

## URBAN AREA PLANNING COMMISSION

### MEETING MINUTES

December 9, 2015 – 6:00 P.M.

#### Council Chambers

#### 1. ROLL CALL:

The Urban Area Planning Commission met in regular session on the above date with Chair Gerard Fitzgerald presiding. Vice Chair Jim Coulter and Commissioners Lois MacMillan, Blaire McIntire, and David Kellenbeck were present. Commissioