planting Notes
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49	10	Planting Notes
50	10	Planting Notes

**PLANTING**

1. Plant material to be provided to contractor with appropriate tags and labels.
2. All plants to be provided to contractor with appropriate tags and labels.
3. All plants to be provided to contractor with appropriate tags and labels.
4. All plants to be provided to contractor with appropriate tags and labels.
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8. All plants to be provided to contractor with appropriate tags and labels.
9. All plants to be provided to contractor with appropriate tags and labels.
10. All plants to be provided to contractor with appropriate tags and labels.

**IRRIGATION DETAILS**

1. All irrigation systems to be provided for each landscape area.
2. All irrigation systems to be provided for each landscape area.
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9. All irrigation systems to be provided for each landscape area.
10. All irrigation systems to be provided for each landscape area.

**GENERAL CONSTRUCTION NOTES**

1. All construction to be provided for each landscape area.
2. All construction to be provided for each landscape area.
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9. All construction to be provided for each landscape area.
10. All construction to be provided for each landscape area.

**SEE CIVIL ENGINEERS DRAWINGS FOR GRADES**

**GRADING**

1. All grading to be provided for each landscape area.
2. All grading to be provided for each landscape area.
3. All grading to be provided for each landscape area.
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9. All grading to be provided for each landscape area.
10. All grading to be provided for each landscape area.



NOTE: IF THIS SHEET IS LESS THAN 24" x 36" IT HAS BEEN REDUCED AND IS NOT TO SCALE.

**FINDINGS OF FACT  
AND CONCLUSIONS OF LAW  
File No.: SPAR-19002**

**Consideration Of A Site Plan & Architectural Review  
To Construct An Automated Carwash And Oil Lube Facility**

**Applicant:** ) Findings of Fact  
JB Steel, Inc. ) and  
PO Box 4460 ) Conclusion of Law  
Medford, OR 97501 )

**PART 1  
INTRODUCTION**

The applicant proposes to construct an approximately 4,971 square foot automated carwash and 2,345 square foot oil change facility. The proposed development plans include parking, landscaping, street frontage improvements along Biddle Road and the construction of private retail streets.

The site plan and architectural review request is a Major Project, and is processed using Type III application procedures concurrently with a separate application for a conditional use permit. Type III procedures set forth in Section 17.05.400 provides the basis for decisions upon standards and criteria in the development code and the comprehensive plan, when appropriate.

The project site is located in the C-4, Tourist and Office Professional zoning district. The standards and criteria for the site plan and architectural review application are set forth in CPMC 17.72, Site Plan and Architectural Review and CPMC 17.75, Design and Development Standards.

**PART 2  
FINDINGS & CONCLUSIONS**

Staff has reviewed the Applicant’s Amended Findings, dated October 14, 2019, and the Applicant’s Findings, dated June 27, 2019, and found that they address the applicable development code criteria for the proposed site plan and architectural review, except where noted with staff corrections. The Applicant’s Findings and Amended Findings, as corrected, are incorporated herein by reference.

**PART 3  
SUMMARY CONCLUSION**

As evidenced in findings and conclusions, the proposed Premier Oil site plan and architectural plan is consistent with applicable standards and criteria in the Central Point Municipal Code as conditioned.

October 14, 2019

**AMENDED FINDINGS**

**Site Plan and Architectural Review Application Request  
for the development of the property located at 4245 Table Rock Road (37 2W 01C: TL#700)**

<b>Property Owner:</b>	South Salem LLC PO BOX 4460 Medford, OR 97501
<b>Applicant:</b>	J.B. Steel Inc. Gary Caperna PO BOX 4460 Medford, OR 97501
<b>Agent:</b>	Rogue Planning & Development Services, LLC Amy Gunter 33 North Central Avenue, Suite 213 Medford, OR 97501
<b>Land Surveyor:</b>	Hoffbuhr and Associates Darrell Huck 880 Golf View Drive, Suite 201 Medford, OR 97504
<b>Civil Engineering:</b>	CEC Engineering 134 W Main Street Medford, OR 97501
<b>Landscape Design:</b>	Madera Design Inc. 2994 Wells Fargo Way Central Point, OR 97502

**Request:**

Request for Site Plan and Architectural Review approval to allow for the first phase of development of the phased retail center. The proposal is to allow for the construction of a Premier Oil Change quick lube and automated car wash facility.

This document is intended to address the issues identified at the September 5, 2019 Planning Commission and to supplement the original application findings for the Premier Oil Change and Car Wash proposal.

**1) Tentative Partition Plan:** The final partition plat has been submitted to the city for review and approval. The final partition plat proposal includes the location of the private retail streets. The retail street locations shown on the final site plan for the proposal are consistent with the location of the street on the plat.

**2) Reciprocal Access:** The adjacent property to the west provided a letter of consent that agrees to the future construction and easements for the north/south portion of the retail street. Also, the existing retail street from Hamrick Road to the subject property have permanent easements for the development, maintenance and access of the private retail street. Evidence of easement and agreement for future easement and construction has been provided with the final partition plat application.

**3) Retail Street Design:** The revised site plan for the development of the car wash / oil change facility includes demonstration that the proposed retail street will be improved with 24-feet of travel lane, one side of the street with a five-foot curbside sidewalk and a five-foot landscape strip. The opposite side of the retail street will include a five-foot hardscape street planter within a ten-foot sidewalk. The street trees will be spaced as per the street tree standards.

**4) Building Design Standards:** Modifications to the proposed elevations have been made which provide more pedestrian scale building façade using articulation of the street facing facades, and transparency with additional business entry doors and windows.

Though the building is not a pedestrian oriented business, with the incorporation of landscape islands, outdoor seating areas and building design elements such as painted beams and additional window area, the proposed oil change facility and car wash will be an inviting place for the customers.

**Façade Wall Face:** The Biddle Road façade is the primary street façade. In addition to the transparent roll-up garage doors, a commercial style aluminum door is proposed to be added.

Two transom windows were added to the east side of the oil bay garage doors. Along the front façade, painted beams that extend beyond the face of the structure are proposed.

**Building Wall Face:** The beam work found on the Biddle Road façade continues around the retail street façade of the structure adding

Between the garage doors and along the wash tunnel, the red beams extend beyond the façade and triangular panels are provided to create further articulations in the massing of the façade. There are roof overhangs above the oil bay garage doors.

**Service Areas:** The service areas will be screened in accordance with section 17.67.050(K)4. And will have a six-foot tall either wood or masonry enclosure and screening gate.

**Landscape Design:** A revised landscape plan provides the accurate dimensions and number of perimeter plantings as required by code. There are eleven (11) trees, including hornbeam and maple trees and more than 52-shrubs proposed in the 15-foot wide landscape buffer strip along Biddle Road.

At the perimeter of the site, a ten-foot landscape area, along the wall of the wash tunnel (east property line) there is a 10-foot landscape buffer. The landscape buffer proposed at the perimeter of the property, as demonstrated on the revised landscape plan provides more than 100 shrubs including Laurel, Viburnum and Euonymus within this buffer where 53 shrubs are required. There are trees provided at a 1 tree per 100 linear feet ratio.

**Storm Water Management:** The project engineer will design the storm water system to accommodate any storm water capacity issues in the system along Biddle Road. The site grading and drainage plan can be altered to disperse the storm water generated into the city system that does not have capacity issues.

**On-site Lighting:** The revised site plan provides the locations of the down-shrouded, parking lot light poles. The structures, including the oil change building, the car wash tunnel, the bug stations, and vacuum stations, also have interior and exterior accent lighting that is utilized to provide property and structure security. The exterior accent lighting is set to a timer so as to not be illuminated all night.

**Signs:** A separate sign permit application will be obtained, but the proposal provides the locations and the graphics of the Premier Oil Change and Car Wash sign program on the elevations and as a separate pole sign graphic.

Thank you for your time and consideration.  
Respectfully Submitted,

Amy Gunter  
Rogue Planning & Development Services, LLC  
541-951-4020  
[Amygunter.planning@gmail.com](mailto:Amygunter.planning@gmail.com)  
[www.rogueplanning.com](http://www.rogueplanning.com)

Attachments:  
Revised Site Plan  
Revised Landscape Plan  
Revised Elevations  
Pole Sign Graphic

### **Additional Findings of Fact:**

17.75.042 Commercial building design standards.

The following design standards are applicable to development in all commercial zoning districts, and are intended to assure pedestrian scale commercial development that supports and enhances the small town character of the community. All publicly visible buildings shall comply with the standards set forth in this section.

#### **A. Massing, Articulation, Transparency, and Entrances.**

1. Building Massing. The top of the building shall emphasize a distinct profile or outline with elements such as a projecting parapet, cornice, upper level setback, or pitched roofline.

Finding:

The east portion of the building is proposed to be 25 ¾-feet tall, it has a steeply pitched skillion style roofline, glazing, and a change in color, material and texture at 10-feet from grade providing required vertical articulation.

2. Facade Articulation. Facades longer than forty feet and fronts on a street, sidewalk, accessway or residential area shall be divided into small units through the use of articulation, which may include offsets, recesses, staggered walls, stepped walls, pitched or stepped rooflines, overhangs, or other elements of the building's mass.

Finding:

**Biddle Road Façade:**

The proposed primary structure, the oil change garage including the customer waiting area, restrooms and office space has a façade length of more than 40-feet. The proposed structure includes substantial vertical and horizontal articulation. There are articulated rooflines including a steeply pitched roof portion and a rounded top roofline. There are changes in color with the incorporation of red beam work and a material change where the grey panels intersect with the red beams that horizontal and vertical articulation.

Along the garage door façade, articulation and changes in color, and material horizontally at each of the three auto bays is provided.

For purposes of complying with the requirements in this subsection "facade articulation" shall consist of a combination of two of the following design features:

- a. Changes in plane with a depth of at least twenty-four inches, either horizontally or vertically, at intervals of not less than twenty feet and not more than forty feet; or

b. Changes of color, texture, or material, either horizontally or vertically, at intervals of not less than twenty feet and not more than one hundred feet; or

Finding:

There are changes in color and texture, material along the façade of the oil change structure that faces Biddle Road. These include the use of beams that extend beyond the façade of the structure that are in an alternate material as the wall panels. Transom style windows, pedestrian entrance door, and the glass and metal roll-up garage doors provide a material, texture and color change horizontally along the Biddle Road façade. Additionally, there are roof overhangs that project more than 48-inches over the door bays, the beams and overhangs is a pattern that is repeated along the frontage of the structure on Biddle Road and along the east façade of the carwash tunnel structure to provide façade articulation.

c. A repeating pattern of wall recesses and projections, such as bays, offsets, reveals or projecting ribs, that has a relief of at least eight inches.

Finding:

The garage bay doors provide recesses along the majority of the Biddle Road façade. The brace walls between the garage bays has a projecting rib that extends more than eight inches. On the east portion of the oil change structure in the area of the structure with the office, customer waiting area and restrooms, transom style windows and the red rib beam There is a proposed belt course of metal over the concrete / stucco exterior. The eave of the building, and the projecting canopy overhangs the recessed bay doors which does provide articulation along the façade of the structure.

The beams, are used throughout the site on the structures and provide a cohesive design. Beams, shown in red on the exterior elevations provides horizontal and vertical articulation along the street facing facades of the structure.

The proposed design, architectural articulation, and substantial setback from the pedestrian corridor all provide design features that meet the intent of the section.

3. Pedestrian Entrances. For buildings facing a street, a primary pedestrian entrance shall be provided that is easily visible, or easily accessible, from the street right-of-way, or a pedestrian accessway. To ensure that building entrances are clearly visible and identifiable to pedestrians the principal entry to the building shall be made prominent with canopies or overhangs.

To achieve the objectives of this subsection the design of a primary entrance should incorporate at least three of the following design criteria:



a. For building facades over two hundred feet in length facing a street or accessway provide two or more public building entrances off the street;

Finding:

Not applicable

b. Architectural details such as arches, friezes, tile work, murals, or moldings;

Finding:

Pedestrian oriented entrance has been added to the Biddle Road facing façade. A metal, commercial grade entry door with side light window is provide on the western end of the structure. A metal overhang extends over the entry area. The entry façade overhang differs in color than the overhangs above the auto bays.

c. Integral planters or wing walls that incorporate landscape or seating;

Finding:

A planter area with landscaping and a seating area is provided that provides sidewalk connection to the sidewalk along the retail street.

Complies as conditioned to depict landscape and customer seating at pedestrian entrance

d. Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights;

Finding:

Not applicable.

e. Prominent three-dimensional features, such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets; and

Finding:

Not applicable

f. A repeating pattern of pilasters projecting from the facade wall by a minimum of eight inches or architectural or decorative columns.

Finding:

A repeating pattern of projecting beams between the garage bays with beams that extend more than eight-inches beyond the façade of the structure.

4. Transparency. Transparency (glazing) provides interest for the pedestrian, connects the building exterior and interior, puts eyes on the street/parking, promotes reusability, and provides a human-scale element on building facades. The transparency standard applies to a building's principal facade. Projects subject to this section shall meet the following glazing requirements:

a. A minimum of forty percent of a facade wall face area, the area from finished ground floor elevation to twelve feet above finished floor elevation, shall be comprised of transparent glazing from windows or doors. Reflective or tinted glass or film is not permitted on ground floor facade windows. The forty percent minimum transparency requirement may be reduced through the site plan and architectural review process upon demonstration that a proposed alternative design achieves the transparency objectives. See subsection (A)(4)(e) of this section for alternative design solutions.

Finding:

The proposed structure has garage doors with transparent windows. A single, door with sidelight and two windows are found on the oil change structure façade provide additional transparency. The façade has 1,027 square feet of the façade wall. The transparency provided is 224 square feet where 410.8 square feet is required. See additional findings in (A)(4)(e).

b. The second floor must provide a minimum of twenty-five percent glazing between three and eight feet, as measured from that story's finished floor level. The twenty-five percent minimum transparency requirement may be reduced through the site plan and architectural review process upon demonstration that the proposed alternative design achieves the transparency objectives. See subsection (A)(4)(e) of this section for alternative design solutions.

Finding:

Not applicable

c. If a single-story building has a facade taller than twenty feet, the facade area above fifteen feet is subject to the same window requirement as the second-floor requirement in subsection (A)(4)(b) of this section.

Finding:

The single-story building has a façade taller than 20-feet. The area of the of the façade that is above 15-feet is 240 square feet. Of the 240 square feet, there is 161 square feet of glazing or nearly 68 percent of the façade.

d. Any building wall facade that is built up to an interior mid-block property line is not required to have glazing on that facade if no prohibitions and no contractual or legal impediments exist that would prevent a building being constructed on the adjacent property up to the wall of the facade.

Finding:

No prohibitions or contractual or legal impediments excepting building and fire code would prevent a building from being construction on the adjacent property to the wall of the façade of the car wash tunnel.

e. Where transparent windows are not provided on at least forty percent of a building wall facade (or portions thereof) to meet the intent of this section, at least three of the following elements shall be incorporated:

Finding:

Three of the elements from the section have been provided to compensate for having less than 40 percent of the ground floor wall façade as a transparent material. The proposed structure has a belt course on the façade of a metal texture and in red accent vs. the grey aluminum composite material (ACM) panels.

The proposed structure has a projecting awing/canopy that extends more than four feet beyond the façade of the structure.

A large portion of the street facing (primary) façade 16-feet of the 79-foot façade has a substantial, vertical articulation in the form of a tall (greater than 25-feet in height) and includes more than 9.5-feet in the wall façade is window area, additional red belt course, beam. In this section of the wall façade, there is 376 square feet in area of which 40 percent is 153.6 square feet. The proposed portion of the structure that has a substantial vertical wall articulation more than 40 percent of the façade is transparent.

5. Wall Faces. As used in this section there are three types of wall faces. To ensure that buildings do not display unembellished walls visible from a public street or residential area the following standards are imposed:

a. Facade Wall Face. Facade wall faces greater than forty feet in length shall be divided into small units through the use of articulation, which may include offsets, recesses, staggered walls, stepped walls, pitched or stepped rooflines, overhangs, or other elements of the building's mass.

For purposes of complying with the requirements in this subsection facade wall faces shall consist of a combination of two of the following design features:

Finding:

The façade walls that visible from the public street or from residential areas that are also greater than 40-feet in length have changes in plane at vertical intervals. There are changes in color and texture, material along the façade of the oil change structure that faces Biddle Road. These include the use of beams that extend beyond the façade of the structure that are in an alternate material as the wall panels. Transom style windows, pedestrian entrance door, and the glass and metal roll-up garage doors provide a material, texture and color change horizontally along the Biddle Road façade. Additionally, there are roof overhangs that project more than 24-inches over the door bays, the beams and overhangs is a pattern that is repeated along the frontage of the structure on Biddle Road and along the east façade of the carwash tunnel structure to provide façade articulation.

b. Building Wall Face. As applicable each building wall face shall be given architectural treatment to meet the intent of this section by using three or more of the following:

Finding:

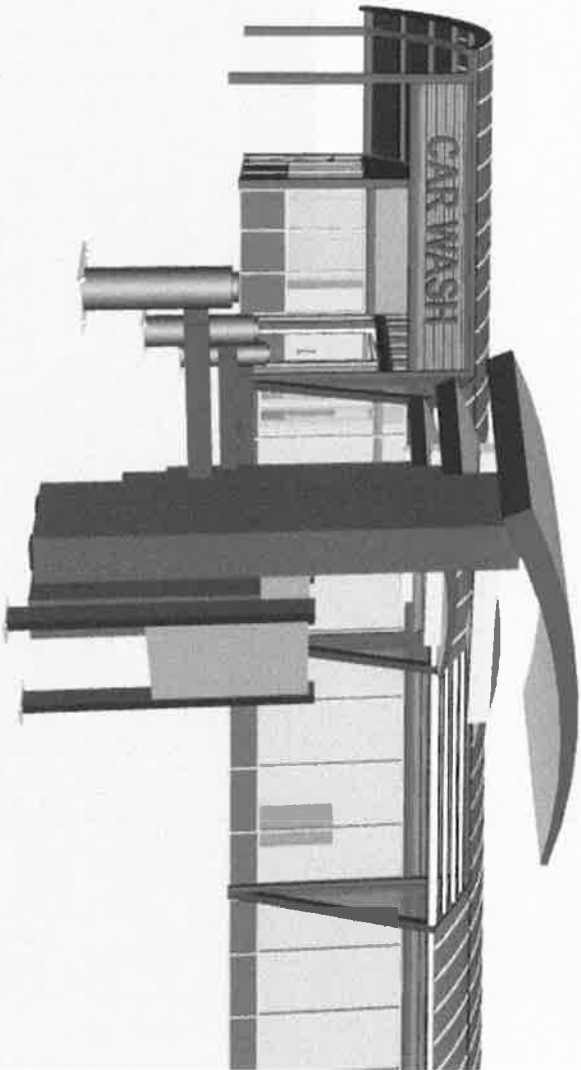
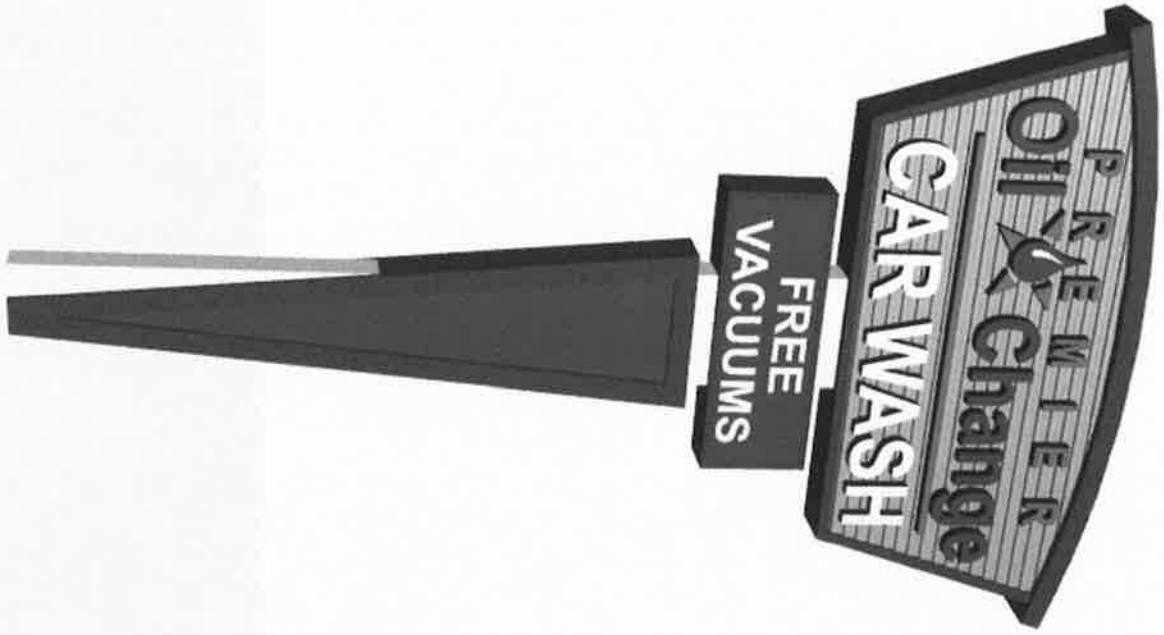
*The building wall face that faces the private retail street façade is less than 40-feet in width. The proposed wall face has a projecting beam and projecting sign on the street facing façade that breaks up the mass of the wall and meets the intent of the section that is to provide dimensional variation on the plane of the wall that provides shadows, changes in plane and façade treatment to reduce the mass of the wall facing the street and to provide visual interest. The wall is more than 20-feet from the street and is not a pedestrian entry.*

c. Other Wall Faces. Other wall faces abutting residential areas shall comply with the requirements for building wall faces. Other wall faces not abutting residential areas are exempt from this section.

Finding:

*No wall faces abut residential areas.*





South Salem, LLC

# Site Plan and Architectural Review Application

4245 Table Rock Road: 37 2W 01 C; 700



June 27, 2019

**AMENDED FINDINGS**

**Site Plan and Architectural Review Application Request  
for the development of the property located at 4245 Table Rock Road (37 2W 01C: TL#700)**

**Property Owner:** South Salem LLC  
PO BOX 4460  
Medford, OR 97501

**Applicant:** J.B. Steel Inc.  
Gary Caperna  
PO BOX 4460  
Medford, OR 97501

**Agent:** Rogue Planning & Development Services, LLC  
Amy Gunter  
33 North Central Avenue, Suite 213  
Medford, OR 97501

**Land Surveyor:** Hoffbuhr and Associates  
Darrell Huck  
880 Golf View Drive, Suite 201  
Medford, OR 97504

**Civil Engineering:** CEC Engineering  
134 W Main Street  
Medford, OR 97501

**Landscape Design:** Madera Design Inc.  
2994 Wells Fargo Way  
Central Point, OR 97502



**Request:**

Request for Site Plan and Architectural Review approval to allow for the first phase of development of the phased retail center. The proposal is to allow for the construction of a Premier Oil Change quick lube and automated car wash facility.

**Property Description:**

The subject property is located at 4245 Table Rock Road, Central Point Oregon, (37S 2W 01C; TL#700). The property is part of a vacant, 9.04-acre parcel at the southwest corner of Table Rock Road and Biddle Road. The property is bound by Table Rock Road along the east property line and Biddle Road along the north property line. Hamrick Road is approximately 360-feet to the south of the subject property.

The 9.04-acre parcel has received tentative approval for the partition of Parcel 1, a 2.03-acre lot in the northwest corner of the property (Tentative Plan Application PAR-19002). Parcel 2 is to remain vacant. The Partition Application and the proposed site plan provides a Master Plan layout that generally complies with the access standards, block length standards, parking lot layout, design, landscaping and grading, stormwater control and utility installation. Each phase of the development will obtain separate approvals as necessary.

The greater property area is at the edge of the city of Central Point Urban Growth Boundary (UGB) and the city limits. The property is zoned Commercial / Tourist (C-4). The adjacent property to the south (TL#3900) is outside of the City limits, but is shown as Central Point, Manufacturing (M-2) on the zoning map (see Figure 2). The property to the north and across Biddle Road and west is zoned General Commercial and Residential. The properties to the northwest, across Biddle Road are zoned Residential. The properties to the east, across Table Rock Road are zoned Jackson County General Commercial. The Rogue Valley Airport, airport related businesses, hotels and office buildings are further east/southeast on Biddle Road.

There are no floodplains, wetlands or other significant natural features on Parcel 1 that would prevent development. There is a grove of large stature pine and cedar trees on vacant Parcel 2. These trees will be evaluated by an arborist prior to development proposals for Parcel 2 to verify if the trees are in a condition of health that would warrant their preservation and incorporation into a development proposal.

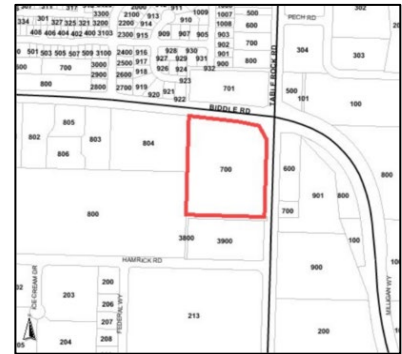


Figure 1: Vicinity Map

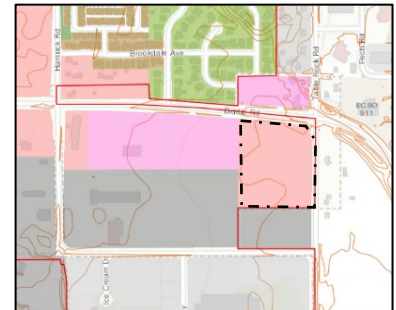


Figure 2: Central Point Zoning Map

A portion of the frontages of the property were recently improved with curb, gutter, sidewalk and utility installations. Table Rock Road is a County Arterial and is maintained by Jackson County. Biddle Road is a County Minor Arterial, it is also maintained by Jackson County. There are curb, gutter, sidewalk and utilities present along the frontages. The driveway curb cut was relocated to the western property line as part of the frontage improvements.



**Detailed proposal:**

Premier Oil Change, with locations in Redding, Eureka, and Grants Pass proposes to construct an Oil Lube and Car Wash Facility as the first phase of development of the Retail Center proposed by South Salem, LLC.

The proposal is for an approximately 7,316 square foot facility that consists of two primary structures, Oil Lube building is proposed to have a 2,345 square feet of area and a 4,971 square foot Car Wash Tunnel, a covered express detail covered area to the west of the car wash tunnel is also proposed. Additional site improvements for the Car Wash facility will consist of parking areas, car cleaning enclosures that includes a vending / vacuum structure with individual vacuum kiosks, pay stations, and a bug station. The site improvements are intended for vehicle care and maintenance use by customers who primarily remain in the vehicle for the duration of basic car care services. Site landscaping, irrigation, screening, and trash / recycle enclosures are also proposed.

**Architecture:**

As a highway tourism, auto-centric business, the proposed architecture harkens the lines and architecture found on service buildings. The design style is reflective of a classic “butterfly” or “batwing” style design featured on the Conoco Phillip’s of the 1960s when the Interstate infrastructure was installed throughout the Rogue Valley. The Sonic Drive-In has similar styling. The proposed buildings include well defined rooflines consisting of rounded roofs and steeply pitched, skilion rooflines. The façade of the building features clearly defined customer entrances, and articulation in the facades that address the standards from the city of Central Point architectural review.

The structures are setback a substantial distance from the pedestrian corridor along Biddle Road, with a 53-foot, 1-inch setback at the nearest point, the Lube Facility building is at the same plane as the Car Wash building. The design standards from the CPMC speak to articulation in the façade consistent with the development pattern in the downtown area and in keeping with the ‘small town character’. The proposed building and ‘style’ are translated on the proposed building with more modern materials and design elements such as steel and glass with vehicle-oriented design to support the proposed vehicle-oriented business.

**Access:**

Primary access to the site from Biddle Road is proposed via a retail street. The proposed retail street is approximately 570-foot west of Table Rock Road, and 540-foot east of Meadowbrook Drive. Meadowbrook Drive is on the north side of Biddle Road. On the south side of Biddle Road, a retail street intersects with Meadowbrook Drive. This connects to an existing east/west retail street that terminates at the subject property’s western boundary. The proposed north/south retail street is to intersect with the east / west street. To further provide internal circulation and comply with block length standards the east/west retail street is proposed to be extended through the property.

A limited Traffic Impact Analysis by Southern Oregon Transportation Engineers was performed that addressed the traffic impacts of an oil / lube and car wash facility. The Traffic Impact Analysis found that the proposal complies with the standards required by the Jackson County Roads Department and by the Oregon Department of Transportation for intersection distances. Jackson County Roads Dept. has indicated that the proposed full movement access will be allowed from the retail street to Biddle Road.

With the Phase 1 portion of site improvements for this development proposal, both sides of the north / south retail street are proposed that will connect to the intersection of the east / west retail street. The application includes the plan for the retail street to be improved on both sides with five-foot landscape park row and five-foot sidewalk. The improvements to the private retail street demonstrate that beyond the property boundaries of Phase 1 development, a private retail street, to the city standards can be developed through the property to Table Rock Road. As future phases develop, the retail street will be installed in conjunction with the Phase 2 development.

Adequate transportation facilities are provided within the public rights-of-way and via the future connected retail street system. The site plan provides a block layout demonstrating that the block length standards are met and that the block perimeter standards are generally met with the proposed retail street. As the future phases develop, there will be additional pedestrian and bicycle connections provided to reduce travel distances through the site.

**Parking:**

Proposed drive aisles and parking areas are located in a convenient location for the new structure. The proposal requires one parking space for every employee on the major shift plus two spaces for each service bay. There are three service bays for the oil / lube structure. The proposal seeks to reduce the required number of parking spaces by 20 percent as allowed in CPMC 17.64.040(B). It can be found that ten parking spaces are necessary (four employees on major shift), the 20 percent reduction allows for the total proposed parking spaces to be reduced to eight.

The reason for the request to reduce the required parking is reasonable considering the majority of the customers that arrive at the facility remain in their vehicle throughout the duration of the vehicle service. The parking areas, storm water collection facilities and construction requirements will be designed in accordance with the Rogue Valley Sanitary Sewer Services (RVSS) Regional Stormwater Quality Design Manual.

**Landscaping:**

The proposed landscaping features a ten-foot wide landscape buffer around most of the perimeter of the project site. ~~Along the east property line where the vacuum stations are located, a five foot buffer is proposed. This is due to the future building location on the adjacent site, and the future landscape needs on Parcel 2, will result in ten foot landscape buffer.~~

A revised landscape plan provides a 10-foot buffer along the East property boundary consist with Table 17.75.03, CPMC 17.75.039(G).

**Stormwater Drainage Plan:**

At the time of building permit application, concurrence from the Jackson County Roads Division will be provided. The proposed grading and drainage plan demonstrate that conceptually, storm water drainage, retention, and connection to approved systems (either to the city system in the adjacent private retail street, to the Jackson County system in Biddle Road). The stormwater drainage plan has not been designed as the site development project is not approved. The stormwater drainage is required to comply with the RVSS Design Standards Manual at the time of building permit submittal. Stormwater planning is not a discretionary review criterion, it would appear that the provision of a conceptual plan is adequate for land use standards compliance.

**Phasing Plan:**

A minor land partition application has been proposed on the property to segregate the site (Parcel 1), proposed for development of Premier Care Car Wash and Oil Lube Facility.

The proposal is to install the north/south retail street to the city standards with the development of the site. Along the south property line of Parcel 1, Phase 1 area, half of the retail street to the east corner of the property.

With future phases, in particular, Phases 2 and 3, the remaining segment of the east / west retail street would be installed to the city standards to provide continuous vehicular, pedestrian and bicycle connection through the property to Table Rock Road.

The exact layout and phasing plan for Parcel 2 has not been determined and the uses and potential development for Parcel 2 are currently under review and are subject to change. South Salem, LLC foresees at least four phases to this retail center with the additional phases/building footprints totaling 76,000 square feet.

**Conclusion:**

The project team finds that the purpose and intent of the C-4 Zoning District is to provide for the development of concentrated tourist commercial and entertainment facilities to serve both local residents and traveling public at locations that will maximize ease of access and visibility from the Interstate 5 freeway and major arterial streets and to be convenient to the users of Expo Park.

The project team believes that the proposed structure complies with the city of Central Point Standards for development of a commercially zoned property at the boundary of the City limits and UGB, separated a substantial distance from the historic downtown and city center.

It can be found the proposed structure will provide an architecturally interesting design template that reflects the architectural character of the Sonic Drive Thru restaurant that is to the west of the proposed development and demonstrates compliance with the standards and that the design is consistent with other auto-oriented design in the vicinity that serves the traveling public.

As proposed, Phase 1 development of the site including the proposed use, the site plans, transportation plan, architectural details, landscape plans and conceptual utility plans for the site development promotes the orderly and harmonious development of and under developed commercial area the city. The proposed development will not have a negative impact on the stability of land values and investments, and the general welfare, including aesthetic considerations for the adjacent neighboring properties. Additionally, the criteria for Conditional Use Permit for the operation of a car wash facility is met. The proposed building will enhance the neighborhood while providing commercial use and creation

of jobs which furthers the intent and purpose of both the Comprehensive Plan and Municipal Code for the development in the C-4, Commercial zone.

Thank you for your time and consideration.  
Respectfully Submitted,

Amy Gunter  
Rogue Planning & Development Services, LLC  
541-951-4020  
[Amygunter.planning@gmail.com](mailto:Amygunter.planning@gmail.com)  
[www.rogueplanning.com](http://www.rogueplanning.com)

Attachments:  
Revised Circulation Plan  
Revised Site Plan  
Grading and Drainage Plan: Exhibit C1  
Conceptual Utility Plan: Exhibit C2

Findings addressing the criteria from the City of Central Point Land Development ordinance can be found on the following pages. For clarity, the Central Point Land Development Ordinance criteria are in Times New Roman font and the findings in Calibri.

## **FINDINGS OF FACT**

### **City of Central Point Municipal Code Chapter 17: Zoning Ordinance**

#### **C-4 Tourist and Office-Professional District**

##### **17.44.010 Purpose.**

The C-4 district is intended to provide for the development of concentrated tourist commercial and entertainment facilities to serve both local residents and traveling public, and also for the development of compatible professional office facilities. C-4 development should occur at locations that will maximize ease of access and visibility from the Interstate 5 freeway and major arterial streets and to be convenient to the users of Expo Park, the airport, and downtown.

##### **17.44.020 Permitted Uses.**

B. Tourist and entertainment-related facilities, including but not limited to:

3. Automobile service station, automobile and recreational vehicle parts sales and repairs, and truck rentals;

##### **Finding:**

The proposal is for an automobile service facility in the form of a quick lube facility and car wash. The CPMC allows these uses with the approval of a Conditional Use.

##### **17.44.030 Conditional Uses.**

A. The following uses are permitted in the C-4 district when authorized in accordance with Chapter 17.76, Conditional Use Permits:

##### **Finding:**

A carwash requires a Conditional Use Permit per the CPMC 17.44.030.A.11.

##### **17.44.040 Site plan and architectural development standards.**

Development within the C-4 district shall be subject to the site and architectural standards set forth in Chapter 17.75, Design and Development Standards.

##### **Finding:**

The proposed development can be found to comply with the site and architectural standards set forth in CPMC 17.75. See additional findings.

##### **17.44.050 General use requirements.**

A. Uses that are normally permitted in the C-4 district but that are referred to the planning commission for further review, per Section 17.44.030(A)(19), Conditional uses, will be processed according to application procedures for conditional use permits. No use shall be permitted and no process, equipment or materials shall be used which are found by the planning commission to be harmful to persons living or

working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination or glare, or are found to involve any hazard of fire or explosion.

Finding:

The proposal is to use the site as an oil lube and car wash facility. The use, process, equipment and materials used in conjunction with the site development are not harmful to persons working in the vicinity of the proposed development. The proposed development is setback more than 200-feet from the nearest residentially zoned properties.

The proposed use is a traveler and community member-oriented business that complies with the purpose and intent of the Commercial (C-4) zone to meet the needs of the tourist-oriented business. There is a public, Jackson County RV park not far from the property, highway travelers that attend the tourist oriented venues of the Family Fun Center and the Jackson County Expo have an alternative oil / lube and car wash facility from the do-it yourself places found to the north on Table Rock or as found at the Truck stop near the interstate.

The facility will not cause more noise, dust, odor glare, vibration, illumination or glare beyond what is reasonably accepted in a Commercial zone along two major arterial streets.

B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, with the exception of off-street parking and loading areas, outdoor eating areas, service stations, outdoor recreational facilities, recreational vehicle overnight facilities, and other compatible activities, as approved by the planning commission.

Finding:

The primary functions of the site are vehicle oil lube service and car washing. These functions will occur within enclosed structures. There is a two-vehicle covered, exterior express detail bay on the southwest side of the wash tunnel. The equipment used for detailing will be stored within the car wash structure unless in use by technicians. The service station portion of the site (pay stations, vacuum stations, bug station, etc.) the parking and the loading areas occur outside of a structure.

C. Open storage of materials related to a permitted use shall be permitted only within an area surrounded or screened by a solid wall or fence having a height of six feet; provided that no materials or equipment shall be stored to a height greater than that of the wall.

Finding:

No materials are proposed to be stored outside of the structure.

**17.44.060 Signage standards.**

Signs in the C-4 district shall be permitted and designed according to provisions of Section 17.75.050, Signage standards, and Chapter 15.24, Sign Code.



Finding:

The signs for the Premier Oil Change and Car Wash will comply with the Sign Code of CPMC section 15.24 and Section 17.75.050.

A separate sign permit application demonstrating compliance will be obtained at the time of the construction and permitting phase.

**17.44.070 Off-street parking.**

Off-street parking and loading spaces shall be provided as required in Chapter 17.64, Off-Street Parking and Loading, and developed to the standards set forth in Section 17.75.039, Off-street parking design and development standards.

Finding:

The proposed off-street parking and loading spaces are proposed in accordance with CPMC 17.64, Off-Street Parking and Loading standards.

**Design and Development Standards**

**17.75.031 General connectivity, circulation and access standards.**

The purpose of this section is to assure that the connectivity and transportation policies of the city's Transportation System Plan are implemented. In achieving the objective of maintaining and enhancing the city's small town environment it is the city's goal to base its development pattern on a general circulation grid using a walkable block system. Blocks may be comprised of public/private street right-of-way, or accessways.

Finding:

The street frontages of the property were recently improved from the Biddle Road and Table Rock Road intersections, east towards the freeway and south along Table Rock Road. Throughout the development there are Private Retail Streets proposed which have street-like improvements to provide connectivity through the development.

**A. Streets and Utilities.** The public street and utility standards set forth in the City of Central Point Department of Public Works Standard Specifications and Uniform Standard Details for Public Works Construction shall apply to all development within the city.

Finding:

The public streets along the Biddle Road and Table Rock Road frontages are in the process of being completed with curb, gutter, sidewalk, utility installations, etc. The proposed retail street is proposed to be connected to the existing private retail street that exists as an east / west connection from Hamrick Road (where parallel to Table Rock Road). This private retail street will also provide a north / south connection through the development, accessed via the existing driveway curb cut that is near the west property line. Landscape medians and buffering and an interconnected five-foot wide sidewalk system is provided through the development to provide pedestrian connectivity to the public street system.

A private, 12-inch water line that exists within the existing east / west private retail street. An eight-inch line connects to the sites northern boundary. A water circulation plan under the direction of the City of Central Point Public Works Director will be completed to provide hydrants and adequate service connections throughout the development area.

The property is within the Phase 2 Stormwater Quality Area. At the time of the building permit submittals for the site development, a stormwater management plan that complies with the Rogue Valley Stormwater Quality Design Manual for water quantity and quality will be provided. The project Civil Engineer has drafted a preliminary proposal for the Premier Oil and Car Wash which will accommodate much of the storm water generated on site in an above ground detention swale along with below ground detention and infiltration facilities. Stormwater services are available to the site from two sources. There is a 36-inch, Jackson County storm drain in Biddle Road. There is also a City of Central Point, 24-inch storm drain line present, 260-feet west of the project site within the existing retail street. Since the land development proposal is preliminary, the stormwater plan has only been conceptually designed. The final plan will be designed consistent with the Rogue Valley Stormwater Quality Design Standards, the city of Central Point standards, and any Jackson County standards for storm water detention, retention, or other requirements will all be addressed at the building permit phase. Where capacity issues may present an issue with one facility or another, at building permit or in conjunction with a grading / excavation permit, or the 1200c Department of Environmental Quality Permit, compliance with the applicable standards in place at the time of permit will be demonstrated.

Sanitary sewer service available to the west of the project site. This 8-inch line will be extended to the site. To the applicant's knowledge, there are no capacity issues in this line. None were noted in the pre-application conference notes.

The proposed development will demonstrate compliance with all utility standards set forth in the City of Central Point Department of Public Works Standard Specifications and Uniform Standard Details for Public Works Construction at the time of site development application.

**B. Block Standards.** The following block standards apply to all development:

Finding:

There are two blocks proposed as part of the development of the property created by a private retail street. Block 1 is north of a proposed private retail street that will traverse the site, connected to an existing retail street system that connects to and through to Hamrick Road to the east and north through other developments on adjacent parcels. Block 2 is the southern portion of the property that is south of the proposed retail street.

1. Block perimeters shall not exceed two thousand feet measured along the public street right-of-way, or outside edges of accessways, or other acknowledged block boundary as described in subsection (B)(4) of this section.

Finding:

Due to intersection spacing standards, adjacent development and retaining a large parcel of land capable of withstanding commercial development area for a large retail complex with the potential for large scale structures, the block perimeter of Block 1 exceeds the maximum block perimeter standard of 2,000 feet by 152-feet.

Block 1 is bound by the proposed north / south retail street, approximately 520-feet west of the intersection of Biddle Road and Table Rock Road. The retail street extends 395-feet to the south along the west property line. The retail street is proposed to connect to an existing east / west retail street that extends to the east from Hamrick Road. This east / west retail street is proposed to eventually extend through the property and connect to Table Rock Road on the east side of Parcel 2. The east / west retail street is proposed to extend approximately 310-feet east, then south for 170 feet. The street turns east for 270-feet to the proposed intersection with Table Rock Road. The intersection of Table Rock and Biddle Road is approximately 455-feet to the north.

Block 2 is proposed to have a perimeter of 1,817 feet. This blocks dimensions are somewhat predicated upon the adjacent development to the south. As proposed, the conceptual blocks comply with standards.

2. Block lengths shall not exceed six hundred feet between through streets or pedestrian accessways, measured along street right-of-way, or the pedestrian accessway. Block dimensions are measured from right-of-way to right-of-way along street frontages.

Finding:

The proposed site layout demonstrates the maximum block length of 600-feet is met for each segment of the two blocks, Block 1 and Block 2.

3. Accessways or private/retail streets may be used to meet the block length or perimeter standards of this section, provided they are designed in accordance with this section and are open to the public at all times.

Finding:

A retail street system and pedestrian accessways through the future parking area and site development of Block 1, is used to generally comply with the block length and perimeter standards. The retail street has been designed in accordance with the requirements of this code.

4. The standards for block perimeters and lengths may be modified to the minimum extent necessary based on written findings that compliance with the standards are not reasonably practicable or appropriate due to:

Finding:

The proposed block lengths for the development of Parcel 1 do not exceed 600-feet.

The proposed block perimeter of Block 1 is 2,152 feet. The proposed perimeter is requested to be larger for the purposes of increased separation between the Biddle Road/Table Rock Road intersection and the retail street intersection. The minimum separation is 300-feet, the proposed separation is approximately 455-feet.

As proposed, the block perimeter with the proposed retail streets is slightly in excess of 2,000-feet. This helps with access management issues, including increased intersection site distance, stopping distance, preserves the integrity of the roadway system and can improve thru times through the Table Rock Road corridor by increasing the intersection distance.

It can be found that the additional 152-feet a vehicle would have to traverse will not have a negative impact on the transportation system. Additionally, it can be found that pedestrian and bicycle access can and will be provided through the site through the provision of pedestrian accessways and separation between parking areas and pedestrian accessways. This will enhance the comfortability of the pedestrians through the site.

**C. Driveway and Property Access Standards.** Vehicular access to properties shall be located and constructed in accordance with the standards set forth in the City of Central Point Department of Public Works Standard Specifications and Uniform Standard Details for Public Works Construction, Section 320.10.30, Driveway and Property Access.

Finding:

The proposed vehicular access through the properties and the development will comply with all utility standards set forth in the city of Central Point Department of Public Works Standard Specifications and Uniform Standard Details for Public Works Construction.

The easement for the north/south portion of the retail street where it crosses onto the adjacent property will be created. Concurrence from a representative of the adjacent property owners' group will be provided for the proposed future (north/south) retail street required for the site review and conditional use permit development of proposed Parcel 1 prior to development permits. There is no law or rule that prevents this future road connection. Additionally, the proposed final plat will provide cross access, mutual ingress / egress, maintenance, and other standard access easement language for the future retail street through the South Salem LLC, owned, Parcel 2.

**D. Pedestrian Circulation.** Attractive access routes for pedestrian travel shall be provided through the public sidewalk system, and where necessary supplemented through the use of pedestrian accessways as required to accomplish the following:

Finding:

Upon development of Parcel 2, there will be a complete sidewalk system along both public street frontages of the property. Through the development, there are retail streets proposed. These streets are proposed to be have landscape buffers and sidewalk systems with sidewalk and parking lot crossings that are distinguished from the driving surface to provide pedestrian connectivity through the property.

Additionally, it can be found that pedestrian and bicycle access can and will be provided through the site through the provision of pedestrian accessways and separation between parking areas and pedestrian accessways. This will enhance the comfortability of the pedestrians through the site.

Pedestrian scale streetlights and directional signage will provide interest and safety for pedestrians.

**E. Accessways, Pedestrian.** Pedestrian accessways may be used to meet the block requirements of subsection B of this section. When used pedestrian accessways shall be developed as illustrated in Figure 17.75.01. All landscaped areas next to pedestrian accessways shall be maintained, or plant materials chosen, to maintain a clear sight zone between three and eight feet from the ground level.

Finding:

The block perimeter of Block 1 is exceeded by 152-feet. The pedestrian accessways provided through the development in the parking areas and along the retail street will reduce the block length as a pedestrian can bisect the development vs. an automobile which must stay on the driving surfaces.

All landscape areas will be professionally designed, installed and maintained. The plant materials sections provide for a clear sight zones and to provide safety and security throughout the sight. Vision clearance triangles will be maintained at the intersections.

**F. Retail Street.** Retail streets may be used to meet the block requirements of subsection B of this section. When used retail streets shall be developed as illustrated in Figure 17.75.02.

Finding:

The retail street is proposed to connect to existing retail streets developed on the adjacent properties. The block perimeter requirements are exceeded by 152-feet due to the increased separation standards for the future retail street intersection from the Table Rock Road and Biddle Road intersections.

**17.75.039 Off-street parking design and development standards.**

All off-street vehicular parking spaces shall be improved to the following standards:

A. Connectivity. Parking lots for new development shall be designed to provide vehicular and pedestrian connections to adjacent sites unless as a result of any of the following such connections are not possible:

Finding:

The parking lots throughout all phases of the development will be designed in a manner that provides vehicular and pedestrian connections to the adjacent properties and public right-of-way.

**B. Parking Stall Minimum Dimensions.** Standard parking spaces shall conform to the following standards and the dimensions in Figure 17.75.03 and Table 17.75.02; provided, that compact parking spaces permitted in accordance with Section 17.64.040(G) shall have the following minimum dimensions:

Finding:

The proposed parking space width, length, access, drive isles and accessibility standards are met with the proposal.

The number of spaces provided in the parking lot for the development of Parcel 1 is proposed to be eight (8) spaces. The customers of the facilities generally will remain with their vehicle during service and the parking area is generally reserved for employee use. The highest number of employees during a shift could be as high as five, resulting in ten parking spaces necessary. The CPMC allows for a reduction of 20 percent as an administrative exception. This proposal requests this exception.

**C. Access.** There shall be adequate provision for ingress and egress to all parking spaces.

Finding:

The driveways, driving aisles and access thorough the development provides adequate provisions for ingress and egress to all parking spaces.

**D. Driveways.** Driveway width shall be measured at the driveway's narrowest point, including the curb cut. The design and construction of driveways shall be as set forth in the Standard Specifications and Public Works Department Standards and Specifications.

Finding:

The driveway and access point design and construction will comply with the standards and specifications of the public works department. The driveway widths provide adequate dimensions to meet turning movement and access standards.

**E. Improvement of Parking Spaces.**

Finding:

The proposed parking lots are proposed to be designed and installed to the standards of the city of Central Point.

All paving and parking space delineation, including curbing and directional arrows painted on the drive aisles to facilitate on-site traffic, is proposed.

The parking area will be paved, and striped in accordance with the standards of the city of Central Point.

Per the Conceptual Grading and Drainage Plan (Exhibit C1), the conceptual plan can be found to be adequate for the proposed development of Phase 1, the Oil Lube and Car Wash Facility. The proposed grading and drainage plan demonstrate that conceptually, storm water drainage, retention, and connection to approved systems (either to the city system in the adjacent private retail street, to the Jackson County system in Biddle Road). The stormwater drainage plan has not been designed as the site development project is not approved. The stormwater drainage is required to comply with the Rogue Valley Stormwater Management Design Standards Manual at the time of building permit submittal. Stormwater planning is not a discretionary review criterion. It can be found that the provision of a conceptual plan is adequate for land use standards compliance.

Additional phases will address storm water needs as required by the RVSS Standards and the Rogue Valley Stormwater Management requirements in effect at the time and in general accordance with Exhibit C1, the Conceptual Grading and Drainage Plan. At the time of building permit application, concurrence from the Jackson County Roads Division and Rogue Valley Sanitary Sewer services will be provided.

No parking spaces are designed with backing movements or other maneuvering within a street or other public right-of-way.

All lighting used to illuminate the off-street parking and loading areas will be arranged to direct the light away from the streets and adjacent properties.

All drives, and streets will have a minimum vision clearance area met with the landscape plantings and signage. No vision clearance problems will be created by the proposed drive isles.

Curbing is proposed for all parking spaces and drive aisles at the outer boundaries of the parking lot to prevent motor vehicles from extending over property lines, public streets and landscape areas.

Parking, loading and vehicle maneuvering areas are not located within any portion of the street setback area that is required to be landscaped in the commercial district.

All vehicle parking areas provide adequate vehicle turnaround and maneuvering area through the use of drive-aisle and turnaround spaces and with an interconnected driveway system. The proposed layout appears to be consistent with the figures from 17.75.04 and 17.75.05.

**F. Limitation on Use of Parking Areas.** Required parking areas shall be used exclusively for vehicle parking in conjunction with a permitted use and shall not be reduced or encroached upon in any manner. The parking facilities shall be so designed and maintained as not to constitute a nuisance at any time, and shall be used in such a manner that no hazard to persons or property, or unreasonable impediment to traffic, will result.

Finding:

The parking areas will be used exclusively for vehicle parking associated with permitted uses on the property.

**G. Parking/Loading Facility Landscaping and Screening.** Parking lot landscaping shall be used to reinforce pedestrian and vehicular circulation, including parking lot entries, pedestrian accessways, and parking aisles. To achieve this objective the following minimum standards shall apply; however, additional landscaping may be recommended during the site plan and architectural review process (Chapter [17.72](#)). All parking lots shall be landscaped in accordance with the following standards:

Finding:

The parking lot landscaping is professionally designed. The landscaping is meant to enhance the pedestrian environment, improve screening of vehicles from the adjacent properties and from the public right-of-way. The proposed landscaping site plan achieves the minimum standards from the table found in 17.75.03 with a 15-foot buffer along Biddle Road ~~and a five foot buffer adjacent to the property line where a five foot buffer will be provided on the east side of the property line for a ten foot landscape buffer at the time of future development of the adjacent property.~~

The interior parking islands proposed are at least six-feet in width. There is adequate room for tree and vegetation growth.

A revised landscape plan provides a 10-foot buffer that is consistent with Table 17.75.03, CPMC 17.75.039(G).

**H. Bicycle Parking.** The amount of bicycle parking shall be provided in accordance with Section [17.64.040](#) and constructed in accordance with the following standards:

3. Exceptions to Bicycle Parking. The approving authority may allow exceptions to the bicycle parking standards as part of the site plan and architectural review process in connection with the following:

- a. Temporary uses such as Christmas tree sales; or
- b. Uses that do not generate the need for bicycle parking per a bicycle parking demand analysis that demonstrates and documents justification for the proposed reduction.

Finding:

~~The proposed development Phase is for an auto-centric use that will not generate bicycle traffic from the customers as the reason they are at the property is for an automobile oil change and/or car wash. An exception to the bicycle parking standards is requested. The uses do not generate~~



~~bicycle traffic. With the development of the adjacent properties in future phases, a bicycle parking structure will be proposed that complies with the standards.~~

There is adequate room within the structures to accommodate the bicycle parking for employees of the Oil Lube and Car Wash Facility.

Per Table 17.64.04, CPMC 17.64.040, auto-centric uses are required to provide on-site bicycle parking for employees and customers. A minimum of 2 bicycle parking spaces are required and may be provide inside structures.

**17.75.040 Building design standards.**

The following building design standards are established to maintain and enhance the small town character of the city.

Finding:

The “small-town character” of the city of Central Point is not negatively impacted by the Phase 1 development of the site as an automotive / vehicle-oriented use that serves the resident and tourism consumers as envisioned in the Comprehensive Plan. The proposed building design is reflective of 1960s, highway traveler design, but integrates current building design motifs of strong, angular rooflines, and more modern materials of stucco like concrete panels, metal and window glazing without a lot of stone work or similar rock work. Chapter 6 of the Comprehensive Plan finds that higher intensity, commercial development that supports tourist traffic and supports the Expo and the office / business district is appropriate on the site. The proposed design, proposed use and layout has been proposed in order to accommodate regional needs of the business sector in close proximity to the freeway and the airport as discussed in the Comprehensive Plan of the city.

Substantial setbacks of more than 50-feet are proposed from the public right-of-way and the structures. This reduces the perceived impacts to community character from a pedestrian perspective.

**17.75.042 Commercial building design standards.**

The following design standards are applicable to development in all commercial zoning districts, and are intended to assure pedestrian scale commercial development that supports and enhances the small town character of the community. All publicly visible buildings shall comply with the standards set forth in this section.

Finding:

The proposed structure is in the commercial zoning district, at the boundary of the city limits and urban growth boundary. The proposed development of Parcel 1 is proposed as a vehicular oriented use that has setbacks of more than 50-feet from the front property line. The proposed development in Phase 1 is for an auto-centric use.

The “small-town character” of the city of Central Point is not impacted by the Phase 1 development of the site as an automotive / vehicle-oriented use that serves the resident and tourism consumers as envisioned in the Comprehensive Plan.

The proposed building design is reflective of 1960s, highway traveler design, but integrates current building design motifs of strong, angular rooflines, and more modern materials of stucco like concrete panels, metal and window glazing. Chapter 6 of the Comprehensive Plan finds that higher intensity, commercial development that supports tourist traffic and supports the Expo and the office / business district is appropriate on the site. The proposed design, use and layout has been proposed in order to accommodate regional needs of the business sector in close proximity to the freeway and the airport as discussed in the Central Point Comprehensive Plan.

**A. Massing, Articulation, Transparency, and Entrances.**

1. Building Massing. The top of the building shall emphasize a distinct profile or outline with elements such as a projecting parapet, cornice, upper level setback, or pitched roofline.

Finding:

~~The proposed buildings provide both a curved roofline with steeply pitched rooflines which emphasize a distinct profile or building outline. The proposed buildings provide architectural interest.~~

2. Facade Articulation. Facades longer than forty feet and fronts on a street, sidewalk, accessway or residential area shall be divided into small units through the use of articulation, which may include offsets, recesses, staggered walls, stepped walls, pitched or stepped rooflines, overhangs, or other elements of the building’s mass.

For purposes of complying with the requirements in this subsection “facade articulation” shall consist of a combination of two of the following design features:

- a. Changes in plane with a depth of at least twenty-four inches, either horizontally or vertically, at intervals of not less than twenty feet and not more than forty feet; or
- b. Changes of color, texture, or material, either horizontally or vertically, at intervals of not less than twenty feet and not more than one hundred feet; or
- c. A repeating pattern of wall recesses and projections, such as bays, offsets, reveals or projecting ribs, that has a relief of at least eight inches.

Finding:

~~The proposed structures are setback between 53 feet, 1 inch from the front property line and the Biddle Road public right of way. The proposed structures do not directly front upon a public street, sidewalk or internal accessway. The design regulations appear to be intended to enhance the pedestrian environment. With the substantial setback, and that the proposed site development of the property as an oil lube facility and car wash which is not typically a pedestrian oriented business, the proposed design demonstrates general compliance with the standards for façade articulation for structures that front upon the public right of way. Additionally, there is a~~

~~substantially obscuring vegetative buffer proposed between the vehicular surfaces proposed on site and the public sidewalk.~~

~~There is a small, electronic pay station for the car wash that is between the lube facility building and the front property line. This structure is similar to a drive-up ATM and has a scale that is smaller than the articulation standards. It is proposed to be just over 10 feet tall.~~

~~The proposed lube facility structure has a façade of length of 79 feet. There is a horizontal articulation of more than five feet on the structure of 16 foot, 8 inches for the waiting room, office, entry hall, and restrooms. This portion of the building is proposed to be 25 ¾ feet tall, have a steeply pitched skillion style roofline, glazing, and a change in color, material and texture at 10 feet from grade providing required vertical articulation. The remaining 62 feet of structure has articulation and changes in color, and material horizontally at each of the three auto bays. Two bays have 12 foot wide doors, one has a 10 foot wide door and there is between 3 feet, 8 inches of bracing wall between the doors. The equipment room and the wall to the door of the lube bay is 15 feet, six inches. There are 5 foot, 9 ½ inch overhangs at each bay. There are material changes on the overhangs to add both horizontal articulation and vertical changes in mass.~~

~~It can be found that the structure does not front upon a public street, sidewalk or pedestrian accessway and though exempt from the façade articulation standards, clear attempts to break up the horizontal and vertical massing of the structure that demonstrate compliance with the standard.~~

3. Pedestrian Entrances. For buildings facing a street, a primary pedestrian entrance shall be provided that is easily visible, or easily accessible, from the street right-of-way, or a pedestrian accessway. To ensure that building entrances are clearly visible and identifiable to pedestrians the principal entry to the building shall be made prominent with canopies or overhangs. To achieve the objectives of this subsection the design of a primary entrance should incorporate at least three of the following design criteria:

- a. For building facades over two hundred feet in length facing a street or accessway provide two or more public building entrances off the street;
- b. Architectural details such as arches, friezes, tile work, murals, or moldings;
- c. Integral planters or wing walls that incorporate landscape or seating;
- d. Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights;
- e. Prominent three-dimensional features, such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets; and

f. A repeating pattern of pilasters projecting from the facade wall by a minimum of eight inches or architectural or decorative columns.

Finding:

~~The proposed building does not front upon a public street, a sidewalk nor a pedestrian access way. There is more than 50 feet of setback from the public right of way. The design standards for structures that front upon the public right of way is intended to enhance the pedestrian environment by creating pedestrian scale design with recesses, and massing and scale that is comfortable for a pedestrian when walking on the adjacent sidewalk. The proposed development of the property as an oil and lube Facility with car wash, is not typically a pedestrian oriented business.~~

~~The entrance is oriented internally towards the facility as the customers arrive and depart from the premises in their vehicles. The nature of the business is a quick lube and car wash where the customer remains in their vehicle throughout the duration of their visit to the establishment. Though the proposed layout would appear to be exempt from the standard, there is a clear, entry door into the hall where the restrooms and a small waiting area are located. Any customers that choose to wait in the structure as opposed to within their vehicles which is typical, will be personally directed to the door, and are more likely to enter from inside of the lube structure than they are to go outside and around the building.~~

~~Additionally, the proposed structures, excluding the covered vacuum and the covered pay station, the large buildings are not spatially near the internal street system and the pedestrian corridors that exist throughout the future phases of development.~~

4. Transparency. Transparency (glazing) provides interest for the pedestrian, connects the building exterior and interior, puts eyes on the street/parking, promotes reusability, and provides a human-scale element on building facades. The transparency standard applies to a building's principal facade. Projects subject to this section shall meet the following glazing requirements:

Finding:

~~Though not physically near the pedestrian sidewalk along Biddle Road, nor spatially near the internal street system, there is a substantial amount of glazing provided on the structure. The building is not intended to be pedestrian oriented, human scale as the nature of the business is auto oriented. The proposed design is consistent with A.4.c., where there are not transparent windows provided. Limited transparent windows due to proposed use and function of the building and the more than 50 foot setback from the public right of way and more than 60 feet from where the public sidewalk is going to be located in the future.~~

~~There is a proposed belt course of metal over the concrete / stucco exterior. The eave of the building, and the projecting canopy overhangs the recessed bay doors which does provide articulation along the façade of the structure.~~

~~The metal framing of the structures, shown in red on the exterior elevations provides vertical articulation along the street facing facades of the structure.~~

~~The proposed design, architectural articulation, and substantial setback from the pedestrian corridor all provide design features that meet the purposes and intent of the section.~~

5. Wall Faces. As used in this section there are three types of wall faces. To ensure that buildings do not display unembellished walls visible from a public street or residential area the following standards are imposed:

Finding:

~~There is more than a 50-foot setback from any unembellished façade and the public right of way and the public sidewalk. The proposed development is more than 200 feet from the residentially zoned properties to the northwest. Both these distances, the landscape buffer and the driving aisles all provide a substantial distance that reduces, if not eliminates the visibility of the back wall (east wall) of the Car Wash tunnel.~~

~~Additionally, the car wash structure has horizontal articulation using an overhang with metal bracing that has variations in material and colors that provide the require articulation, off sets, recesses and pitched roofs that reduce the mass and the scale of the car wash tunnel structure.~~

6. Screening of Service Areas and Rooftop Equipment. Publicly visible service areas, loading zones, waste disposal, storage areas, and rooftop equipment (mechanical and communications) shall be fully screened from the ground level of nearby streets and residential areas within two hundred feet; the following standards apply:

Finding:

The service areas for the vehicles on-site getting serviced for either oil / lube or car wash is within enclosed for covered structures. The only exterior “service” area is for the detail shop on the southeast end of the car wash tunnel building. It is more than 200-feet from the residential area and is nearly 200-feet from Biddle Road. This limits visibility. No rooftop mechanical is proposed. And the trash / recycle enclosures are within a six-foot fenced enclosure.

Publicly visible service areas, including waste disposal and mechanical equipment must be fully screened.

***PUBLIC WORKS STAFF REPORT*****August 5, 2019****AGENDA ITEM:**


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 PAR-19002, CUP-19002 – Oil change and Car Wash
**Traffic:**


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The applicant is proposing a 2,345 sq. ft. oil change center and a 4,971 sq. ft. automated car wash. The City uses the Institute of Transportation Engineers (ITE) Volume 10 for scoping Traffic Impact Analysis (TIA). The threshold is 25 PHT, on a particular intersection, or can be required as part of a conditional use permit. A TIA was completed by Southern Oregon Transportation for this use. There is no corresponding effect on any City related intersections. However, Jackson County could limit access from Biddle Road in the future depending on if queuing issues with additional phases of the area.

**Existing Infrastructure:**


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Water:	There is 8 inch waterline in the private drive to the west of the development
Streets:	Biddle Road is a major arterial street owned and maintained by Jackson County. The private drive to the west is a private retail street..
Storm Water:	There is 24” Storm Drain line in the private drive that has capacity. Jackson County also has a line on Biddle that may be accessible.

**Issues:**


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There are two main issues:

1. Reciprocal Access – The application shows a portion of the north/south public access to Biddle Road on the adjacent parcel to the west and shows access from the proposed development to an existing private drive to the west. Permanent easements for the development of the private retail street and the access to the west are needed for access, circulation and vehicular movements.
2. Storm Utility Connection - The proposed development shows connection to the Jackson County storm drain system. There is limited capacity in this system, so it will be necessary for the applicant to coordinate with Jackson County to determine if any of the storm run-off associated with this development can be connected to the existing system.

## **Conditions of Approval:**

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1. PW Standards and Specifications – Applicant shall comply with the public works standards and specifications for construction within the right of way.
2. Private Retail Street, Biddle Road Access – Applicant shall obtain a permanent easement from tax lot 37 2W 01C, tax lot 804 for the construction of private retail street and permanent reciprocal easements for access to Biddle Road.
3. Reciprocal Access Easement, Hamrick Road Access – Applicant shall obtain a permanent reciprocal access to the private drive on tax lot 37 2W 01C, tax lot 804.
4. Jackson County – Applicant shall obtain all the necessary approvals from Jackson County Roads for the construction of a new driveway access on to Biddle Road and for any public utility connections.
5. Street Tree/Landscape Plan – Applicant will need to prepare a landscaping and irrigation plan to be reviewed and approved by the City for the landscape rows along Biddle Road and Table Rock Road.
6. Storm Water Quality - The project is within the Phase 2 stormwater quality area and will require a stormwater management plan that is in accordance with the Rogue Valley Stormwater Quality Design Manual (RVSQDM). An operations and maintenance agreement for all new stormwater quality features is required. Construction on site must be sequenced so that the permanent stormwater quality features are installed and operational when stormwater runoff enters.
7. Erosion Control. – The proposed development will disturb more than one acre and will require an erosion and sediment control permit (NPDES 1200-C) from the Department of Environmental Quality (DEQ).



## ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005  
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

August 5, 2019

Justin Gindlesperger  
City of Central Point Planning Department  
155 South Second Street  
Central Point, Oregon 97502

**Re: SPAR-19002, Table Rock Commercial Center, Tax Lot 700, Map 37 2W 01C**

The existing property currently does not have sewer service. There is an existing 8 inch sewer main and manhole just west of the subject property. Sewer service for the proposed development will require a main line extension into the property from the existing manhole.

Rogue Valley Sewer Services requests that approval of the application and development be subject to the following conditions:

1. The applicant must provide sewer construction plans prepared per RVSS standards for review and approval.
2. Sewer connection permits will be issued upon acceptance of the sewer main and payment of related fees.

Feel free to call me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Bakke". The signature is fluid and cursive.

Nicholas R. Bakke, PE  
District Engineer

K:\DATA\AGENCIES\CENTPT\PLANNING\SITEPLANREVIEW\2019\SPAR-19002\_CUP-19002\_TR COMMERCIAL CENTER.DOC





# JACKSON COUNTY

## Roads

Roads  
Engineering

Chuck DeJanvier  
Construction Engineer

200 Antelope Road  
White City, OR 97503  
Phone: (541) 774-6255  
Fax: (541) 774-6295  
dejanvca@jacksoncounty.org  
www.jacksoncounty.org

August 19, 2019

Attention: Justin Gindlesperger  
City of Central Point Planning  
140 south Third Street  
Central Point, OR 97502

RE: Site Plan & Architectural Review and Conditional Use Permit for lot on  
Table Rock Road at Biddle Road– County maintained roads.  
Planning File: SPAR-19002/CUP-19002 & AR; 37-2W-01C Tax Lot 700

Dear Justin:

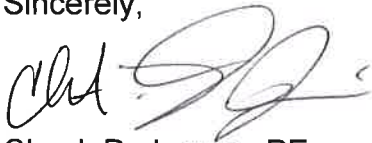
Thank you for the opportunity to comment on consideration of a Site Plan & Architectural Review and Conditional Use Permit for the construction of 2,345 square foot oil change facility and 4,971 square foot automated car wash, including parking and landscape areas in the C-4 zoning district for southwest corner of Table Rock Road and Biddle Road on a 9.04 acre site at 4245 Table Rock Road. Jackson County Roads offers the following comments:

1. A Traffic Impact Study that addresses impacts at the site accesses and at the intersection of Table Rock Road and Biddle Road has been reviewed and Jackson County's comments are as follows:
  - a. The TIS, which addressed only the conditions with Phase 1 build out (oil change & car wash is acceptable.
  - b. Jackson County will allow the construction of the proposed full access driveway onto Biddle Road.
  - c. The TIS does not address future year, future phases of this site, nor other future development in the vicinity. Jackson County reserves the right to restrict left turn movements at the proposed Biddle Road access in the future.
  - d. Future phases of this development will be required to perform a TIS for their impacts. Such a future TIS may require left turn limitations at the proposed Biddle Road access, or other mitigations.
2. Jackson County's General Administration Policy #1-45 sets forth the County's position as it relates to the management of County roads located within existing or proposed city limits or Urban Growth Boundaries (UGB). The County has no current plans for improvements to Biddle Road. Jackson County Roads recommends that the city request road jurisdiction.
3. If frontage improvements are required, the applicant shall obtain a minor road improvement permit from Jackson County Roads Sidewalk placement on Biddle Road

frontage if required should be directly behind the curb. Jackson County Roads does not maintain planter strips.

4. Roads recommend the removal of any existing driveways not being used on Biddle Road and replacing them with new curb, gutter and sidewalk. If curb, gutter and sidewalk is not existing, it will be required.
5. Utility Permits are required from Roads for any utility work within the county road right-of-way.
6. Biddle Road is a County Minor Arterial and is maintained by the County. The Average Daily Traffic count was 9,984 for eastbound lanes 450 east of Hamrick Road on July 31, 2018 and 9,677 for westbound lanes on July 31, 2018 450 feet east of Hamrick Road.
7. Table Rock Road is a County Arterial and is maintained by the County. The Average Daily Traffic count was 20,723 750 north of Biddle Road on July 9, 2018.
8. If county storm drain facilities are to be utilized, the applicant's registered Engineer shall provide a hydraulic report and plans for review and approval by Jackson County Roads. Storm drainage runoff is limited to that area currently draining to the County storm drainage system. Upon completion of the project and prior to occupancy, the developer's Engineer shall certify that the construction of the drainage system was constructed per the approved plan. A copy of the certification shall be sent to Chuck DeJanvier at Jackson County Roads.
9. The applicant shall submit construction drawings to Jackson County Roads and obtain county permits if required.
10. We would like to be notified of future development proposals, as county permits may be required.
11. We concur with any right-of-way dedicated.

Sincerely,



Chuck DeJanvier, PE  
Construction Engineer

**PLANNING COMMISSION RESOLUTION NO. 876**

**A RESOLUTION OF THE PLANNING COMMISSION APPROVING A SITE PLAN AND ARCHITECTURAL REVIEW FOR AN AUTOMATED CARWASH AND OIL LUBE FACILITY ON LANDS WITHIN THE TOURIST AND OFFICE PROFESSIONAL (C-4) ZONING DISTRICT.**

**(File No: SPAR-19002)**

**WHEREAS**, the applicant has submitted a site plan and architectural review application to develop a 4,971 square foot automated carwash and a 2,345 square foot oil lube facility on a 9.04 acre site within the Tourist and Office Professional (C-4) zoning district identified on the Jackson County Assessor's map as 37S 2W 01C, Tax Lot 700, Central Point, Oregon; and

**WHEREAS**, the Planning Commission's consideration of the application is based on the standards and criteria applicable to Site Plan and Architectural Review in accordance with Section 17.72 and Design and Development Standards in accordance with Section 17.75; and

**WHEREAS**, on November 5, 2019, at a duly noticed public hearing, the City of Central Point Planning Commission considered the Applicant's request for Site Plan and Architectural Review approval, at which time it reviewed the Staff Report and heard testimony and comments on the application; and

**NOW, THEREFORE, BE IT RESOLVED** that the City of Central Point Planning Commission by Resolution No. 876 does hereby approve the Site Plan and Architectural Review application for an automated carwash and oil lube facility, based on the findings and conditions of approval as set forth in Exhibit "A," the Planning Department Staff Report dated November 5, 2019, including attachments incorporated by reference.

**PASSED** by the Planning Commission and signed by me in authentication of its passage this 5<sup>th</sup> day of November, 2019.

\_\_\_\_\_  
Planning Commission Chair

ATTEST:

\_\_\_\_\_  
City Representative

ZC-19001

ZONING TEXT AMENDMENTS TO VARIOUS SECTIONS OF TITLE  
17 ADDRESSING ACCESSORY DWELLING UNITS (ADUs)



## STAFF REPORT

October 9, 2019

### **Agenda Item: File No. ZC-19001**

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Consideration of amendments to various sections of the Central Point Municipal Code addressing Accessory Dwelling Units (ADU) and accessory structures. **File No.:** ZC-19001; **Approval Criteria:** CPMC 17.10, Zoning Map and Text Amendments.

### **Staff Source**

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Eileen Mitchell, Community Planner I  
Stephanie Holtey, Principal Planner

### **Background**

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In 2006 the City adopted regulations allowing Accessory Dwelling Units (ADUs) in single family zones (i.e. R-L, Residential Low Density and R-1, Residential Single Family). ADUs are smaller independent living units on the same lot as a primary single family dwelling that provide more economical housing opportunities for Central Point residents, promote efficient use of land and options for family needs. Since adoption of regulations allowing ADUs, few have been built. Common barriers include but are not limited to:

- Size restrictions result in units that are too small to be desirable;
- Off-street parking requirements are difficult to meet; and
- System Development Charges (SDCs) are cost prohibitive.

As the City continues to grow, housing supply and affordability will continue to be a concern. In response to these concerns, the City has prepared draft code amendments to various sections of the Zoning Ordinance addressing Accessory Dwelling Units (ADUs) and accessory structures (Attachment “A”). The purpose of the code amendments is two-fold: 1) ease locally relevant barriers to ADUs to increase opportunities for increased housing supply and affordability; and, 2) comply with ORS 197.312, amended in 2018 and 2019 by SB 1051 and HB 2001, respectively. The amended laws require the City to allow ADUs in all zones that permit single family detached dwellings subject to “reasonable regulations relating to siting and design” (Attachment “B”). The proposed amendments have been discussed by the Citizen’s Advisory Committee (CAC) (September 10, 2019) and Planning Commission (August 6, 2019 and September 3, 2019).

### **Description:**

The proposed code amendments eliminate redundancies, address common barriers for ADU construction and comply with ORS 197.312. Proposed text amendments include the following:

- **CPMC 17.08 Definitions**
  - Definition Alignment. Proposed code revisions provide definitions that are consistent with those required by State law.
  
- **CPMC 17.60 General Regulations**
  - Accessory Buildings. Change setbacks from three (3) feet measured from the furthest protrusion or overhang to five (5) feet from the building face. Proposed changes are intended to provide clear, consistent setback measurement instructions for all structure types.
  
- **CPMC 17.77 Accessory Dwelling Units (ADU)**
  - Maximum Square Footage. The proposed change increases the maximum ADU size from 35% of the primary dwelling Gross Floor Area (GFA) or 800 square feet, whichever is less, to 50% of the primary dwelling GFA or 800 square feet, whichever is less. As shown in Table 1, the proposed change allows a more reasonable maximum floor area for property owners with a primary dwelling that is under 2,000 square feet GFA.

**Table 1. ADU Floor Area Comparison**

Gross Floor Area	Current Code		Proposed Code	
	Max Floor Area %	Max Floor Area SF	Max Floor Area %	Max Floor Area SF
1200	35%	420	50%	600
1500		525		750
2000		700		1000
2500		875		1250

- Square Footage Exception. Allow a unit built above a detached garage to exceed maximum square footage requirements. This exception aims to remove barriers to the development of ADU's above detached garages.
  
- Setbacks. Reduce rear yard setbacks from 10ft to 5ft. These reductions are intended to align with accessory building setbacks, which may eventually be repurposed as ADU's upon request by property owners.
  
- Parking. Eliminate off-street parking requirements as required by HB 2001. This requirement was implemented on August 8, 2019. The City learned of the new requirement from comments on the draft amendments made by the Department of Land Conservation and Development (DLCD) on October 22, 2019 (Attachment "C"). The amendment to ORS 197.312 due to HB 2001 eliminates the City's ability to require parking for ADUs and replaces previous language allowing on-street parking in lieu of off-street parking under specific circumstances.

- ***CPMC 17.64.040, Table 17.64.02A Residential Off-Street Parking Requirements***
  - Parking. The proposed change is required to comply with ORS 197.312 as amended by HB 2001 signed into law and effective on August 8, 2019.
- ***CPMC 17.65.050, Table 3 Residential Off-Street Parking in the TOD District and Corridor***
  - Parking. The proposed change is required to comply with ORS 197.312 as amended by HB 2001 signed into law and effective on August 8, 2019.

At the November 5, 2019 Planning Commission, staff will present amendments to CPMC 17.05, 17.60.030, and CPMC 17.77 at a duly noticed public hearing for consideration by the Planning Commission for recommendation to the City Council.

## **Issues**

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It should be noted that public comments were received during the discussions at the August and September Planning Commission meetings in opposition to the proposed amendments (Attachment “D”). A number of concerns were raised addressing parking, neighborhood compatibility, impact of the proposed code amendments on established Covenants, Conditions and Restrictions (CC&Rs), and impacts to the viability and success of the Twin Creeks Master Plan. Other comments addressed government transparency and concern that the code amendments were drafted to benefit a specific property owner. Each of these issues is briefly addressed below:

- Parking. In the discussion drafts, City staff proposed measures that would offer flexibility to locate required off-street parking to an on-street location in limited instances. This provision acknowledged the SB1051 recommendation that City’s not require off-street parking while addressing community concerns that adequate parking be provided to support new development. Since the initial discussions occurred, City staff has been notified by DLCD that the law changed on August 8, 2019 prohibiting the City from requiring off-street parking in association with ADUs.
- Neighborhood Compatibility. ADU impacts to neighborhood compatibility is a concern for residents due to noise, light and visual impacts. Per ORS 197.312, the City may impose clear and objective standards, such as building height, setbacks, and specific design requirements. The proposed amendments propose a reduction in the allowable building height to 25-ft consistent with accessory structures regulated in CPMC 17.60.030. Similarly setbacks are proposed to be reduced to 5-feet on the rear yard property line mirroring the accessory structure standards. The intent in proposing these changes is to ease common barriers to ADU construction by allowing conversion of existing accessory structures that meet all life and safety requirements in the building codes. All other design standards remain unchanged.
- Impact to CC&Rs. Public comments stated a concern that CC&Rs would be superseded by the City’s proposed regulations. In accordance with a publication by the American Planning Association, a Homeowner’s CC&Rs, where more restrictive, “can control land use, development standards, and other aspects of community management” (Attachment “E”). Based on this legal primer, it does not appear that Central Point’s proposed zoning code amendments

relative to ADUs will adversely impact a Homeowner’s Association’s ability to enforce its CC&Rs.

- Twin Creeks Master Plan. The Twin Creeks Master Plan was adopted in 2000 and includes a land use and housing plan (Exhibits 18 and 35, respectively). Exhibit 35 lists the planned housing types and numbers of units by zoning district. Accessory Units are identified as a housing type in Exhibit 35. Although not expressly required by the Master Plan, it was envisioned that a total of 82 ADUs would be constructed in Twin Creeks. These are shown throughout the master planned development in the LMR (Low Mix Residential) and MMR (Medium Mix Residential) zones. The proposed code amendments do not impact the ability of ADUs to be constructed in Twin Creeks as envisioned. ADUs will continue to be subject to the design standards, and lot coverage and landscaping requirements in the TOD. Proposed changes lower the allowable building height but do allow relaxation of the rear yard setback from 10-ft to 5-ft.
- Transparency. The City has initiated the proposed amendments in direct response to the City’s Housing Needs Analysis and policy direction to eliminate barriers to increasing housing supply, diversity of housing types, and affordability. Additionally, these proposed amendments comply with ORS 197.312, which was amended in 2018 and 2019. Property owners interested in seeing these changes also provided comments at the August discussion. The code amendments were not crafted to benefit any one property owner but to alleviate barriers identified over the past few years.

## **Findings of Fact and Conclusions of Law**

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The proposed zoning text amendments have been reviewed against and found to comply with the applicable review criteria in CPMC 17.10, Zoning Map and Text Amendments as demonstrated in the Planning Department Findings of Fact and Conclusions of Law (Attachment “F”).

## **Attachments:**

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Attachment “A” – ADU Code Revisions

Attachment “B” – ADU Implementation Guidance from DLCD, updated August 8, 2019

Attachment “C” – DLCD Comments on proposed Text Amendments dated October 22, 2019

Attachment “D” – Public Comments received on August 6, 2019 and September 3, 2019

Attachment “E” – “A Planning Primer on Private Restrict Covenants,” Planning Magazine, May 2019. American Planning Association

Attachment “F” – Planning Department Findings of Fact and Conclusions of Law (Draft)

## **Action**

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Consider proposed zoning amendments and forward a resolution to the City Council recommending 1) approval, 2) approval with changes or 3) denial of the proposed zoning text amendments.

## **Recommendation**

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Forward a favorable recommendation to the City Council approving the zoning text amendments with or without changes.



## Chapter 17.08 DEFINITIONS

“Accessory dwelling unit (ADU)” means an Interior, attached or detached ~~unit-residential structure~~ that is used in connection with or provides complete independent living facilities and that serves as an accessory use to a primary single dwelling ~~unit~~. Accessory dwelling units differ from guest quarters, which do not provide independent living facilities.

“Guest ~~house~~ Quarters” means an Interior, attached or detached accessory building designed and used for the purpose of providing temporary living accommodations for guests or for members of the same family as that occupying the main building, and containing no kitchen facilities.

## Chapter 17.60 GENERAL REGULATIONS

### 17.60.030      Accessory Buildings

Accessory buildings shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:

A. Regardless of the side and rear yard requirements of the district, in a residential (R) district a side or rear yard not adjoining a street may be reduced to ~~three-five~~ three feet, ~~measured from the furthest protrusion or overhang~~, for an accessory structure erected more than fifty-five feet from the street right-of-way line on which the lot fronts, other than alleys, provided the structure is detached and separated from other buildings by ten feet or more.

B. Canvas-Covered Canopies and Other Temporary Structures. Temporary structures in residential (R) districts shall not be permitted within a front setback and only within a side setback that does not abut a public right-of-way. Temporary structures within a side setback shall be at least three feet from the side lot line measured from the furthest protrusion or overhang. Such structures are to be anchored to the ground in accordance with building code requirements.

C. Structural Dimensions. All accessory buildings will be subject to the requirements of all building specialty codes adopted under the Central Point Municipal Code.

1. Height. Accessory structures in residential (R) districts shall not exceed twenty-five feet if detached from the main structure. Structures greater than fifteen feet but less than twenty-five feet in height shall be set back a minimum of five feet from a side or rear lot line.

2. Width and Length. Garages and carports intended to satisfy the municipal code requirement for two off-street covered parking spaces shall be a minimum interior dimension of twenty feet in width by twenty feet in length. Standard garage doors shall be of adequate width to facilitate safe passage and maneuvering of automobile traffic.

3. Alley Setback. Accessory structures in residential (R) districts which abut an alley, are used as garages, and take their access from the alley shall have a setback of fifteen feet from the rear property line. (Ord. 1981 §3 (Exh. C) (part), 2014; Ord. 1818 §1(part), 2001; Ord. 1684 §53, 1993; Ord. 1436 §2(part), 1981).

**Chapter 17.77**  
**ACCESSORY DWELLING UNITS (ADU)**

Sections:

[17.77.005 Purpose.](#)

[17.77.010 Permitted in residential districts, R-L and R-1.](#)

[17.77.020 Provisions for water and sewer.](#)

[17.77.030 Only one accessory dwelling unit per single-family dwelling.](#)

[17.77.040 General provisions.](#)

[17.77.050 Special provisions.](#)

[17.77.060 Permit-Fee-Application-Inspection.](#)

[17.77.070 ADUs detached from single-family dwelling-Special.](#)

**17.77.005 Purpose.**

The purpose of this section is to allow for establishment of an accessory dwelling unit in conjunction with a single family dwelling within a single family residential zoning district. An accessory dwelling may be permitted as a means of providing more affordable housing opportunities for young families, empty nesters and others; encouraging additional density with minimal cost and disruption to surrounding neighborhoods; allowing individuals and smaller households to retain large houses as residences; providing convenient care for the elderly and infirm on a long-term basis; and allowing more energy-efficient use of large, older homes. (Ord. 1884 (part), 2006).

**17.77.010 Permitted in residential districts, R-L and R-1.**

Accessory dwelling units (ADUs) shall be a permitted use in the R-L and R-1 residential districts as accessory to single family dwellings subject to the provisions of this chapter. (Ord. 1884 (part), 2006).

**17.77.020 Provisions for water and sewer.**

No ADU shall be permitted to be added to, created within, or constructed on the same lot as the single-family dwelling to which it is accessory without a prior certification from the public works department of the city that the water supply and sanitary sewer facilities serving the site of the proposed ADU are adequate. (Ord. 1884 (part), 2006).

**17.77.030 Only one accessory dwelling unit per single-family dwelling.**

Only one ADU shall be permitted as accessory to a single family dwelling. (Ord. 1884 (part), 2006).

**17.77.040 General provisions.**

A. ADUs shall be permitted as second dwelling units that are added to or created within or on the same lot as a single family dwelling.

~~B. All housing and building codes and standards shall be applicable to all ADUs including, but not limited to, the building code, the plumbing code, the electrical code, the mechanical code, the fire code, and all requirements of the city of Central Point.~~

~~C. ADUs, whether attached or detached, that are added to or created within single family dwellings are not required to have separate independent utility connections.~~

- ~~1. D. The gross floor area of an accessory dwelling unit shall contain no more than thirty-five percent of the gross floor area of the main dwelling in existence prior to the construction of the accessory dwelling unit or eight hundred square feet, whichever is less.~~
- ~~2. E. No subdivision of land, air rights or condominium is allowed so as to enable the sale or transfer of the accessory dwelling unit independently of the main dwelling unit or other portions of the property.~~

~~F. All ADUs shall be designed to maintain the appearance of the single family dwelling to which they are accessory. If an ADU extends beyond the current footprint of the single family dwelling it must be consistent with the existing roof pitch, siding and windows of the single family dwelling. If a separate entrance door is provided, it must be located either off the rear or side of the single family dwelling. Any additions to an existing structure or building shall not exceed the allowable lot coverage or encroach into the required setbacks.~~

~~G. All ADUs which are attached to a single family dwelling shall have a separate entrance for the accessory dwelling unit, but it shall not be located on the front of the existing building.~~

~~H. At least one off street parking space shall be provided for each ADU in addition to the off street parking spaces required for the single family dwelling.~~

~~I. All ADUs shall have separate street addresses that are visible from the street and that clearly identify the location of the ADU. (Ord. 1942 §1, 2010; Ord. 1884 (part), 2006).~~

**17.77.050 Special provisions.**

~~A. The owner or contract purchaser of record of the single family dwelling to which an ADU is accessory shall reside either in the single family dwelling or the ADU as a permanent place of residence and shall not be permitted to rent or lease the same. The ownership of ADUs may not be separated from ownership of the single family dwelling to which they are accessory.~~

~~B. No home occupations, day care centers or adult foster homes shall be permitted in ADUs or in single-family dwellings to which they are accessory. (Ord. 1884 (part), 2006).~~

**~~17.77.060 Permit Fee Application Inspection.~~**

~~A. No ADU may be added to, created within, or constructed upon the same lot as a single family dwelling without a permit therefor, issued by the planning department. ADU permits shall be processed as a Type I land use application.~~

~~B. All applications for ADU permits shall be on forms provided by the planning department, and the fee for such permit shall be as provided in the building code.~~

~~C. Before any permit for the creation or construction of an ADU is granted, the proposed site thereof and the plans and specifications therefor shall be inspected by the building official to assure that the provisions of this chapter are not violated. (Ord. 1942 §2, 2010; Ord. 1884 (part), 2006).~~

**~~17.77.070 ADUs detached from single family dwelling Special.~~**

~~The following provisions shall be applicable to detached ADUs:~~

~~A. Water, sewer and solid waste collection may be by way of connections and service that is completely separate, apart and independently metered from the single family dwelling to which such ADU is accessory, or by other means approved by the public works department.~~

~~B. All detached ADUs shall comply with all setback and separation requirements for detached accessory buildings except that the minimum rear yard setback shall be ten feet.~~

~~C. Detached ADUs shall be designed in such a manner as to blend with or complement the architectural design of the single family dwelling to which such ADU is accessory; approval of such design shall be made by the appeal board of adjustment.~~

~~D. Detached ADUs shall share the same hard surfaced driveway as the single family dwelling to which such ADU is accessory, and shall have direct access to the street upon which the single family dwelling fronts, or take access from an alley. No new or additional curb cuts shall be permitted for the ADU, except on corner lots where a new curb cut will be allowed on the street frontage having no existing curb cut.~~

~~E. Detached ADUs shall have an unobstructed street frontage approved by the fire district with no intervening structures to ensure adequate visibility and access for emergency vehicles. (Ord. 1981 §5 (Exh. E), 2014; Ord. 1942 §3, 2010; Ord. 1884 (part), 2006).~~

**Chapter 17.77**  
**ACCESSORY DWELLING UNITS (ADU)**

Sections:

[17.77.005 Purpose.](#)

[17.77.010 Applicability.](#)

[17.77.020 One Unit.](#)

[17.77.030 Approval Criteria.](#)

**17.77.005 Purpose.**

The purpose of this section is to allow for establishment of an accessory dwelling unit (ADU) in conjunction with a single-family detached dwelling within zones that allow single family detached dwellings in accordance with ORS 197.312. ADUs are intended to provide more economical housing choices while encouraging additional density with minimal cost and disruption to surrounding neighborhoods; and allowing more efficient use of large, older homes. (Ord. 1884 (part), 2006).

**17.77.010 Applicability.**

Accessory dwelling units (ADUs) shall be a permitted use in the R-L,R-1, R-2 residential districts, and LMR, MMR, and HMR mixed-use districts within the Transit Oriented Development (TOD) District, as accessory to single-family dwellings subject to the provisions of this chapter. (Ord. 1884 (part), 2006).

**17.77.020 One Unit.**

A maximum of one (1) ADU shall be allowed per legally established single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g. above a detached garage or workshop), or attached to or interior to the primary dwelling (e.g. addition or conversion of floor area within the existing building). (Ord. 1884 (part), 2006).

**17.77.030 Approval Criteria.**

B. Floor Area. The maximum floor area allowed for an ADU shall be 800 square feet or fifty (50) percent of the gross floor area of the primary dwelling, whichever is less, except that conversion of a new or existing level or floor (e.g. attic, or second story) of a detached accessory building (i.e. garage, workshop) to an ADU is permitted even if the floor area of the ADU would be more than 800 square feet.

C. Development Standards. ADUs shall meet all development standards required for residential structures per the base zone requirements (e.g. building height, setbacks, lot coverage, building design, etc.) except for the following:

1. Density. ADUs are exempt from the maximum density standard in the base zone in which the ADU is located, provided that all other base zone standards are met.
2. Conversion of Nonconforming Structures. Conversion of an existing legally nonconforming structure to an ADU is allowed provided that the conversion does not increase the nonconformity and the structure complies with the Oregon Residential Specialty Code.
3. Parking. **In accordance with ORS 197.312, off-street parking shall not be required to approve an ADU.** ~~The required off-street parking for an ADU may be provided on-street when it can be demonstrated that all of the following apply:~~

- ~~i. The pavement width for the street along which the property fronts is 36 feet in width or greater and provides on-street parking on both sides of the street;~~
  - ~~ii. Driveway widening to accommodate the off-street space would result in loss of an on-street parking space; and,~~
  - ~~iii. Off-street parking cannot be provided along the site frontage or in an alley due to physical site constraints.~~
4. Rear Yard Setback. The rear yard setback for ADUs shall be 5-feet.
  5. Building Height. Except for units constructed above a detached garage (i.e. carriage units), detached ADUs shall be limited to single-story construction and shall not exceed 25-ft in building height per the accessory building height standards set forth in CPMC 17.60.030(C)(1).

D. Other Standards.

1. Unit Separation. For attached and interior ADUs, the primary dwelling and ADU shall be distinct with wall separation, separate building entrances and visible addresses.
2. Utilities. Separate utility connections may be provided at the applicant's discretion. Separate connections are not required.
3. Transfer Prohibited. No subdivision of land, air rights or condominium is allowed so as to enable the sale or transfer of the accessory dwelling unit independently of the main dwelling unit or other portions of the property.

**Chapter 17.64, Section 040, Table 17.64.02A  
RESIDENTIAL OFF-STREET PARKING REQUIREMENTS**

All uses shall comply with the number of off-street parking requirements identified in Table 17.64.02A, Residential Off-Street Parking Requirements, and Table 17.64.02B, Non-Residential Off-Street Parking Requirements. For residential uses the off-street parking requirements are stated in terms of the minimum off-street parking required. For non-residential uses the off-street parking requirements are presented in terms of both minimum and maximum off-street parking required. The number of off-street parking spaces in Table 17.64.02B, Non-Residential Off-Street Parking, may be reduced in accordance with subsection B of this section, Adjustments to Off-Street Vehicle Parking.

The requirement for any use not specifically listed shall be determined by the community development director on the basis of requirements for similar uses, and on the basis of evidence of actual demand created by similar uses in the city and elsewhere, and such other traffic engineering or planning data as may be available and appropriate to the establishment of a minimum requirement.

**TABLE 17.64.02A  
RESIDENTIAL OFF-STREET PARKING REQUIREMENTS**

Use Categories	Minimum Vehicle Parking Requirement (fractions rounded down to the closest whole number)
<b>RESIDENTIAL</b>	
Single-Family Residential	2 spaces per dwelling unit, both of which must be covered.
Accessory Dwelling Unit	<b>No off-street parking is required per ORS 197.312.</b> <del>1 space per accessory dwelling unit.</del>
Two-Family	2 spaces per dwelling unit, both of which must be covered.
Multiple-Family	1 space per studio or 1-bedroom unit;
	1.5 spaces per 2-bedroom unit; and
	2 spaces per 3+-bedroom unit.
	plus 1 guest parking space for each 4 dwelling units or fraction thereof.
Mobile Home Parks	2 spaces per dwelling unit on the same lot or pad as the mobile home (may be tandem); plus 1 guest space for each 4 mobile homes.
Residential Home	2 spaces per dwelling unit, both of which must be covered.
Residential Facility	.75 spaces per bedroom.
Congregate (Senior) Housing	.5 spaces per dwelling unit.
Boarding Houses, Bed and Breakfast	1 space per guest unit; plus 1 space per each 2 employees.

**CPMC 17.65.050, Table 3  
TOD DISTRICT AND CORRIDOR VEHICLE PARKING STANDARDS – RESIDENTIAL**

<b>Table 3 TOD District and Corridor Vehicle Parking Standards</b>	
<b>Use Categories</b>	<b>Minimum Required Parking</b>
Residential	
Dwelling, Single-Family Large and standard lot Zero lot line, detached Attached row houses	2 spaces per unit.
Dwelling, Multifamily Plexes	1.5 spaces per unit.
Apartments and condominiums	1.5 spaces per unit.
Congregate (senior) housing	.5 spaces per dwelling unit.
Dwelling, Accessory Unit	<b>Off-street parking is not required per ORS 197.312.</b> <del>1 space per unit.</del>
Boarding/Rooming House	1 space per accommodation, plus 1 space for every 2 employees.
Family Care Family day care Day care group home Adult day care	1 space for every 5 children or clients (minimum 1 space); plus 1 space for every 2 employees.
Home Occupation	Shall meet the parking requirement for the residence.
Residential Facility	1 space per unit.
Residential Home	1 space per unit.



**GUIDANCE ON IMPLEMENTING  
THE ACCESSORY DWELLING UNITS (ADU) REQUIREMENT  
UNDER OREGON SENATE BILL 1051  
UPDATED TO INCLUDE HB 2001 (2019)**



*M. Klepinger's backyard detached ADU, Richmond neighborhood, Portland, OR.  
(Photo courtesy of Ellen Bassett and [accessorydwellings.org](http://accessorydwellings.org).)*

**OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**

**MARCH 2018, updated SEPTEMBER 2019**



## Introduction

As housing prices in Oregon go up, outpacing employment and wage growth, the availability of affordable housing is decreasing in cities throughout the state. While Oregon's population continues to expand, the supply of housing, already impacted by less building during the recession, has not kept up. To address the lack of housing supply, House Speaker Tina Kotek introduced House Bill (HB) 2007 during the 2017 legislative session to, as she stated, "remove barriers to development." Through the legislative process, legislators placed much of the content of HB 2007 into Senate Bill (SB) 1051, which then passed, and was signed into law by Governor Brown on August 15, 2017 (codified in amendments to Oregon Revised Statute 197.312). In addition, a scrivener's error<sup>1</sup> was corrected through the passage of HB 4031 in 2018.

Among the provisions of SB 1051 and HB 4031 is the requirement that cities and counties of a certain population allow accessory dwelling units (ADUs) as described below:

- a) *A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.*
- b) *As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.*

This requirement became effective on July 1, 2018 and subject cities and counties must now accept applications for ADUs inside urban growth boundaries (UGBs).

On August 8, 2019, Governor Brown signed HB 2001, which became effective immediately and established that off-street parking and owner-occupancy requirements are not "reasonable local regulations relating to siting and design." This means that, even if a local development code requires off-street parking and owner-occupancy, starting on August 8, 2019, local jurisdictions may not mandate the construction of additional off-street parking spaces

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<sup>1</sup> *The scrivener's error in SB 1051 removed the words "within the urban growth boundary." HB 4031 added the words into statute and thus limited the siting of ADUs to within UGBs. As a result, land within a city with a population greater than 2,500 but that is not within a UGB is not required by this law to be zoned to allow accessory dwelling units. For counties with a population greater than 15,000, only those unincorporated areas within a UGB are required by this law to be zoned to allow accessory dwelling units.*

nor require a property owner to live in either a primary or accessory dwelling. The law provides an exception for ADUs that are used as vacation rentals, which may be required to provide off-street parking or have owner-occupancy requirements.

Some local governments in Oregon already have ADU regulations that meet the requirements of SB 1051 and HB 2001, however, many do not. Still others have regulations that, given the overall legislative direction to encourage the construction of ADUs to meet the housing needs of Oregon’s cities, are not “reasonable.” The Oregon Department of Land Conservation and Development (DLCD) is issuing this guidance and model code language to help local governments comply with the legislation. The model code language is included at the end of this document.

**Guidance by Topic**

The purpose of the following guidance is to help cities and counties implement the ADU requirement in a manner that meets the letter and spirit of the law: to create more housing in Oregon by removing barriers to development.

*Number of Units*

The law requires subject cities and counties to allow “at least one accessory dwelling unit for each detached single-family dwelling.” While local governments must allow one ADU where required, DLCD encourages them to consider allowing two units. For example, a city or county could allow one detached ADU and allow another as an attached or interior unit (such as a basement conversion). Because ADUs blend in well with single-family neighborhoods, allowing two units can help increase housing supply while not having a significant visual impact. Vancouver, BC is a successful example of such an approach.

*Siting Standards*

In order to simplify standards and not create barriers to development of ADUs, DLCD recommends applying the same or less restrictive development standards to ADUs as those for other accessory buildings. Typically that would mean that an ADU could be developed on any legal lot or parcel as long as it met the required setbacks and lot coverage limits; local governments should not mandate a minimum lot size for ADUs. So that lot coverage requirements do not preclude ADUs from being built on smaller lots, local governments should review their lot coverage standards to make sure they don’t create a barrier to development. Additionally, some jurisdictions allow greater lot coverage for two ADUs. To address storm water concerns, consider limits to impermeable surfaces rather than simply coverage by structures.

Any legal nonconforming structure (such as a house or outbuilding that doesn't meet current setback requirements) should be allowed to contain, or be converted to, an ADU as long as the development does not increase the nonconformity and it meets building and fire code.

#### *Design Standards*

Any design standards required of ADUs must be clear and objective (ORS 197.307[4]). Clear and objective standards do not contain words like "compatible" or "character." With the exception of ADUs that are in historic districts and must follow the historic district regulations, DLCD does not recommend any special design standards for ADUs. Requirements that ADUs match the materials, roof pitch, windows, etc. of the primary dwelling can create additional barriers to development and sometimes backfire if the design and materials of the proposed ADU would have been of superior quality to those of the primary dwelling, had they been allowed. Other standards, such as those that regulate where entrances can be located or require porches and covered entrances, can impose logistical and financial barriers to ADU construction.

#### *Public Utilities*

Development codes that require ADUs to have separate sewer and water connections create barriers to building ADUs. In some cases, a property owner may want to provide separate connections, but in other cases doing so may be prohibitively expensive.

#### *System Development Charges (SDCs)*

Local governments should consider revising their SDC ordinances to match the true impact of ADUs in order to remove barriers to their development. In fact, HB 2001, passed by the Oregon Legislature in 2019, requires local governments to consider ways to increase the affordability of middle housing types through ordinances and policies, including waiving or deferring system development charges. ADUs are not a middle housing type, but if a local government is reviewing its SDCs for middle housing, that would be a good time to review ADU SDCs as well. ADUs are generally able to house fewer people than average single-family dwellings, so their fiscal impact would be expected to be less than a single-family dwelling. Accordingly, it makes sense that they should be charged lower SDCs than primary detached single-family dwellings. Waiving SDCs for ADUs has been used by some jurisdictions to stimulate the production of more housing units.

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## Accessory Dwellings (model code)

**Note:** ORS 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone within an urban growth boundary that allows detached single-family dwellings. The statute does not allow local jurisdictions to include off-street parking nor owner-occupancy requirements. Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility and other factors should be considered and balanced against the need to address Oregon’s housing shortage by removing barriers to development.

The model development code language below provides recommended language for accessory dwellings. The italicized sections in brackets indicate options to be selected or suggested numerical standards that communities can adjust to meet their needs. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure[, pursuant to Section \_\_\_\_\_.] and shall conform to all of the following standards:

**[A. One Unit.** *A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).*

/

**A. Two Units.** *A maximum of two Accessory Dwellings are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).]*

### **B. Floor Area.**

1. A detached Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75-85] percent of the primary dwelling’s floor area, whichever is smaller.
2. An attached or interior Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75-85] percent of the primary dwelling’s floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than [800-900] square feet.

**C. Other Development Standards.** Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity;

2. No off-street parking is required for an Accessory Dwelling;
3. Properties with two Accessory Dwellings are allowed [10-20%] greater lot coverage than that allowed by the zone in which they are located; and
4. Accessory dwellings are not included in density calculations.

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**Definition** (This should be included in the “definitions” section of the zoning ordinance. It matches the definition for Accessory Dwelling found in ORS 197.312)

**Accessory Dwelling** – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

**Stephanie Holtey**

---

**From:** LeBombard, Josh <josh.lebombard@state.or.us>  
**Sent:** Tuesday, October 22, 2019 3:20 PM  
**To:** Stephanie Holtey  
**Cc:** Buhl, Laura; Tom Humphrey  
**Subject:** Local File ZC-19001; DLCDC File 003-19  
**Attachments:** LB Comments-1.docx

Stephanie,

I had Laura Buhl from our Department review your proposal. Her comments are in the attached document. Most of the comments are optional; however, the one that is not has to do with the requirement for parking. HB2001 does not allow an off-street parking requirement for ADUs.

Cheers,  
Josh



**Josh LeBombard**

Southern Oregon Regional Representative | Community Services Division  
Oregon Department of Land Conservation and Development  
37 N. Central Avenue | Medford, OR 97501  
Cell: (541) 414-7932  
[josh.lebombard@state.or.us](mailto:josh.lebombard@state.or.us) | [www.oregon.gov/LCD](http://www.oregon.gov/LCD)



**Chapter 17.08  
DEFINITIONS**

“Accessory dwelling unit (ADU)” means an Interior, attached or detached ~~unit residential structure that is used in connection with or provides complete independent living facilities and that serves as an~~ accessory use to a primary single dwelling ~~unit~~. Accessory dwelling units differ from guest quarters, which do not provide independent living facilities.

“Guest house Quarters” means an Interior, attached or detached accessory building designed and used for the purpose of providing temporary living accommodations for guests or for members of the same family as that occupying the main building, and containing no kitchen facilities.

**Chapter 17.60  
GENERAL REGULATIONS**

**17.60.030 Accessory Buildings**

Accessory buildings shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:

A. Regardless of the side and rear yard requirements of the district, in a residential (R) district a side or rear yard not adjoining a street may be reduced to three-five feet, ~~measured from the furthest protrusion or overhang~~, for an accessory structure erected more than fifty-five feet from the street right-of-way line on which the lot fronts, other than alleys, provided the structure is detached and separated from other buildings by ten feet or more.

B. Canvas-Covered Canopies and Other Temporary Structures. Temporary structures in residential (R) districts shall not be permitted within a front setback and only within a side setback that does not abut a public right-of-way. Temporary structures within a side setback shall be at least three feet from the side lot line measured from the furthest protrusion or overhang. Such structures are to be anchored to the ground in accordance with building code requirements.

C. Structural Dimensions. All accessory buildings will be subject to the requirements of all building specialty codes adopted under the Central Point Municipal Code.

1. Height. Accessory structures in residential (R) districts shall not exceed twenty-five feet if detached from the main structure. Structures greater than fifteen feet but less than twenty-five feet in height shall be set back a minimum of five feet from a side or rear lot line.

2. Width and Length. Garages and carports intended to satisfy the municipal code requirement for two off-street covered parking spaces shall be a minimum interior dimension of twenty feet in width by twenty feet in length. Standard garage doors shall be of adequate width to facilitate safe passage and maneuvering of automobile traffic.

3. Alley Setback. Accessory structures in residential (R) districts which abut an alley, are used as garages, and take their access from the alley shall have a setback of fifteen feet from the rear property line. (Ord. 1981 §3 (Exh. C) (part), 2014; Ord. 1818 §1(part), 2001; Ord. 1684 §53, 1993; Ord. 1436 §2(part), 1981).

**Comment [BL1]:** Why this reduction? Three feet will result in fewer barriers to development, especially on smaller lots. Have there been problems as a result of this standard? If not, then consider leaving it as is.

**Comment [BL2]:** Why does it matter how far the accessory structure is from the street ROW as long as it's meeting the setbacks? This provision seems unnecessarily complicated and potentially restrictive.

**Comment [BL3]:** This distance is large enough that it will prevent development and design options on some lots. Even the building code doesn't require more than 3-foot separation from buildings (when they're on other lots). Someone could build an addition, which is zero separation. What's the public purpose in requiring 10-foot separation for a separate building?

**Chapter 17.77**  
**ACCESSORY DWELLING UNITS (ADU)**

Sections:

[17.77.005 Purpose.](#)

[17.77.010 Applicability.](#)

[17.77.020 One Unit.](#)

[17.77.030 Approval Criteria.](#)

**17.77.005 Purpose.**

The purpose of this section is to allow for establishment of an accessory dwelling unit (ADU) in conjunction with a single-family detached dwelling within zones that allow single family detached dwellings in accordance with ORS 197.312. ADUs are intended to provide more economical housing choices while encouraging additional density with minimal cost and disruption to surrounding neighborhoods; and allowing more efficient use of large, older homes. (Ord. 1884 (part), 2006).

**17.77.010 Applicability.**

Accessory dwelling units (ADUs) shall be a permitted use in the R-L, R-1, R-2 residential districts, and LMR, MMR, and HMR mixed-use districts within the Transit Oriented Development (TOD) District, as accessory to single-family dwellings subject to the provisions of this chapter. (Ord. 1884 (part), 2006).

**17.77.020 One Unit.**

A maximum of one (1) ADU shall be allowed per legally established single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g. above a detached garage or workshop), or attached to or interior to the primary dwelling (e.g., addition or conversion of floor area within the existing building). (Ord. 1884 (part), 2006).

**17.77.030 Approval Criteria.**

- A. Floor Area. The maximum floor area allowed for an ADU shall be 800 square feet or fifty (50) percent of the gross floor area of the primary dwelling, whichever is less, except that conversion of a new or existing level or floor (e.g. attic, or second story) of a detached accessory building (i.e., garage, workshop) to an ADU is permitted even if the floor area of the ADU would be more than 800 square feet.
- B. Development Standards. ADUs shall meet all development standards required for residential structures per the base zone requirements (e.g., building height, setbacks, lot coverage, building design, etc.) except for the following:
  1. Density. ADUs are exempt from the maximum density standard in the base zone in which the ADU is located, provided that all other base zone standards are met.
  2. Parking. The required off-street parking for an ADU may be provided on-street when it can be demonstrated that all of the following apply:
    - i. The pavement width for the street along which the property fronts is 36-feet in width or greater and provides on-street parking on both sides of the street;

**Comment [BL4]:** The 50% limit could be unreasonably restrictive in cases where the primary dwelling is very small. Consider increasing the limit to 70-80%. Alternatively, the percentage could be increased just for dwellings that are under 1000-1200 square feet.

- ii. Driveway widening to accommodate the off-street space would result in loss of an on-street parking space; and,
- iii. Off-street parking cannot be provided along the site frontage or in an alley due to physical site constraints.

**Comment [BL5]:** Remove this section. Per HB 2001, the city can't require off-street parking for ADUs.

- 3. Rear Yard Setback. The rear yard setback for ADUs shall be 5-feet.
- 4. Building Height. ADUs shall not exceed 25-ft in building height per the accessory building height standards set forth in CPMC 17.60.030(C)(1).

C. Other Standards.

- 1. Unit Separation. For attached and interior ADUs, the primary dwelling and ADU shall be distinct with wall separation, separate building entrances and visible addresses.
- 2. Utilities. Separate utility connections may be provided at the applicant's discretion. Separate connections are not required.
- 3. Transfer Prohibited. No subdivision of land, air rights or condominium is allowed so as to enable the sale or transfer of the accessory dwelling unit independently of the main dwelling unit or other portions of the property.

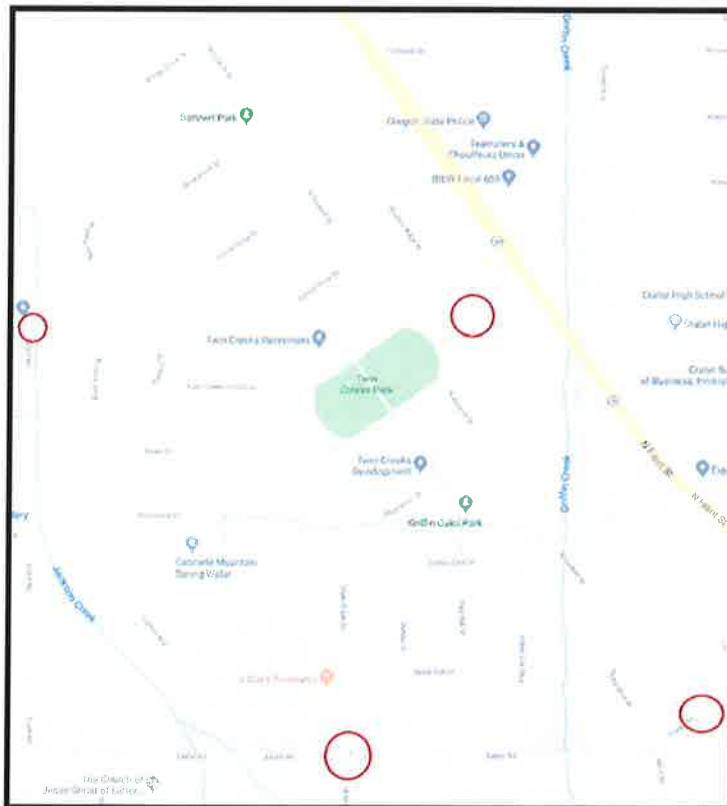
# Questions and Concerns regarding ADUs in Twin Creeks

## Increased Vehicle Parking

1. If a homeowner is allowed to convert their garage into an ADU then they will no longer be parking their vehicles in their garage adding to increased parking in driveways and streets.
2. People living in an ADU will have one or more vehicles adding to increased parking in driveways and streets.

## Increased Traffic

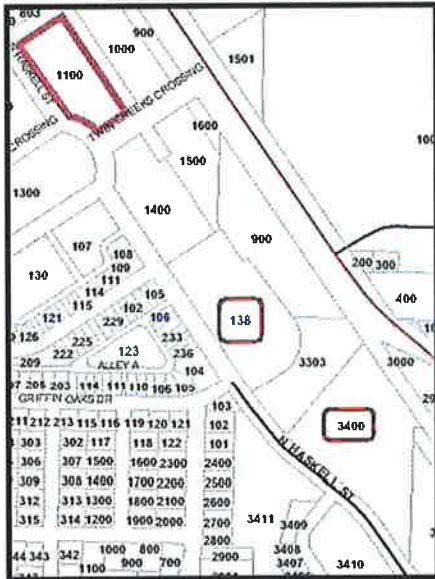
1. Currently there are only four entrance/exit points for the Twin Creeks area (Twin Creeks Crossing & Grant Road, Twin Creeks Crossing & Hwy 99, Silver Creek Drive & Taylor Road and Taylor Road & N. Haskell Street).



2. With the newly developed Apartments (SMITH CROSSING AT TWIN CREEKS) there is increased traffic and the first phase isn't even completed.
3. SMITH CROSSING AT TWIN CREEKS was reported to be a multi-family development consisting of apartments and townhouse units on **two (2) lots** zoned Medium Mix Residential (MMR) on North Haskell Street with a total of 245 units. **However, on the same date of sale a 3rd tax lot was sold to SMITH CROSSING LLC and the City has not reported future plans for this lot. It can be assumed that there will be a phase 3 for the Smith Crossing Apartment complex.**

### Smith Crossing Project Overview

Phase	Property Location	Project Area	Proposed No. Units
1	37S 2W 03C TL 138 Tax Lot 138	4.25 acres	100
2	37S 2W 03DC TL 3400 Tax Lot 3400	5.26 acres	145
ASSUMED PHASE 3	372W03CA 1100 Tax Lot 1100	2.19 acres	UNKNOWN



### Twin Creeks Master Plan

1. The Twin Creeks Master Plan listed a small number of estimated ADUs and only for lots greater than (>7000 sf) (Estimated total of 82 ADUs out of 1,513 Housing Types = 5.42% estimated for

possible ADUs). See page 48 attached of the Master Plan

<http://twincreeksincentralpoint.com/wp-content/uploads/2012/05/masterplan.pdf>

2. Overall planning for the infrastructure including increased traffic, parking etc. did not include analysis for a large number of ADU's in Twin Creeks.

## JONA HOA CC&Rs

1. The CC&Rs state 'single-family dwellings' and 'single family occupancy only' in multiple areas of the document.
  - a. Amendments to the CC&Rs would be required.
2. Cluster lots exist in Twin Creeks. These cluster Lots share a common access to individual driveways.
  - a. Additional vehicle parking would be an issue.
  - b. Amendments to the CC&Rs would be required to exclude cluster lots.
3. 5.3 d) States: **No** trailer, camper, basement, tent, shack, **garage**, barn, or **other outbuilding** or temporary structure erected or situated within the property **shall at any time, be used as a residence, temporarily or permanently**, nor shall any permanent building or structure be used as a residence until it is completed as to external appearance including finished painting. The permission hereby granted to erect a permanent garage or other building prior to construction of the main dwelling house shall not be construed to permit the construction, erection, or maintenance of any building of any nature whatsoever any time, without the approval required by the DRC.
  - a. Amendments to the CC&Rs would be required.
4. Additional Waste: 5.3 p) Owners must keep all trash cans and other trash receptacles out of public view, within an enclosed or screened area so as not to be visible from any street or Single Family Lot or Cluster Housing Lot and, otherwise, in location(s) from time to time specified or approved by the DRC.
  - a. More people living in ADUs will increase waste, does this mean additional trash cans?
5. CC&Rs may not be amended without the approval by seventy percent (70%) or more of the Owners, which amendment shall be recorded in the office of the County Clerk of Jackson County, Oregon.
  - a. If a vote of (70%) in favor of amendments is not reached then what?
  - b. There are multiple versions of CC&Rs for different phases in JONA HOA and surrounding Twin Creeks HOA's like Griffin Oaks. Therefore, what if some phases/CC&Rs pass in favor of the amendmendments and some do not then what?



Jackson County Official Records **2017-022473**  
 R-WD  
 Stn=0 HELMANCD **06/30/2017 01:29:33 PM**  
 \$10.00 \$20.00 \$10.00 \$8.00 \$11.00 **\$59.00**

THIS SPACE

I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.  
 Christine Walker - County Clerk

After recording return to:  
 Smith Crossing, LLC  
 353 Dalton St  
 Medford, OR 97501

Until a change is requested all tax statements shall be sent to the following address:  
 Smith Crossing, LLC  
 353 Dalton St  
 Medford, OR 97501  
 File No. 109134AM

**STATUTORY WARRANTY DEED**

**Twin Creeks Development Co., LLC,**  
 Grantor(s), hereby convey and warrant to

**Smith Crossing, LLC,**

Grantee(s), the following described real property in the County of Jackson and State of Oregon free of encumbrances except as specifically set forth herein:

**Parcel 1:**

Beginning at the Southerly most corner of Lot 1 in Twin Creeks Crossing, Phase 1 as filed in Volume 33, Page 01 of the Plat Records of Jackson County, Oregon; thence along the Southerly boundary of said Lot North 55°03'11" East, 153.39 feet; thence continuing along said Lot boundary, along the arc of a curve to the left having a radius of 160.00 feet, an internal angle of 93°06'06" and an arc length of 259.99 feet, (the long chord of which bears North 08°30'08" East, 232.32 feet); thence North 38°02'55" West, 302.81 feet; thence leaving said Lot boundary South 55°03'11" West, 23.27 feet to the Easterly boundary of the Irrigation Easement described in Instrument No. 2006-046898 of the Official Records of said County; thence along said Irrigation Easement boundary North 34°56'49" West, 167.47 feet to the Northerly boundary of said Lot; thence along said Lot boundary South 55°03'11" West, 273.50 feet to the Westerly corner of said Lot and the Easterly right-of-way of North Haskell Street; thence along said right-of-way South 34°56'49" East, 638.49 feet to the point of beginning.

**Parcel 2:**

Lot Thirty-four (34) Twin Creeks Crossing, Phase 1, in the City of Central Point, Jackson County, Oregon, according to the official plat thereof, now of record.

**Parcel 3:**

Parcel No. 3 of Partition Plat NO. P-116-2006 of the Records of Jackson County, Oregon; Filed December 15, 2006, Index Volume 17, Page 116, County Survey No. 19444.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

372W03C 138  
 372W03CA 1100  
 372W03DC 3400

The true and actual consideration for this conveyance is **\$2,700,000.00**.  
 The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 30 day of June, 2017.

Twin Creeks Development Company, LLC

By: [Signature]  
Bret Moore, President

State of Oregon } ss  
County of Jackson }

On this 30 day of June, 2017, before me, Suzanne Marie Lunsford a Notary Public in and for said state, personally appeared Bret Moore known or identified to me to be the Managing Member/President in the Limited Liability Company known as Twin Creeks Development Co., LLC who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]  
Notary Public for the State of Oregon  
Residing at: Medford  
Commission Expires: 10/20/18





# TWIN CREEKS TRANSIT-ORIENTED DEVELOPMENT

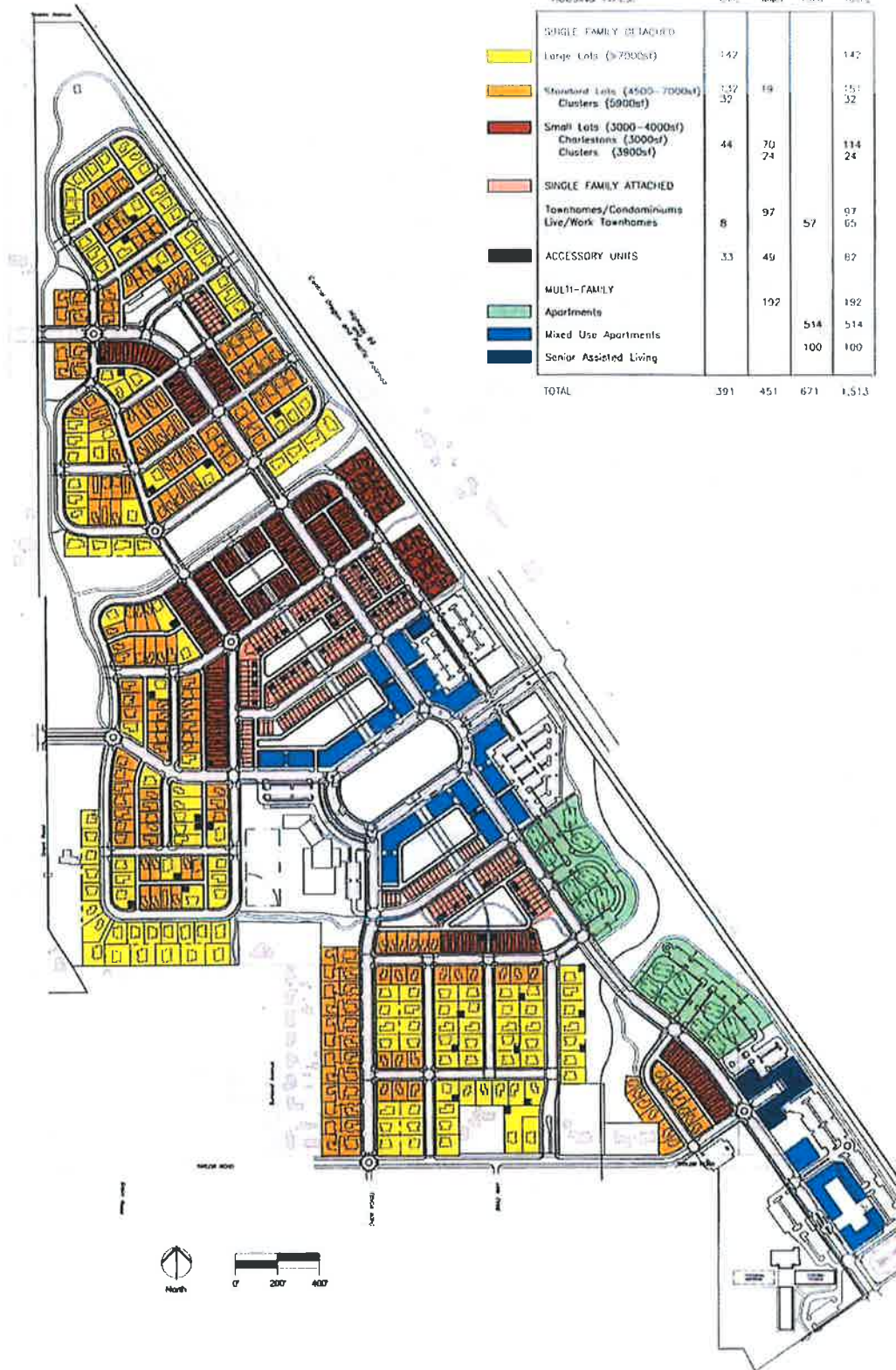


Exhibit 35, Housing Plan

Jackson Oaks Neighborhood Common and Open Space Maintenance Association  
Jackson Oaks Neighborhood Association  
P.O. BOX 3410  
CENTRAL POINT, OR 97502  
e-mail: [board@jona-cp.com](mailto:board@jona-cp.com)

September 04, 2019

City of Central Point  
140 S. 3rd Street  
Central Point, OR 97502

RE: City of Central Point - Draft Code Amendments for Accessory Dwelling Units (ADU)

Dear City Council and City Planning Commission:

## Purpose

The Jackson Oaks Neighborhood Association (JONA), board of directors would like to bring to the City Council and City Planning Commission our concerns with **specific proposed ADU amendments and the timing** of these proposed changes. Several citizens have expressed concerns and resistance with some of the proposed code amendments. We believe that great effort has been expended as a result of one homeowner in our HOA and as a result specific proposed amendments and timing are highly suspicious as identified in the timeline of key events.

## Request

Based on the provided information in this document we are asking the City Council and Planning Commission to 1) carefully make ADU code amendments that make sense for the entire City and 2) remove any conflicts of interests.

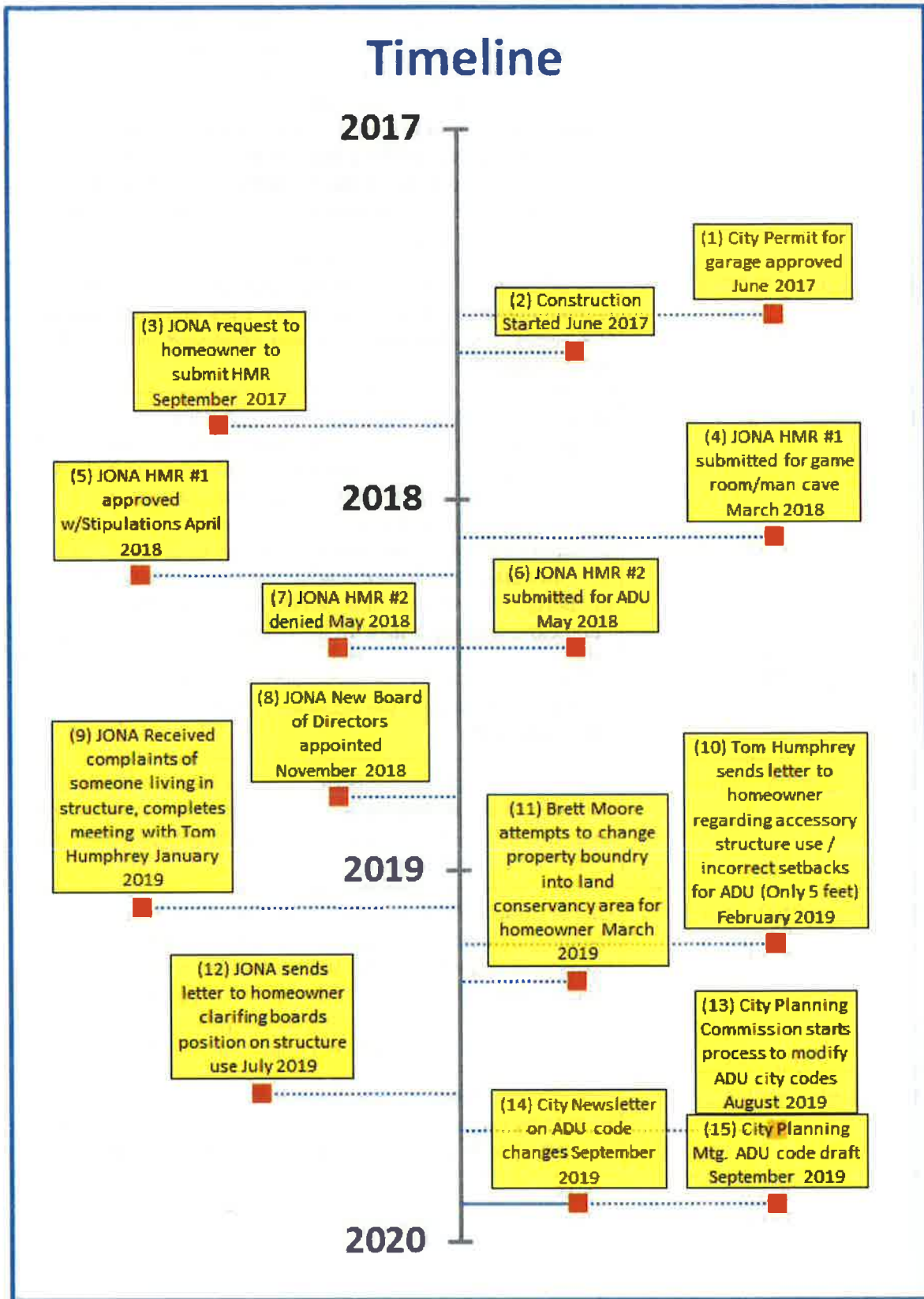
The concern is that specific amendments are being considered as a result of a major developer and a homeowner who is an employee of the developer. From the facts outlined they are driving specific City code changes to meet their individual needs.

## Timeline of key events

No.	Date	Event
1	June 19, 2017	JONA homeowners Jim & Elaine Frost located at 921 Buck Point Street Central Point, OR 97502 received a City permit (175-17-000161-STR). Requested and Approved for a detached garage with 100 amp electric and 1 utility sink. <b>Attachment A</b>
2	June 2017	Homeowner and Brett Moore (WL Moore Construction Inc.) started construction prior to going through the JONA Home Modification Review Request (HMR) process. <b>This accessory structure was constructed with a 5-foot setback from the rear and side property lines.</b>
3	September 2017	The previous JONA Design Review Committee (DRC) contacted the homeowner requesting they submit a Home Modification Review Request (HMR).
4	March 23, 2018	Homeowner submitted the HMR to JONA DRC. Described the work as a "Detached man cave / game room / future mother-in-law unit". The HMR was not provided by the homeowner until construction was almost completed. <b>Attachment B</b>
5	April 12, 2018	JONA DRC <b>approved</b> the HMR with the following stipulation: "This approval is for a detached man cave / game room only. <b>This structure may not be rented by you or any subsequent owners of the property</b> ". <b>Attachment B</b>
6	May 06, 2018	Homeowner submitted to JONA DRC another HMR for the same accessory structure. Described work as " <b>ADU per CCRs, section 5.3e</b> ". <b>Attachment C</b>
7	May 08, 2018	JONA DRC <b>denied</b> the request and referred the homeowner back to the HMR dated April 12, 2018. <b>Attachment C</b>
8	November 2018	Several new JONA board-of-directors were elected and a new DRC committee appointed.
9	January 2019	JONA board-of-directors received complaints that the homeowner had moved someone into the accessory

		structure. JONA board-of-directors and a previous DRC committee member met with Tom Humphrey to obtain additional information and history regarding the accessory structure. At this time the board was made aware that <b>the accessory structure was built with a setback of 5 feet disqualifying the building from being used as an ADU</b> . It was also brought to the JONA boards attention that the accessory structure built deviated from the original plans approved by the City.
10	February 5, 2019	City of Central Point (Tom Humphrey) sent a letter to the homeowner telling them in summary <b>'they were not using the accessory structure as it was approved by the City'</b> . <b>Attachment D</b>
11	March 2019	Brett Moore (WL Construction Inc) notified the Southern Oregon Land Conservancy, management of the land owned by Brett Moore located at 939 Twin Creeks Crossing Central Point, OR 97502 that he was going to allow a property boundary encroachment into the Southern Oregon Land Conservancy area. <b>This was an attempt to get around the 10-foot setback requirement for the west side of the property</b> . This request was <b>denied</b> by the Southern Oregon Land Conservancy based on their contract with Brett Moore.
12	July 17, 2019	JONA sent a letter to the homeowner clarifying the boards position on the <b>use</b> of the accessory structure. <b>Attachment E</b>
13	August 06, 2019	As per the City of Central Point Planning Meeting Minutes, Principle Planner, Stephanie Holtey introduced amendments to CPMC 17.77, Accessory Dwelling Units (ADU) CPMC and CPMC 17.08 Definitions.
14	September 2019	City of Central Point newsletter notification on Accessory Dwelling Unit planned code amendments. Three main goals mentioned in the newsletter but none of them mentioned a modification to the current 10-foot setback, reducing it to 5-foot or a modification granting an exception to the 10-foot setback when a rear yard is not adjoining a street.
16	September 03, 2019	City Planning Meeting; Stephanie Holtey stated that Tom Humphrey proposed a recent recommended change to <b>'just make it simple and change the setbacks to 5-feet'</b> .

# Timeline





## Conflict of Interest

1. The homeowner of the accessory structure is Jim & Elaine Frost located at 921 Buck Point Street Central Point, OR 97502. Elaine is an employee of Brett and Amy Moore (WL Moore Construction Inc., Twin Creeks Development Company, LLC).
2. Brett Moore (WL Moore Construction Inc.) built the accessory structure at 921 Buck Point Street.
3. 921 Buck Point Street is adjoining to the property owned by Brett and Amy Moore (TWIN CREEKS DEVELOPMENT CO LLC) located at 939 Twin Creeks Crossing Central Point, OR 97502 and managed by the Southern Oregon Land Conservancy.
4. Amy Moore currently serves on the City Planning Commission and was vocal at the September 03, 2019 Planning Commission meeting in support that a 5-foot setback was needed.
5. City Planning staff are very close to the situation and the parties involved (Elaine & Jim Frost, Amy & Brett Moore). It appears after reading all documents relationships and positions maybe being used to get ADU code amendments passed specifically in support of the accessory structure located at 921 Buck Point Street. This is further validated in the City letter to Jim and Elaine Frost dated February 05, 2019.

### **Attachment D**

## City proposed ADU amendments specifically related to 921 Buck Point Street

### **Setbacks**

1. The south side yard at 921 Buck Point Street is adjoining a driveway connected to a flag lot and the west side yard is adjoining land managed by Southern Oregon Land Conservancy owned by Brett and Amy Moore (TWIN CREEKS DEVELOPMENT CO LLC). Therefore, it appears as though this proposed setback amendment is specifically in support of this homeowner at 921 Buck Point Street and further validated by the comments made by Stephanie Holtey (Principal Planner) where she said a homeowner approached the City asking for setback changes to the code.

2. It is also interesting that in the City Newsletter dated September 2019 setbacks wasn't mentioned as a proposed amendment. However, Ms. Holtey stated that Tom Humphrey proposed a recent recommended change to '**just make it simple and change the setbacks to 5 feet**'.
3. At the Planning Commission meeting held on September 03, 2019 the proposed amendment in Attachment B stated the following:

A. Regardless of the side and rear yard requirements of the district, in a residential (R) district a side or rear yard not adjoining a street may be reduced to ~~three-five~~ feet, ~~measured from the furthest protrusion or overhang,~~ for an accessory structure erected more than fifty-five feet from the street right-of-way line on which the lot fronts, other than alleys, provided the structure is detached and separated from other buildings by ten feet or more.

### **Approval Criteria - Parking**

1. 921 Buck Point Street does not have on street parking in front of the house. Curbing is painted Yellow.
2. Proposed amendment page 146 stated the following:

~~3. Parking. Off-street parking is not required for an ADU when on-street parking is located adjacent to the site on which the ADU is located. If on-street parking is not adjacent to site, then one off-street parking space is required. The required off-street parking for an ADU may be provided on-street when it can be demonstrated that all of the following~~

## In summary

Based on the provided information in this document we are asking the City Council and Planning Commission to 1) carefully make ADU code amendments that make sense for the entire City and 2) remove any conflicts of interests.

The draft City of Central Point ADU code amendments show a removal of most existing code and as identified in this document some additional amendment changes that are suspicious. Why not postpone all proposed ADU amendments and thoroughly review and copy some of the City of Portland's extensive ADU program and codes? **Let's Do It Right the First Time!**

Sincerely,

Jackson Oaks Neighborhood Association Board of Directors

# Attachment A

Building Permit\_06192017.pdf





www.centralpointoregon.gov

# Building Permit

## Residential Structural

CENTRAL POINT

140 S. 3rd St.  
Central Point, OR 97502  
541-664-3321 ext. 292  
Fax: 541-664-1611

175-17-000161-STR

Permit Issued: June 19, 2017

Job Name: Frost Garage

### TYPE OF WORK

Type of Work: New  
Calculated Value: \$16,412.75

Category of Construction: Detached Accessory Stru  
Description of Work: New 364 sq ft detached garage building w/ 100 amp electrical and 1 utility sink.

### JOB SITE INFORMATION

Property Address:  
921 Buck Point St, Central  
Point, OR 97502

Parcel:  
372W03C85400 - Primary

Owner: JIM FROST  
Address: 921 BUCK POINT ST  
CENTRAL POINT OR 97502

### LICENSED PROFESSIONAL INFORMATION

Business Name	License	License Nbr	Phone
ERIC'S ELECTRIC SERVICE INC	(C) Electrical Contractor	15-165C	541-665-2865
WL MOORE CONSTRUCTION INC	CCB	177325	541-665-5401

### INSPECTIONS - Additional inspections may be required through the life of the project

The list of inspections below represents the minimum inspections recommended for this project at the time of permit printing.

1080 Driveway Approach	1120 Foundation	1130 Foundation Wall/Rebar
1280 Framing	1999 Final Building	3315 Water Line
3500 Rough Plumbing	3502 Top Out Rough Plumbing	3999 Final Plumbing
4500 Rough Electrical	4999 Final Electrical	

Schedule Inspections online at [www.buildingpermits.oregon.gov](http://www.buildingpermits.oregon.gov) or by calling: 1-888-299-2821 or 541-664-0700  
When calling for an inspection, use IVR Number: 175079087942

OR search "ePermitting" at the Apple App Store to download the Oregon ePermitting Inspection App for IOS.

OR search "ePermitting" at the Android App Store to download the Oregon ePermitting Inspection App for Android.

Permits expire if work is not started within 180 Days of issuance or if work is suspended for 180 Days or longer depending on the issuing agencies policy.

All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

**ATTENTION:** Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0090. You may obtain copies of the rules by calling the center. (Note: the telephone number for the Oregon Utility Notification Center is (503) 232-1967).

All persons or entities performing work under this permit are required to be licensed unless exempted by ORS 701.010.

Printed on: 06/19/2017





# Attachment B

HMR\_03232018.pdf

Jackson Oaks Neighborhood Common & Open Space Maintenance Association

Jackson Oaks Neighborhood Association  
Covenants, Conditions and Restrictions (CC&R's)

Home Modification Review

Owners Name: Jim + Elaine Frost  
Property Address: 921 Buck Point  
Mailing Address: \_\_\_\_\_  
(if different than property address)  
Email Address: elcraue@charter.net  
Phone Number: 541-210-3061

- Check Planned Work
- Fence/Screen
  - Home Additions
  - Landscaping
  - Pool/Spa
  - Satellite Dish
  - Screening
  - Shed/Shop
  - Solar Panels
  - Other

Date Submitted: 3-23-18  
Date Received: \_\_\_\_\_  
\* Approximate Construction Time Frame  
Start Date: 5/2017  
Completion Date: 12/2017

- Review the applicable Administrative Guidelines. Describe the proposed modifications or additions, attach sketches, photographs, contractor's proposal, site plan and/or paint chips and materials descriptions necessary to convey an understanding of the planned work. Be specific with respect to exterior paint color placement, the base color, trim, and front and garage doors colors.
- All plans and specifications submitted for review and approval by the DRC must be at received at least 10 days prior to the proposed installation or construction start date. Requested information must be complete to process. Failure to secure required approvals may result in sanctions.

3. Description of work: (Use back of form if necessary) Detached mancave / game room / future mother-in-law unit

- Review and approval time line: (Additional time may be required to review extensive projects)
  - Normally the review process can be accomplished quickly, but it must not be assumed that the request will be addressed any sooner than outlined below when planning a project.
  - 7 days for most projects such as satellite dish placement, fences, sheds, screens, decks, play equipment, roofing and house painting.
  - 10 days for significant projects such as swimming pools, home additions or major landscape projects.
- The approval of the Home Modification Review by the DRC is valid for a period of 12 months from the date of signing. The DRC, at its sole discretion, shall determine if or when a project has been significantly modified or delayed from the original approved plan to warrant an additional review and approval.
- Submit form to: JONA, Attn: DRC, P.O. Box 3410, Central Point OR 97502  
Or deliver personally to any member of the DRC. **Message Phone: JONA (541-690-8527)**

I acknowledge that I have read and agree to comply with the CC&R's and Administrative Guidelines pertaining to this home /property modification request. I also agree that it is my responsibility to determine the applicable City of Central Point Municipal Codes and secure required governmental permits before commencing with the project.

Owners Signature: [Signature] Date: 3-23-18

**Design Review Committee:** Any deviations in the application of the rules must be reviewed and approved by the entire DRC and the City of Central Point where applicable.

- |                              |                         |                     |  |
|------------------------------|-------------------------|---------------------|--|
| 1. <u>William T. Nichols</u> | Date: <u>04/12/2018</u> | Approved: <u>WN</u> | City of Central Point Approved: <u>[Signature]</u> |
| 2. <u>Gary D. Ann</u>        | Date: <u>04/12/2018</u> | Denied: _____       | Denied: _____                                      |
| 3. <u>[Signature]</u>        | Date: <u>4/12/18</u>    | Subject to: _____   | Date: _____  |

Stipulations: This approval is for a detached mancave / game room only. This structure may not ever be rented by you, or any subsequent owners of the property.

# Attachment C

HMR\_05062018.pdf

Jackson Oaks Neighborhood Association  
Covenants, Conditions and Restrictions (CC&R's)

Home Modification Review

Owners Name: Jim + Elaine Frost  
Property Address: 921 Buck Point  
Mailing Address: \_\_\_\_\_  
(if different than property address)  
Email Address: ave@charter.net  
Phone Number: 541-210-3061

- Check Planned Work
- Fence/Screen
  - Home Additions
  - Landscaping
  - Pool/Spa
  - Satellite Dish
  - Screening
  - Shed/Shop
  - Solar Panels
  - Other

Date Submitted: \_\_\_\_\_  
Date Received: 5-6-2018  
\* Approximate Construction Time Frame  
Start Date: \_\_\_\_\_  
Completion Date: \_\_\_\_\_

- Review the applicable Administrative Guidelines. Describe the proposed modifications or additions, attach sketches, photographs, contractor's proposal, site plan and/or paint chips and materials descriptions necessary to convey an understanding of the planned work. Be specific with respect to exterior paint color placement, the base color, trim, and front and garage doors colors.
- All plans and specifications submitted for review and approval by the DRC must be at received at least 10 days prior to the proposed installation or construction start date. Requested information must be complete to process. Failure to secure required approvals may result in sanctions.
- Description of work: (Use back of form if necessary) ADU per CC&R's, Section 5.3e

- Review and approval time line: (Additional time may be required to review extensive projects)
  - Normally the review process can be accomplished quickly, but it must not be assumed that the request will be addressed any sooner than outlined below when planning a project.
  - 7 days for most projects such as satellite dish placement, fences, sheds, screens, decks, play equipment, roofing and house painting.
  - 10 days for significant projects such as swimming pools, home additions or major landscape projects.
- The approval of the Home Modification Review by the DRC is valid for a period of 12 months from the date of signing. The DRC, at its sole discretion, shall determine if or when a project has been significantly modified or delayed from the original approved plan to warrant an additional review and approval.
- Submit form to: JONA, Attn: DRC, P.O. Box 3410, Central Point OR 97502  
Or deliver personally to any member of the DRC. **Message Phone: JONA (541-690-8527)**

I acknowledge that I have read and agree to comply with the CC&R's and Administrative Guidelines pertaining to this home /property modification request. I also agree that it is my responsibility to determine the applicable City of Central Point Municipal Codes and secure required governmental permits before commencing with the project.

Owners Signature: [Signature] Date: 5-3-18

**Design Review Committee:** Any deviations in the application of the rules must be reviewed and approved by the entire DRC and the City of Central Point where applicable.

DRC	City of Central Point
1. <u>William T. Nichols</u> Date: <u>5/8/2018</u> Approved: _____	Approved: _____
2. <u>Harry D. Cune</u> Date: <u>5/8/2018</u> Denied: <u>W.T.N.</u>	Denied: <u>[Signature]</u>
3. _____ Date: _____ Subject to: _____	Date: _____

Stipulations: Your request for an ADU is denied. See HMR submitted 3/23/2018 which stated that this structure may not ever be rented by you or any subsequent owners of the property.

## Attachment D

Frost ADU Compliance Letter

2-5-19.pdf



City of Central Point, Oregon  
140 S 3rd Street, Central Point, OR 97502  
541.664.3321 Fax 541.664.6384  
www.centralpointoregon.gov



Community Development  
Tom Humphrey, AICP  
Community Development Director

February 5, 2019

Jim & Elaine Frost  
921 Buck Point Street  
Central Point, Oregon 97502

RE: Use of Accessory Structure at 921 Buck Point

Dear Mr. & Mrs. Frost:

In response to neighborhood complaints and after further investigation of the building permits issued for the above referenced address, it has become evident that you are not using the accessory structure as it was approved by the City. The code requirements for Accessory Structures are different from those of Accessory Dwelling Units (ADUs) and I have attached an excerpt from the LMR zoning district where each applies.

The building permit for which you received approval in 2017 identified a *detached garage* that was setback five feet from rear and side property lines. The original plans allowed for the plumbing and installation of a utility sink which was expanded in the field to include a toilet. A garage door was replaced with French Doors and a paved driveway was never installed for access to the structure as stipulated in the permit per CPMC 17.75.039.E.2

If your intention was or is to have an Accessory Dwelling Unit which the zoning district permits, you will either have to modify the detached garage to comply with ADU standards or build a separate structure that complies.

Please contact me at 541-423-1025 upon receipt of this letter so that we can discuss your options and work toward a solution. The decisions you make about your home and property are important to the City of Central Point. It is our intention to safeguard your decisions as well as the residential neighborhoods that make this town a desirable place to live. I'm sure you know that you live in a unique neighborhood. Please be advised

that in addition to resolving this apparent code violation with the City, you may still need to satisfy the Covenants, Codes and Restrictions (CC&Rs) of that neighborhood, however, that is not an enforcement matter with which the City is involved.

Sincerely yours,



Tom Humphrey AICP  
Community Development Director

Enclosure

cc. Chris Clayton, City Manager  
Sydnee Dreyer, City Attorney  
Derek Zwagerman, Building Official  
Chris Wasner, Community Service Officer

**17.65.050 Zoning regulations--TOD district.**

- A. Permitted Uses. Permitted uses in Table 1 are shown with a "P." These uses are allowed if they comply with the applicable provisions of this title. They are subject to the same application and review process as other permitted uses identified in this title.
- B. Limited Uses. Limited uses in Table 1 are shown with an "L." These uses are allowed if they comply with the specific limitations described in this chapter and the applicable provisions of this title. They are subject to the same application and review process as other permitted uses identified in this title.
- C. Conditional Uses. Conditional uses in Table 1 are shown with a "C." These uses are allowed if they comply with the applicable provisions of this title. They are subject to the same application and review process as other conditional uses identified in this title.
- D. Density. The allowable residential density and employment building floor area are specified in Table 2.
- E. Dimensional Standards. The dimensional standards for lot size, lot dimensions, building setbacks, and building height are specified in Table 2.
- F. Development Standards.
  - 1. Housing Mix. The required housing mix for the TOD district is shown in Table 2.
  - 2. Accessory Units. Accessory units are allowed as indicated in Table 1. Accessory units shall meet the following standards:
    - a. A maximum of one accessory unit is permitted per lot;
    - b. The primary residence and/or the accessory unit on the lot must be owner-occupied;
    - c. An accessory unit shall have a maximum floor area of eight hundred square feet;
    - d. The applicable zoning standards in Table 2 shall be satisfied.

Table 1 TOD District Land Uses									
Use Categories	Zoning Districts								
	LMR	MMR	HMR	EC	GC	C	OS		
<u>Residential</u>									
Dwelling, Single-Family									
Large and standard lot	P	L5	N	N	N	N	N	N	N
Zero lot line, detached	P	P	N	N	N	N	N	N	N
Attached row houses	P	P	P	C	N	N	N	N	N
Dwelling, Multifamily									
Multiplex, apartment	P	P	P	L1	L1	N	N	N	N
Senior housing	L6	P	P	L1	L1	N	N	N	N
Accessory Units	P1	P1	P1	C	N	N	N	N	N

N--Not permitted.

P--Permitted use.

N--Not permitted.

P--Permitted use.

P1--Permitted use, one unit per lot.

C--Conditional use.

Table 2

TOD District Zoning Standards

Standard	Zoning Districts							
	LMR	MMR	HMR	EC	GC	C	OS	
Density—Units Per Net Acre (f)								
Maximum	12	32	NA	NA	NA	NA	NA	NA
Minimum	6	14	25	NA	NA	NA	NA	NA
Dimensional Standards								
Minimum Lot or Land Area/Unit								
Large single-family	5,000 SF	NA	NA	NA	NA	NA	NA	NA
Standard single-family	3,000 SF	NA	NA	NA	NA	NA	NA	NA
Zero lot line detached	2,700 SF	2,700 SF	NA	NA	NA	NA	NA	NA
Attached row houses	2,000 SF	1,500 SF	1,200 SF	NA	NA	NA	NA	NA
Multifamily	NA	NA	NA	NA	NA	NA	NA	NA
Average Minimum Lot or Land Area/Unit								
Large single-family	7,500 SF	NA	NA	NA	NA	NA	NA	NA
Standard single-family	4,500 SF	NA	NA	NA	NA	NA	NA	NA
Zero lot line detached	3,000 SF	3,000 SF	NA	NA	NA	NA	NA	NA
Attached row houses	2,500 SF	2,000 SF	1,500 SF	NA	NA	NA	NA	NA

**Table 2  
TOD District Zoning Standards**

Standard	Zoning Districts									
	LMR	MMR	HMR	EC	GC	C	OS			
Multifamily	NA	NA	NA	NA	NA	NA	NA			
Minimum Lot Width										
Large single-family	50'	NA	NA	NA	NA	NA	NA			
Standard single-family	50'	NA	NA	NA	NA	NA	NA			
Zero lot line detached	30'	30'	NA	NA	NA	NA	NA			
Attached row houses	24'	22'	18'	NA	NA	NA	NA			
Multifamily	NA	NA	NA	NA	NA	NA	NA			
Minimum Lot Depth	50'	50'	50'	NA	NA	NA	NA			
<b>Building Setbacks (k)</b>										
Front (min./max.)	10'/15'	10'/15'	0'/15'	0'	0'/15'	0'/5'	15'			
Side (between bldgs.) (detached/attached)	5' detached 0' attached (a)(c)	5' detached 0' attached (a)(c)	5' detached 0' attached (a)	0' 10' (b)	0' 15' (b)	0' 20' (b)	5'			
Corner (min./max.)	10'/NA	10'/NA	0'/10'	5'/10'	15'/30'	5'/10'	15'/NA			
<b>Rear</b>	10'	10'	10'	0' 10' (b)	15' (b) 0'	0' 20' (b)	5'			

Table 2 TOD District Zoning Standards									
Standard	Zoning Districts								
	LMR	MMR	HMR	EC	GC	C	OS		
Garage Entrance	(d)	(d)	(d)	(e)	(e)	(e)	NA		
Maximum Building Height	35'	45'	60'	60'	60'	45'	35'		
Maximum Lot Coverage (g)	80%	80%	85%	100%	100%	85%	25%		
Minimum Landscaped Area (i)	20% of site area	20% of site area	15% of site area (j)	0% of site area (h)	15% of site area	15% of site area	NA		
Housing Mix									
Required housing types as listed under Residential in Table 1.	< 16 units in development:		1 housing type.	NA	NA	NA	NA		
	16--40 units in development:		2 housing types.						
	> 40 units in development:		3 or more housing types (plus approved master plan)						

Notes:

NA--Not applicable.

(k) Where a building setback abuts a public utility easement (PUJE), the building setback shall be measured from the furthest protrusion or overhang for the structure to avoid utility conflicts.

**Table 3  
TOD District and Corridor Vehicle Parking Standards**

<b>Use Categories</b>	<b>Minimum Required Parking</b>
Residential	
Dwelling, Single-Family Large and standard lot Zero lot line, detached Attached row houses	2 spaces per unit.
Dwelling, Multifamily  Plexes  Apartments and condominiums  Congregate (senior) housing	1.5 spaces per unit.  1.5 spaces per unit.  .5 spaces per dwelling unit.
Dwelling, Accessory Unit	1 space per unit.



**17.60.030 Accessory buildings.**

Accessory buildings shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:

- A. Regardless of the side and rear yard requirements of the district, in a residential (R) district a side or rear yard not adjoining a street may be reduced to three feet, measured from the furthest protrusion or overhang, for an accessory structure erected more than fifty-five feet from the street right-of-way line on which the lot fronts, other than alleys, provided the structure is detached and separated from other buildings by ten feet or more.
- B. Canvas-Covered Canopies and Other Temporary Structures. Temporary structures in residential (R) districts shall not be permitted within a front setback and only within a side setback that does not abut a public right-of-way. Temporary structures within a side setback shall be at least three feet from the side lot line measured from the furthest protrusion or overhang. Such structures are to be anchored to the ground in accordance with building code requirements.
- C. Structural Dimensions. All accessory buildings will be subject to the requirements of all building specialty codes adopted under the Central Point Municipal Code.
  - 1. Height. Accessory structures in residential (R) districts shall not exceed twenty-five feet if detached from the main structure. Structures greater than fifteen feet but less than twenty-five feet in height shall be set back a minimum of five feet from a side or rear lot line.
  - 2. Width and Length. Garages and carports intended to satisfy the municipal code requirement for two off-street covered parking spaces shall be a minimum interior dimension of twenty feet in width by twenty feet in length. Standard garage doors shall be of adequate width to facilitate safe passage and maneuvering of automobile traffic.
  - 3. Alley Setback. Accessory structures in residential (R) districts which abut an alley, are used as garages, and take their access from the alley shall have a setback of fifteen feet from the rear property line. (Ord. 1981 §3 (Exh. C) (part), 2014; Ord. 1818 §1(part), 2001; Ord. 1684 §53, 1993; Ord. 1436 §2(part), 1981).

CC&R Violation Letter\_921 Buck  
Point Street\_07172019v1.pdf

Jackson Oaks Neighborhood Common and Open Space Maintenance Association  
Jackson Oaks Neighborhood Association  
P.O. BOX 3410  
CENTRAL POINT, OR 97502  
e-mail: [board@jona-cp.com](mailto:board@jona-cp.com)

## CC&R VIOLATION LETTER

July 17, 2019

Jim & Elaine Frost  
921 Buck Point Street  
CENTRAL POINT, OR 97502

RE: USE OF ACCESSORY STRUCTURE AT 921 BUCK POINT

Dear Mr. & Mrs. Frost:

It is the obligation of our Jackson Oaks Neighborhood Association (JONA) Board of Directors to ensure each Property Owner in our Community is adhering to the Governing Documents. Our Community is striving to continue to be a beautiful place in which to reside pleasantly with our neighbors.

The matter listed below was noted to be inconsistent with your Community Documents and/or published Association rules. The JONA Board of Directors are kindly asking you to take the necessary steps to bring your property into compliance.

**First courtesy notice for: THE ACCESSORY STRUCTURE IS BEING USED AS A RESIDENCE / ACCESSORY DWELLING UNIT.**

**The JONA DRC approved the structure on 04/12/2018, with stipulations that the structure was to be used as a detached man cave/game room only. You are in violation of the JONA CC&Rs and the City of Central Point permit you obtained in 2017.**

**The JONA board has received complaints that someone is living in the Accessory Structure.**

As you know, in November 2018 several new JONA board of directors were elected and a new DRC committee appointed. The current JONA board of directors and DRC committee reviewed your Home Modification Review request dated 03/23/2018 and carefully reviewed the JONA Declaration of Covenants, Conditions and Restrictions for the Jackson Oaks Neighborhood of Twin Creeks,

Transit-Oriented Development Project. We understand that the permit you obtained from the City of Central Point was for a detached garage with a setback of five feet from rear and side property lines. We also understand that you included a toilet in the field and you also changed the planned garage door to French doors. The Home Modification Review Request dated 03/23/2018 was not for a detached garage.

The JONA board of directors want to make clear our position on this matter.

The JONA CC&Rs are more restrictive than the City of Central Point building and zoning requirements. The JONA Board of Directors understand that the City of Central Point suggested to you that you could have an Accessory Dwelling Unit that complies with the Cities building requirements or a second structure that complies. **Per the JONA CC&Rs you may only have one single family dwelling per building site. Therefore, you may not use the building as a residence and you may not add a second building.**

Below you will find a few sections copied from the JONA CC&Rs as it pertains to this subject.

## Section 5.1, Paragraph 1

Design Review Committee (DRC). **There shall be a Design Review Committee (DRC), with the responsibility and authority to approve or disapprove modifications to the Property, to approve the construction of improvements on the Property, and to enforce the terms and conditions of this Declaration as they relate to architectural and use control.** The DRC shall consist of three (3) members. The members of the DRC during the Development Period shall be appointed by the Declarant and shall serve until the Declarant appoints new members. In the case of the death, disability or resignation of any member or members of the DRC, the surviving or remaining member or members shall have full authority to designate a successor or successors. DRC meetings will be held as needed and minutes of all meetings will be kept and made available to Association members on request.

## Section 5.2, Paragraph 1

Approval of Plans. **All buildings and structures, including concrete or masonry walls, rockeries, fences, swimming pools, shops, sheds, play structures, gazebos or other structures to be constructed or modified within the Property shall be approved by the DRC.** Complete plans and specifications of all proposed buildings, structures and exterior alterations, together with detailed plans showing the proposed location and elevation of the same on the particular Building Site, shall be

submitted to the DRC before construction or alteration is started, and such construction and alteration shall not be started until written approval thereof is given by the DRC.

## Section 5.2, Paragraph 4

As to all improvements, constructions and alterations within the Property, **the DRC shall have the right to refuse to approve any design, plan or color for such improvement, construction or alteration which is not suitable or desirable, in the DRC's opinion, for any reason, aesthetic or otherwise,** and in so passing upon such design the DRC shall have the right to take into consideration the suitability of the proposed building or other structure, and the material of which it is to be built, and the exterior color scheme, the site upon which it is proposed to erect the same, the harmony thereof with the surroundings and the effect or impairment that said structures will have on the view or outlook of surrounding building sites, and any and all factors, which in the DRC's opinion shall effect the desirability or suitability of such proposed structure, improvements or alterations.

## Section 5.3 (e)

**No building or structure shall be erected, constructed, maintained or permitted upon a Building Site other than one single family dwelling, for single family occupancy only,** not to exceed building heights as specified in the City of Central Point TOD District Zoning Standards, and a private garage for not more than three (3) standard sized automobiles or carport for not more than one (1) standard sized automobile and one accessory dwelling unit. Additional Buildings or Structures may be permitted on a Lot or Building Site only upon written approval of the DRC (see 5.2 above)

For your convenience the Governing Documents can be viewed online or downloaded from the JONA website [www.jona-cp.com](http://www.jona-cp.com). The Board of Directors is looking forward to working together in a continuing effort to keep our Community beautiful. If you have any questions or concerns about the above matter, please do not hesitate to contact us at [www.jona-cp.com](http://www.jona-cp.com).

Sincerely,

Jackson Oaks Neighborhood Association Board of Directors

cc. City of Central Point  
140 S. 3rd St.  
Central Point, Oregon 97502

Tom Humphrey, Community Development Director

# Attachment F

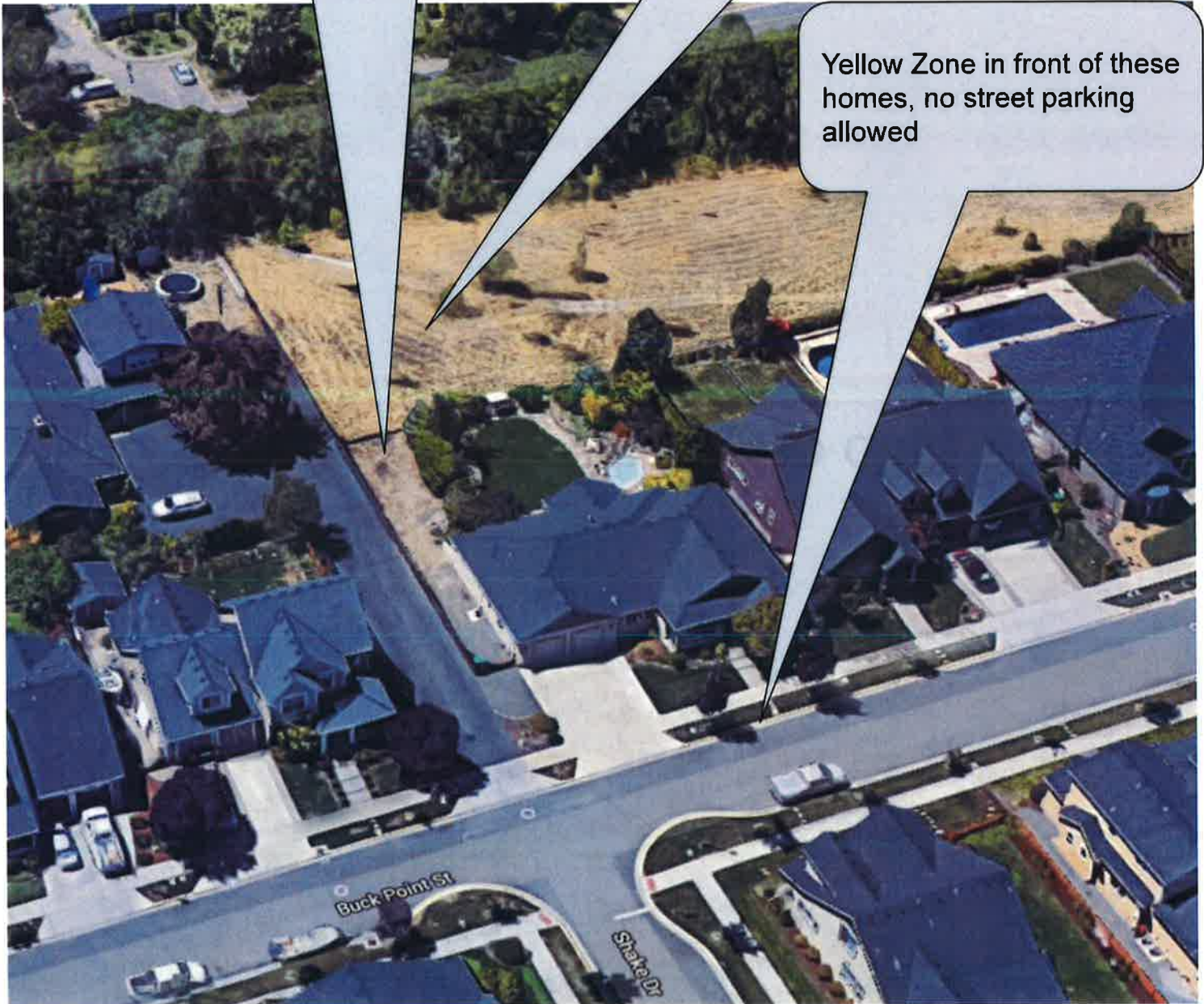
Map of 921 Buck Point.pdf



Accessory structure was built in this location at 921 Buck Point Street

Adjoining land managed by Southern Oregon Land Conservancy owned by Brett and Amy Moore (TWIN CREEKS DEVELOPMENT CO LLC)

Yellow Zone in front of these homes, no street parking allowed



Planning May 2019

# A Planning Primer on Private Restrictive Covenants

*By Brian J. Connolly and Vincent P. Forcinito*

Covenant-controlled communities have exploded in popularity over the last 50 years. In 1970, only 2.1 million people lived in them. By 2010, about 62 million residents — nearly 20 percent of the U.S. population — called them home. Today, massive suburban communities like Summerlin, Nevada, and Highlands Ranch, Colorado, both of which are home to over 100,000 residents, make use of this form of "mini-zoning."

Sometimes referred to as CC&Rs (standing for covenants, conditions, and restrictions), restrictive covenants are private contractual obligations set by developers and landowners to create and maintain a common scheme of development and control over property. They control land use, development standards, and other aspects of residential and commercial community management.

Because of the broad reach of private covenants in regulating development and land use in much of the U.S., planners should be aware of their legal consequences and how they can impact planning goals in their communities.

## **Potential for conflict**

Private covenants can both benefit and burden affected landowners. They are often contained in a document called a declaration, which is recorded in public land records and runs with the land, meaning it attaches to property in perpetuity despite changes in ownership and control. And they can contain virtually anything: building and use standards, landscaping guidelines, trash and recycling requirements, easements for utilities or public access, limitations on pets, association dues, and management structures. While these stipulations might restrict a landowner's ability to engage in certain land uses and activities, they also ensure that others burdened by the same restrictions will be bound by their terms.

As private contractual obligations, covenants are not created or generally enforced by local governments. Home owners and business associations and private landowners are responsible for any violations, which are generally enforced through payment of damages or a court order called an injunctive relief.

Their use, therefore, can sometimes conflict with governmental and societal goals and policies. For example, after the U.S. Supreme Court declared race-based zoning measures unconstitutional in 1917, racially restrictive covenants were used in the early part of the 20th century to prohibit African Americans and minority religious groups from living in white suburban neighborhoods, contributing to many of the segregated communities we still see today. It wasn't until 1948, in *Shelley v. Kraemer*, that the Supreme Court held judicial enforcement of race-based covenants



to also be unconstitutional. Still, many today might establish gated communities, large lots, or other economically exclusionary measures that achieve similar ends.

### Private covenants can control land use, development standards, and other aspects of community management.

Other types of conflicts between planning goals and covenants also remain, particularly in areas of environmental sustainability and mixed use redevelopment. For example, covenants may prohibit items like solar panels, while public entities encourage them to promote energy savings. Covenants may also prohibit xeriscaping and other drought-tolerant landscapes — or even require green, weed-free lawns — even as planners and environmental advocates seek to conserve water.

Similarly, many covenants effectively create single-use communities like single-family residential neighborhoods and business parks. While a community may rezone these areas to encourage a mix of uses and transit accessibility, private covenants often stand in the way of accomplishing these goals.

### Combatting covenants

Amending these stipulations, which can only be done by parties to the covenants, can be difficult, as an amendment might require the approval of every landowner whose property is burdened by the covenant. Therefore, some state legislatures prohibit certain private covenants that are contrary to public policy. In Colorado, for example, the state prohibits bans on xeriscaping (although an association may adopt or enforce design guidelines or rules that regulate the type, number, and placement of drought-tolerant plantings and hardscapes) and covenants that "effectively prohibit renewable energy devices." Similar provisions are popping up in other states as well.

If a state statute does not limit the content of a restrictive covenant, planners should assume that property owners will be required to comply with both zoning and a restrictive covenant applicable to the owner's property. Remember, too, that because restrictive covenants are private contracts, they have far fewer constitutional limitations than government regulation. For example, a restrictive covenant could prohibit political signs, while a zoning restriction of the same nature would be unconstitutional under the First Amendment.

Given the prevalence of covenant-controlled communities in the U.S., conflicts with local zoning codes can and regularly do arise. In these situations, state-specific statutes should be consulted to determine the enforceability of the particular provision at issue.

*Brian J. Connolly is a land-use lawyer and planner with the firm of Otten Johnson Robinson Neff + Ragonetti, PC in Denver. Vincent P. Forcinito is a land-use and real estate lawyer at the same firm.*

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*Legal Lessons is edited by Mary Hammon, an associate editor of Planning. Please send information to [mhammon@planning.org](mailto:mhammon@planning.org).*

**PLANNING DEPARTMENT  
FINDINGS OF FACT AND CONCLUSIONS OF LAW  
Accessory Dwelling Unit Zoning Code Amendments  
File No. ZC-19001**

November 5, 2019

**Applicant:** ) Findings of Fact  
City of Central Point ) and  
140 South 3<sup>rd</sup> Street ) Conclusions of Law  
Central Point, OR 97502 )

**INTRODUCTION**

The City of Central Point is proposing major text amendments to various sections of the Central Point Municipal Code (CPMC) in Title 17, Zoning Code relative to definitions and standards for Accessory Dwelling Units (ADUs) and Accessory Structures (Attachment “A”). The proposed amendments are designed to accomplish the following:

- 1) Comply with Oregon Revised Statutes (ORS) 197.312:
  - a. Allow at least one (1) ADU in all zones that permit single-family detached dwellings;
  - b. Eliminate the owner occupancy requirement for ADUs;
  - c. Eliminate off-street parking requirements in accordance with HB 2001 implemented on August 8, 2019;
  - d. Provide only clear and objective standards;
  - e. Align the definition for an ADU in CPMC 17.08 with the definition in ORS, 197.312(5)(b).
  
- 2) Eliminate barriers to ADU construction consistent with the City of Central Point Housing Element and Housing Implementation Plan:
  - a. Increase floor area allowed from 35% to 50% of primary dwelling gross floor area; retain maximum ADU floor area allowed as 800SF;
  - b. Reduce side and rear yard setback to be equivalent to the setback allowed for an accessory structure;
  - c. Align maximum building height with the building height allowed for accessory structures; and
  - d. Provide an exception allowing a carriage unit (i.e. ADU above a garage) to exceed the maximum floor area requirement.
  
- 3) Modify the setback the Accessory Structure setback in CPMC17.60.030(A) as follows:
  - a. Side and rear yard setback shall be 5-ft, provided all life and safety standards are met;
  - b. Eliminate provision allowing a 3-ft setback measured from the furthest protrusion or overhang. This change provides a consistent setback methodology for all structure types.

The proposed Zoning Text changes are Major Amendments per CPMC 17.10.300 and are subject to Type IV (Legislative) procedures per CPMC 17.05.500.

Approval criteria are set forth in CPMC 17.10.400 and addressed in these findings in five (5) parts:

1. Legislative Amendment Procedures (CPMC 17.05.500)
2. Zoning Map and Zoning Text Amendments (CPMC 17.10)
3. Statewide Planning Goals
4. City of Central Point Comprehensive Plan
5. Transportation Planning Rule (OAR 660-012-0060(1))

**PART 1 – CPMC 17.05.500, LEGISLATIVE AMENDMENT PROCEDURES**

**CPMC 17.05.500(A). Pre-Application Conference.** A pre-application conference is required for all Type IV applications initiated by a party other than the City of Central Point. The requirements and procedures for a pre-application conference are described in Section 17.05.600(C).

*Finding CPMC 17.05.500(A): Since the City of Central Point initiated this application to amend various sections of Title 17, a pre-application conference was not required nor was one held.*

*Conclusion CPMC 17.05.500(A): Not applicable.*

**CPMC 17.05.500(B). Timing of Requests.** Acceptance timing varies for Type IV applications (see Table 17.05.1 for applicable section reference).

*Finding CPMC 17.05.500(B): The proposed zoning text amendments are considered Major Amendments per Table 17.05.01 and Section 17.10.300(A). As demonstrated by the Findings for CPMC 17.05.500, the proposed text amendments have been processed in accordance with the timelines and requirements for Type IV legislative applications.*

**TABLE 17.05.1**

LAND DEVELOPMENT PERMIT*	PROCEDURAL TYPE	APPLICABLE REGULATIONS	APPROVING AUTHORITY	120-DAY RULE
<b>Zoning Map and Zoning and Land Division Code Text Amendments</b>				
<b>Minor</b>	Type III	Chapter <a href="#">17.10</a>	City Council	Yes
<b>Major</b>	Type IV	Chapter <a href="#">17.10</a>	City Council	No

*Conclusion CPMC 17.05.500(B): Consistent.*

C. Application Requirements.

**CPMC 17.05.500(C)(1). Application Forms.** Type IV applications shall be made on forms provided by the community development director or designee.

***Finding CPMC 17.05.500(C)(1):** At the September 3, 2019 meeting, the Planning Commission directed staff to prepare amendments to CPMC 17.08, 17.60.030, and 17.77 for public hearing on November 5, 2019. The direction was based on discussion of potential code amendments at the August and September meetings to comply with ORS 197.312/SB 1051 and to eliminate barriers to housing per the approved Housing Implementation Plan (City Council Resolution No. 1560). Subsequently, staff prepared an application form, notified DLCD and the newspaper of the pending Public Hearing as demonstrated in the following findings and conclusions.*

***Conclusion CPMC 17.05.500(C)(1):** Consistent.*

**CPMC 17.05.500(C)(2) Submittal Information.** The application shall contain:

- a. The information requested on the application form;
- b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
- c. The required fee; and
- d. One copy of a letter or narrative statement (findings and conclusions) that explains how the application satisfies each and all of the relevant approval criteria and standards applicable to the specific Type IV application.

***Finding CPMC 17.05.500(C)(2):** The City of Central Point's application to amend various sections of the Zoning Ordinance Text relative to Accessory Dwelling Units (ADUs) and accessory structures includes the application form, description of text amendments, and copy of proposed text amendments (See File No. ZC-19001).*

***Conclusion CPMC 17.05.500(C)(2):** Consistent.*

**CPMC 17.05.500(D). Notice of Hearing.**

1. Required Hearings. A minimum of two hearings, one before the planning commission and one before the city council, are required for all Type IV applications.

***Finding CPMC 17.05.500(D)(1):** A duly noticed hearing was held before the planning commission on November 5, 2019. A second hearing is scheduled and has been noticed at the City Council meeting on December 12, 2019.*

***Conclusion CPMC 17.05.500(D)(1):** Consistent.*

2. Notification Requirements. Notice of public hearings shall be given by the community development director or designee in the following manner:
  - a. At least ten days, but not more than forty days, before the date of the first hearing, a notice shall be mailed to:

- i. Any affected governmental agency;
  - ii. Any person who requests notice in writing;
- b. At least ten days before the first public hearing date, and fourteen days before the city council hearing date, public notice shall be published in a newspaper of general circulation in the city.
- c. The community development director or designee shall:
  - i. For each mailing of notice, file an affidavit of mailing in the record as provided by subsection (D)(2)(a) of this section; and
  - ii. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection (D)(2)(b) of this section.
- d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments within the time period prescribed by DLCD. The notice to DLCD shall include a DLCD certificate of mailing.

***Finding CPMC 17.05.500(D)(2):** In accordance with Municipal Code, notice was mailed in a timely fashion to all affected agencies and persons who made a request for notice. Similarly, an affidavit will be published in a newspaper, and the DLCD was notified.*

***Conclusion CPMC 17.05.500(D)(2):** Consistent.*

- 3. Content of Notices. The mailed and published notices shall include the following information:
  - a. The number and title of the file containing the application, and the address and telephone number of the community development director or designee’s office where additional information about the application can be obtained;
  - b. The proposed site location, if applicable;
  - c. A description of the proposal in enough detail for people to determine what change is proposed, and the place where all relevant materials and information may be obtained or reviewed;
  - d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the council and available at City Hall (see subsection E of this section).

***Finding CPMC 17.05.500(D)(3):** The description included within the notices conform with CPMC 17.05.500(D)(3) as evidenced by the affidavit of publication herein incorporated by reference.*

***Conclusion CPMC 17.05.500(D)(3):** Consistent.*

**CPMC 17.05.500(E). Hearing Process and Procedure--Conduct of Public Hearing.**

- 1. Unless otherwise provided in the rules of procedure adopted by the city council:
  - a. The presiding officer of the planning commission and of the city council shall have the authority to:
    - i. Regulate the course, sequence, and decorum of the hearing;

- ii. Direct procedural requirements or similar matters;
    - iii. Impose reasonable time limits for oral presentations; and
    - iv. Waive the provisions of this chapter so long as they do not prejudice the substantial rights of any party.
  - b. No person shall address the commission or the council without:
    - i. Receiving recognition from the presiding officer; and
    - ii. Stating his or her full name and address.
  - c. Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.
2. Unless otherwise provided in the rules of procedures adopted by the council, the presiding officer of the commission and of the council shall conduct the hearing as follows:
- a. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a preliminary decision, such as a recommendation to the city council, or the final decision of the city;
  - b. The community development director or designee's report and other applicable staff reports shall be presented;
  - c. The public shall be invited to testify;
  - d. The public hearing may be continued to allow additional testimony or it may be closed; and
  - e. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.

***Finding CPMC 17.05.500(E):** Planning Commission meetings and public hearings are conducted in accordance with State public meeting laws and the procedures in this section as evidenced by the record of proceedings maintained by the City for each meeting including those duly noticed meetings for this application.*

***Conclusion CPMC 17.05.500(E):** Consistent.*

**CPMC 17.05.500(F). Continuation of the Public Hearing.** The planning commission or the city council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

***Finding CPMC 17.05.500(F):** Continuations of the public hearing will abide by the rules and regulations of CPMC 17.05.500(F).*

***Conclusion CPMC 17.05.500(F):** Consistent.*

**CPMC 17.05.500(G). Decision-Making Criteria Decision Process.** The recommendations by the citizen's advisory committee, the planning commission and the decision by the city council shall be based on the applicable criteria.

*Finding CPMC 17.05.500(G): The recommendations of the Citizens Advisory Committee and the Planning Commission are based on applicable criteria as stated in CPMC 17.05.500(G).*

*Conclusion CPMC 17.05.500(G): Consistent.*

**CPMC 17.05.500(H). Approval Process and Authority.**

1. The citizens advisory committee and planning commission shall:
  - a. The citizens advisory committee: after notice and discussion at a public meeting, vote on and prepare a recommendation to the city council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and
  - b. The planning commission: after notice and a public hearing, vote on and prepare a recommendation to the city council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and
  - c. Within ten days of adopting a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the community development director or designee.
2. Any member of the citizen's advisory committee or planning commission who votes in opposition to the majority recommendation may file a written statement of opposition with the community development director or designee before the council public hearing on the proposal. The community development director or designee shall send a copy to each council member and place a copy in the record;
3. If the citizens advisory committee or planning commission does not adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal within sixty days of its first public hearing on the proposed change, the community development director or designee shall:
  - a. Prepare a report to the city council on the proposal, including noting the citizens advisory committee's or planning commission's actions on the matter, if any; and
  - b. Provide notice and put the matter on the city council's agenda for the city council to hold a public hearing and make a decision. No further action shall be taken by the citizens advisory committee or planning commission.
4. The city council shall:
  - a. Consider the recommendation of the citizens advisory committee and planning commission; however, the city council is not bound by the committee's or the commission's recommendation;
  - b. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the planning commission for rehearing and reconsideration on all or part of the application; and
  - c. If the application is approved, the council shall act by ordinance, which shall be signed by the mayor after the council's adoption of the ordinance.

***Finding CPMC 17.05.500(H):** The approval process for the citizen’s advisory committee and the planning commission were based on the rules and regulations of CPMC 17.05.500(H). Similarly, the city council will conform with the rules and regulations of CPMC 17.05.500(H).*

***Conclusion CPMC 17.05.500(H):** Consistent.*

**CPMC 17.05.500(I). Vote Required for a Legislative Change.**

1. A vote by a majority of the qualified voting members of the citizen’s advisory committee present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.
2. A vote by a majority of the qualified voting members of the planning commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.
3. A vote by a majority of the qualified members of the city council present is required to decide any motion made on the proposal.

***Finding CPMC 17.05.500(H):** At the September 3, 2019 meeting, the Citizen’s Advisory Committee (CAC) voted to recommend the Planning Commission approve the proposed code amendments with the exception of the provision allowing flexibility in off-street parking location. Since the time the CAC voted on the matter, the City has learned that a new law was put into effect on August 8, 2019 mandating communities eliminate off-street parking requirements for ADUs. The Planning Commission will consider the CAC recommendation, the staff report and public testimony and vote on a recommendation to the City Council at the November 5, 2019 meeting or at a continued public hearing on a date specified. Subsequently the City Council will consider the proposed amendments and vote to decide on the proposed amendments.*

***Conclusion CPMC 17.05.500(H):** Consistent.*

**CPMC 17.05.500(J-L).**

- J. Notice of Decision. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five days after the city council decision is filed with the community development director or designee.
- K. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon the date of mailing of the notice of decision to the applicant.
- L. Record of the Public Hearing.
  1. A verbatim record of the proceeding shall be made by stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;
  2. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;
  3. The official record shall include:



- a. All materials considered and not rejected by the hearings body;
- b. All materials submitted by the community development director or designee to the hearings body regarding the application;
- c. The verbatim record made by the stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;
- d. The final decision;
- e. All correspondence; and
- f. A copy of the notices that were given as required by this chapter. (Ord. 2033 §5, 2017; Ord. 1989 §1(part), 2014; Ord. 1874 §1(part), 2006).

***Finding CPMC 17.05.500(J-L):** As evidenced in the record, notice of decision, final decisions, effective dates, and records of the public hearing abide by the rules and regulations of CPMC 17.05.500(J-L).*

***Conclusion CPMC 17.05.500(J-L):** Consistent.*

## **PART 2 – CPMC 17.10, ZONING MAP AND ZONING CODE TEXT AMENDMENTS**

### **17.10.200 Initiation of amendments.**

A proposed amendment to the code or zoning map may be initiated by either:

- A. A resolution by the planning commission to the city council;
- B. A resolution of intent by the city council; or for zoning map amendments;
- C. An application by one or more property owners (zoning map amendments only), or their agents, of property affected by the proposed amendment. The amendment shall be accompanied by a legal description of the property or properties affected; proposed findings of facts supporting the proposed amendment, justifying the same and addressing the substantive standards for such an amendment as required by this chapter and by the Land Conservation and Development Commission of the state. (Ord. 1989 §1(part), 2014).

***Finding CPMC 17.10.200:** At the September 3, 2019 meeting, the Planning Commission directed staff to prepare notice zoning text amendments or a public hearing on November 5, 2019. At the conclusion of the public hearing, the Planning Commission will direct staff to prepare a resolution to City Council in accordance with this section.*

***Conclusion CPMC 17.10.200:** Consistent.*

### **17.10.300 Major and minor amendments.**

There are two types of map and text amendments:

A. Major Amendments. Major amendments are legislative policy decisions that establish by law general policies and regulations for future land use decisions, such as revisions to the zoning and land division ordinance that have widespread and significant impact beyond the immediate area. Major amendments are reviewed using the Type IV procedure in Section 17.05.500.

B. Minor Amendments. Minor amendments are those that involve the application of adopted policy to a specific development application, and not the adoption of new policy (i.e., major amendments). Minor amendments shall follow the Type III procedure, as set forth in Section 17.05.400. The approval authority shall be the city council after review and recommendation by the planning commission. (Ord. 1989 §1(part), 2014; Ord. 1874 §3(part), 2006).

***Finding CPMC 17.10.300:** The proposed zoning text amendments modify requirements for Accessory Dwelling Units (ADUs), which will impact future land use decisions. The proposed amendments will have widespread impacts and are considered a Major Amendment in accordance with CPMC 17.10.300(A). As evidenced by the Findings in Part 1 of these Findings, the Major Amendments are legislative and have been processed in accordance with the Type IV (legislative) procedures set forth in CPMC 17.05.500.*

***Conclusion CPMC 17.10.300:** Consistent.*

#### **17.10.400 Approval criteria.**

A recommendation or a decision to approve, approve with conditions or to deny an application for a text or map amendment shall be based on written findings and conclusions that address the following criteria:

A. Approval of the request is consistent with the applicable statewide planning goals (major amendments only);

***Finding CPMC 17.10.400(A):** See Part 3 Findings – Statewide Planning Goals.*

***Conclusion CPMC 17.10.400(A):** Consistent.*

B. Approval of the request is consistent with the Central Point comprehensive plan (major and minor amendments);

***Finding CPMC 17.10.400(B):** See Part 4 Findings – Central Point Comprehensive Plan.*

***Conclusion CPMC 17.10.400(B):** Consistent.*

C. If a zoning map amendment, findings demonstrating that adequate public services and transportation networks to serve the property are either available, or identified for construction in the city’s public facilities master plans (major and minor amendments); and

***Finding CPMC 17.10.400(C):**The proposal is for Major zoning text amendments. This criterion applies to Major and Minor zoning map amendments only. Notwithstanding, ADUs are allowed in conjunction with an existing or approved primary single family dwelling. Since services are necessary to permit construction of the primary dwelling, it can be concluded that the public services are available and can be extended to serve the ADU.*

***Conclusion CPMC 17.10.400(C):** Not applicable.*

D. The amendment complies with OAR 660-012-0060 of the Transportation Planning Rule. (Ord. 1989 §1(part), 2014; Ord. 1874 §3(part), 2006. Formerly 17.10.300(B)).

***Finding CPMC 17.10.400(D):**As demonstrated in Part 5 Findings – Transportation Planning Rule, the proposed text do not significantly affect existing or planned transportation facilities.*

***Conclusion CPMC 17.10.400(D):** Consistent.*

### **PART 3 – STATEWIDE PLANNING GOALS**

This section sets forth preliminary findings of fact relative to the proposed text amendment’s compliance with the Statewide Planning Goals. Applicable Statewide Planning Goals include Goal 1, Citizen Involvement; Goal 2, Land Use Planning; and Goal 10, Housing.

#### **Goal 1 – Citizen Involvement:**

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

***Finding Goal 1:** The proposed text amendments do not enhance, or detract, from citizen participation in the City’s planning process established in the Comprehensive Plan to comply with Statewide Planning Goal 1. Discussions were held by the Planning Commission on August 6, 2019 and September 3, 2019 to discuss the preliminary draft amendments. At that time the public was invited to participate in the discussion and comments were received verbally and in writing. Written comments have been entered into the record for the proposed amendments and have been addressed in the staff report and these findings. Based on discussion, the Planning Commission directed staff to finalize draft amendments relative to ADUs and accessory structures.*

*Consistent with the City’s procedures for legislative amendments and citizen involvement program, the Citizen’s Advisory Committee considered draft changes at their September 10, 2019 meeting. The CAC unanimously voted to recommend approval to the Planning Commission with the exception that they didn’t like any flexibility for off-street parking location.*

*Duly noticed public hearings are scheduled for the November 5, 2019 Planning Commission and the December 12, 2019 City Council meetings.*

*Conclusion Goal 1: The proposed text amendments are consistent with the City's planning process and citizen's involvement program and therefore comply with Statewide Planning Goal 1.*

**Goal 2 – Land Use Planning:**

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

*Finding Goal 2: Element I of the Central Point Comprehensive Plan addresses the Goal 2 requirement that plans and implementing ordinances be revised on a periodic cycle to take into account changing public policies, community attitudes and other circumstances; as such the proposed code amendments provide a process and policy framework as a basis for land use decisions.*

*The proposed text amendments are consistent with CPMC 17.10 and therefore do not modify or otherwise affect the City's planning process and policy framework as set forth in the Comprehensive Plan. As demonstrated in these findings, proposed text amendments serve to implement existing policy in the Housing Element, State Laws relative to housing in ORS 197.312 and clarify current code language by providing clear and objective standards.*

*Conclusion Goal 2: Consistent.*

**Goal 10 – Housing:**

To provide for the housing needs of citizens of the state.

*Finding Goal 10: The proposed text amendments to CPMC 17.77 Accessory Dwelling Units (ADU) and CPMC 17.60.030 Accessory Buildings eliminates barriers to ADU construction in Central Point by establishing clear and objective standards, increasing the maximum floor area to a size allowed and implementing state requirements eliminating off-street parking and owner occupancy requirements. As demonstrated in Part 4, this aligns with the Goals and Policies of the City of Central Point Housing Element to increase housing supply, diverse housing types, and affordability, which aligns with Statewide Planning Goal 10.*

*Conclusion Goal 10: Consistent.*

**PART 4 – CITY OF CENTRAL POINT COMPREHENSIVE PLAN**

The proposed amendments address standards for housing. Applicable policies in the comprehensive plan include those in the Housing Element and Transportation Element.

**Housing Goal 1:**

To provide an adequate supply of housing to meet the diverse needs of the City's current and projected households.

**Policy 1.1:**

Continue to support new residential development at the new minimum residential densities.

***Finding Policy 1.1:** The proposed code amendments allow for a density bonus to accommodate Accessory Dwelling Units, which does not otherwise impede or affect achievement of minimum residential densities for new residential development.*

***Conclusion Policy 1.1:** Not applicable.*

**Policy 1.2:**

Develop a Housing Implementation Plan that is regularly updated based current market conditions.

***Finding Policy 1.2:** On December 13, 2018 the City Council per Resolution 1560 approved a 5-year Housing Implementation Plan (HIP) based on current market conditions and housing needs. The code amendments implement Short Term Action 3.2.1 in the HIP as set forth below:*

**3.2.1 Prepare and Adopt Residential Code Amendments.**

<b>Priority</b>	High
<b>Background</b>	<p>The City's Zoning Code is in Title 17 of the Central Point Municipal Code (CPMC). Residential land use and zoning standards are provided in multiple chapters for conventional and TOD zones and includes separate chapters for parking, design, and development. This makes it difficult to find all relevant approval criteria for a project, which can discourage and add planning cost to projects.</p> <p>Some code standards are out of date and pose barriers to residential development. A recent code audit by ECO NW found barriers to multifamily development in the R-3, Multifamily Zone (i.e. building height and lot coverage limits). Additionally Missing Middle Housing is not clearly addressed and in some cases not permitted.</p>
<b>Action</b>	<p>Consolidate the City's residential standards into 1-2 chapters. Consider the following changes:</p> <ul style="list-style-type: none"> <li>• Increase minimum residential densities consistent with the Housing and Regional Plan Elements;</li> <li>• Adjust dimensional standards in the R-3 zone to eliminate barriers to maximizing density:             <ol style="list-style-type: none"> <li>1) Increase building height from 35-ft to 45-ft to allow 4 stories;</li> <li>2) increase maximum lot coverage from 50% to 60-75% to increase building area allowed on a site while still providing adequate land for off-street parking and landscaping; and,</li> <li>3) Consider adding a buffer between buildings on R-3 lots and those in the R-1, R-2 and LMR zones.</li> </ol> </li> <li>• Amend ADU standards to comply with SB 1051, increase size of ADU from 35% to 50% or 800 s.f., whichever is less.</li> <li>• Add Cottage Housing as a permitted housing type in the R-1, R-2, and LMR zones with a density bonus of 1.5.</li> </ul>

	<ul style="list-style-type: none"> <li>• Consider allowing Missing Middle Housing types within the R-1 zone, such as corner duplexes, interior divisions that increase density but look like single family dwellings.</li> </ul>
<b>Goals &amp; Policies</b>	Housing Element: 1.1, 1.3, 4.1, 5.1, 7.1, 7.2, 7.3, 7.4 Regional Plan Element: 4.1.5, 4.1.6
<b>Performance Measures</b>	<ul style="list-style-type: none"> <li>• Adopt residential code amendments.</li> <li>• Increase gross density in the current UGB.</li> <li>• Achieve gross density of 6.9 units per acre in areas newly added to the UGB for the period 2019-2024.</li> <li>• Increase multifamily construction in the R-3 zone.</li> <li>• <b>Increase the number of ADUs in the City.</b></li> </ul>

*As demonstrated herein, the City adopted a HIP that identifies the proposed code amendments as a high priority action.*

**Conclusion Policy 1.2:** *Consistent.*

**Policy 1.3:**

Provide an efficient and consistent development review process.

**Finding Policy 1.3:** *The proposed code amendments do not impede or otherwise affect the City’s development review process.*

**Conclusion Policy 1.3:** *Not applicable.*

**Policy 1.4:**

Work with regional partners to develop and implement measures that reduce upfront housing development costs.

**Finding Policy 1.4:** *The proposed text amendments do not directly involve work with regional partner involved regional partners to identify housing strategies to increase housing supply and affordability. The proposed amendments may remove barriers to ADU construction, a housing type that is smaller format and potentially more affordable. Additionally there is an opportunity to reduce upfront housing development costs by making it easier to convert existing accessory buildings or garage attics into ADU’s or carriage units through setback consistency standards and language permitting second story garage additions that align with the current garage footprint.*

**Conclusion Policy 1.4:** *Consistent.*

**Policy 1.5:**

Support UGB expansions and annexations that can be efficiently provided with urban services and that will in a timely manner meet the City’s housing needs.

**Finding Policy 1.5:** *The proposed text amendments do not involve, or otherwise affect, the expansions and annexations of the UGB.*

*Conclusion Policy 1.5: Not applicable.*

**Policy 1.6:**

When properly mitigated to preserve the integrity of existing neighborhoods support higher density residential development within the Downtown and older surrounding residential areas, capitalizing on availability of existing infrastructure and supporting revitalization efforts.

*Finding Policy 1.6: The proposed code amendments apply to zones that allow single family detached housing, which includes some zone surrounding the downtown. Allowing ADUs allows increased residential housing options using existing infrastructure that would otherwise serve only the primary dwelling unit.*

*Conclusion Policy 1.6: Consistent.*

**Housing Goal 2:**

To encourage the development and preservation of fair and affordable housing.

**Policy 2.1:**

Through a Housing Implementation Plan explore and promote federal, state, and regional programs and incentives that support new affordable housing.

*Finding Policy 2.1: CPMC 17.08 Definitions is in alignment with the Housing Implementation Plan short term strategy No. 3.2.1 which concerns the preparation and adoption of residential code amendments. The proposed text amendments are intended to streamline code requirements and eliminate repetitive language. Additionally, the proposed text amendments in CPMC 17.77 Accessory Dwelling Units (ADU) and CPMC 17.60.030 Accessory Buildings align with the Housing Implementation Plan short term strategies No. 3.2.1 and No. 3.2.2 by evaluating and adopting code amendments that eliminate barriers to the addition of new housing types.*

*Conclusion Policy 2.1: Consistent.*

**Policy 2.2:**

Support and participate in the Greater Bear Creek Valley Regional Plan's program addressing regional housing strategies, particularly as they apply to affordable housing.

*Finding Policy 2.2: The proposed text amendments are in alignment with the City's HIP, which was prepared by the City and based upon the Greater Bear Creek Valley Regional Plan's performance indicator addressing regional housing strategies.*

*Conclusion Policy 2.2: Consistent.*

**Policy 2.3:**

Support regional efforts addressing homelessness, medical and social services for special need households.

*Finding Policy 2.3: The proposed text amendments do not involve, or otherwise affect the regional efforts to address homelessness, medical and social services for special need households.*

*Conclusion Policy 2.3: Not applicable.*

**Housing Goal 3:**

To maintain a timely supply of vacant residential acres sufficient to accommodate development of new housing to serve the City’s projected population.

**Policy 3.1:**

Provide a sufficient inventory of residential planned and zoned vacant land to meet projected demand in terms of density, tenure, unit size, accessibility, and cost.

*Finding Policy 3.1: The proposed text amendments do not involve, or otherwise affect, the inventory of residential planned and zoned vacant within the City.*

*Conclusion Policy 3.1: Not applicable.*

**Policy 3.2:**

Throughout the 2019-2039 planning period the City’s new vacant residential land use mix shall support an average density of not less than 6.9 dwelling units per gross.

*Finding Policy 3.2: The proposed text amendments allow a density bonus to construct ADUs and do not adversely affect the City’s ability to assure new vacant lands are planned and zoned to meet the required minimum average density.*

*Conclusion Policy 3.2: Not applicable. .*

**Policy 3.3:**

Update the Housing Element’s vacant acreage needs every four-years consistent with the PSU Population Research Centers update of population.

*Finding Policy 3.3: The proposed text amendments implement recently adopted policy in response to a PSU Population Forecast update in 2018. As such the proposed amendments do not involve or trigger the need to update the Housing Element vacant acreage needs.*

*Conclusion Policy 3.3: Not applicable.*



**Policy 3.4:**

To avoid speculation the City shall, when expanding the UGB establish procedures that give priority to lands that will be developed in a timely manner and with a residential mix and density consistent with the Housing Element.

*Finding Policy 3.4: The proposed text amendments are not part of an amendment to the UGB.*

*Conclusion Policy 3.4: Not applicable.*

**Policy 3.5:**

Monitor residential in-fill development activity and develop and enact programs that encourage the expanded use of in-fill as a component to the City's residential land use inventory.

*Finding Policy 3.5: The proposed text amendments to CPMC 17.77 Accessory Dwelling Units and 17.60.030 Accessory Buildings remove barriers to the creation of ADU's in eligible zones. This will allow more efficient use of lands already developed with a primary dwelling consistent with this policy promoting infill. The City will monitor ADU construction activity that results following adoption of the code amendments and amend as necessary.*

*Conclusion Policy 3.5: Consistent.*

**Housing Goal 4:**

To ensure that a variety of housing will be provided in the City in terms of location, type, price and tenure, according to the projected needs of the population.

**Policy 4.1:**

Residential land use designations on the General Land Use Plan and Zoning Map shall be compliant with the residential land use needs and housing types identified in the Housing Element.

*Finding Policy 4.1: The proposed text amendments do not involve, or otherwise affect, the General Land Use Plan and Zoning Map compliance with the residential land use needs and housing types identified in the Housing Element.*

*Conclusion Policy 4.1: Not applicable.*

**Policy 4.2:**

Based on the findings of the Housing Implementation Plan incentivize housing types that are needed but not being provided in adequate numbers by the private sector market forces.

*Finding Policy 4.2: Proposed text amendments do not incentivize ADU development, but eliminate barriers which may make it more possible to create housing types that are needed but not being provided in adequate numbers by the private sector market forces.*

*Conclusion Policy 4.2: Consistent.*

**Policy 4.3:**

In larger residential developments (in excess of 5 acres) encourage a mix of densities and housing types to accommodate a variety of households based on age and income levels.

*Finding Policy 4.3: The proposed code amendments address provisions for ADUs and setback measurements for accessory structures, which is consistent with this policy to mix densities and provide for diverse housing types that meet the diverse needs of Central Point households. This applies to single lots, large developments and everything in between.*

*Conclusion Policy 4.3: Consistent.*

**Policy 4.4:**

Support programs that encourage the ability of older residents to age in place by making existing housing more age friendly and accessible.

*Finding Policy 4.4: The proposed text amendments to CPMC 17.77 Accessory Dwelling Units and CPMC 17.60.030 Accessory Buildings support the encouragement of an age friendly environment by eliminating barriers to the creation of housing options that can allow older residents to live closer to family, and making it easier to have help nearby at all times.*

*Conclusion Policy 4.4: Consistent.*

**Housing Goal 5:**

To ensure that municipal development procedures and standards are not unreasonable impediments to the provision of affordable housing.

**Policy 5.1:**

As part of a Housing Implementation Plan periodically evaluate development procedures and standards for compliance with the goals of this Housing Element and modify as appropriate.

*Finding Policy 5.1: The proposed text amendments amend standards to implement policies recently adopted in the Housing Element and the HIP. At this time no further evaluation of development procedures and standards is being conducted.*

*Conclusion Policy 5.1: Not applicable.*

**Housing Goal 6:**

To develop and maintain a Housing Implementation Plan that includes programs that monitor and address the housing affordability needs of the City's low- and moderate-income households.

**Policy 6.1:**

Support collaborative partnerships with non –profit organizations, affordable housing builders, and for-profit developers to gain greater access to various sources of affordable housing funds.

***Finding Policy 6.1:** The proposed text amendments do not involve, or otherwise affect, the collaboration of partnerships for greater access to affordable housing funds.*

***Conclusion Policy 6.1:** Not applicable.*

**Policy 6.2:**

Support and participate in the Greater Bear Creek Valley Regional Plan’s program addressing regional housing strategies

***Finding Policy 6.2:** The proposed text amendments are based on City’s Housing Element, HIP and ORS 197.312 amendments. The HIP was prepared in collaboration with the Greater Bear Creek Valley Regional Plan regional housing strategies program with assistance from the State Department of Conservation and Development and ECO|NW. Through collaboration and implementation the City is demonstrating its support and commitment to addressing both local and regional housing needs.*

***Conclusion Policy 6.2:** Consistent.*

**Policy 6.3:**

Address the special housing needs of seniors through the provision of affordable housing and housing related services.

***Finding Policy 6.3:** The proposed text amendments support special housing needs of seniors by allowing the development ADUs, which provide a smaller format and typically more affordable housing option. Additionally ADUs may provide a better option for families to provide for the special housing needs of aging family members.*

***Conclusion Policy 6.3:** Consistent.*

**Housing Goal 7:**

To assure that residential development standards encourage and support attractive and healthy neighborhoods.

**Policy 7.1:**

Encourage quality design throughout the City that acknowledges neighborhood character, provides balanced connectivity (multi-modal), and integrates recreational and open space opportunities.

***Finding Policy 7.1:** The proposed text amendments addresses building location and mass through setback and building height restrictions; however, the City is not proposing changes to mandate specific residential design standards at this time. ADUs are subject to the same design standards as the zone in which they are located.*

***Conclusion Policy 7.1:** Consistent.*

**Policy 7.2:**

Provide flexible development standards for projects that exceed minimum standards for natural resource protection, open space, public gathering places, and energy efficiency.

*Finding Policy 7.2: The proposed text amendments do not involve, or otherwise affect, the flexible development standards for projects that exceed minimum standards for natural resource protection, open space, public gathering places, and energy efficiency.*

*Conclusion Policy 7.2: Not applicable.*

**Policy 7.3:**

Where appropriate encourage mixed uses at the neighborhood level that enhance the character and function of the neighborhood and reduce impacts on the City's transportation system.

*Finding Policy 7.3: The proposed amendments address standards for ADUs as a housing type and setback standards for accessory structures. They do not involve standards affecting non-residential uses necessary to provide neighborhood mixed use development addressed in this policy.*

*Conclusion Policy 7.3: Not applicable.*

**Policy 7.4:**

Support minimum parking standards for multiple family development served by public transit.

*Finding Policy 7.4: The proposed text amendments focus on Accessory Dwelling Units and do not involve multiple family development parking standards.*

*Conclusion Policy 7.4: Not applicable.*

**Policy 7.5:**

Maintain and enforce Chapter 17.71 Agricultural Mitigation ensuring that all new residential development along the periphery of the Urban Growth Boundary includes an adequate buffer between the urban uses and abutting agricultural uses on lands zoned Exclusive Farm Use (EFU).

*Finding Policy 7.5: The proposed text amendments do not involve, or otherwise affect, the maintenance or enforcement of Chapter 17.71 Agricultural Mitigation.*

*Conclusion Policy 7.5: Not applicable.*

**PART 5 – TRANSPORTATION PLANNING RULE**

**Section 660-012-0060(1)** Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed

land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- a) Change the functional classification of an existing or planned transportation facility;
- b) Change standards implementing a functional classification system; or
- c) As measured at the end of the planning period identified in the adopted transportation system plan:
  - (A) Allow types or levels of land uses that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
  - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
  - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

***Finding 660-012-0060(1)(a):*** *The proposed text amendments eliminate barriers to ADU construction, codify recent changes in ORS 197.312, remove redundant code language and provide only clear and objective standards. The proposed changes ease regulatory barriers to building ADUs and creates expanded opportunities for those interested in building an ADU within the R-L, R-1, R-2, LMR and MMR zoning districts. The proposed text amendments do not result in changes to the classification of any or existing or planned transportation facilities based on the following:*

- *ADUs incur up front building costs (i.e. permit fees, SDCs, taxes and construction costs) that have been identified as a common barrier by interested property owners; therefore, widespread construction of ADUs is not expected to increase dramatically as a result of the proposed changes;*
- *Since regulations were established in 2006 allowing ADUs in the City, only 18 have been approved and constructed. During the same time period, 957 dwelling units were constructed in the City representing less than 2% of the housing supply. Even if the rate of ADU construction doubled, the number of ADUs constructed would be on the order of three per year. The location of ADUs would likely be distributed in eligible zones throughout the city;*
- *Trip generation for ADUs is based on the Multiple Family/Apartment land use in the Institution of Traffic Engineers Trip Generation Manual, 7<sup>th</sup> Edition. The peak hour trips for an apartment are listed as 0.62 peak hour trips, which is less than 1.01 peak hour trips generated by a single family detached dwelling. The ITE Trip Generation Eighth edition includes Accessory Dwelling Units as an independent land use classification (ITE Code 220),*

*which generates 0.27 peak hour trips. This is significantly less than peak hour trips generated by both the multifamily and single family land uses.*

*In light of the above facts and analysis, the proposed code revisions will have no measurable impact on any one street resulting in a change to the functional classification of a street within the city.*

**Conclusion 660-012-0060(1)(a):** *No significant affect.*

**Finding 660-012-0060(1)(b):** *See Finding 660-012-0060(1)(a).*

**Conclusion 660-012-0060(1)(b):** *No significant affect*

**Finding 660-012-0060(1)(c):** *The proposed text amendments are consistent with the land uses typical of local residential streets. Based on the analysis in Finding 660-012-0060(a), the City's ADU inventory for the time period 2006-2019 accounts for less than 2% of the housing supply constructed during that time. During the 2019-2039 planning period, the City is expected to add 7,216 people, which equates to 2,883 households based on a 2.5 person per household planning assumption per the City's Population Element. Assuming that the rate doubles as a result of the proposed code amendments over the next 20-years, the City would see construction of an estimated 115 ADUs in eligible zoning districts. The total land area within the current UGB zones that allow ADU construction per ORS 197.312 and the proposed amendments is roughly 1,275 acres. Given the broad area that ADUs can be constructed, historically low rates of ADU construction and low rate of trip generation per the ITE Manual, the performance and classification of existing or planned facilities will not be significantly affected during the planning period.*

**Conclusion 660-012-0060(1)(c):** *No significant affect.*

## **PART 6 – SUMMARY CONCLUSION**

As demonstrated in these Findings of Fact and Conclusions of the proposed zoning text amendments have been reviewed against and found to comply with the applicable review criteria in CPMC 17.10, Zoning Map and Text Amendments.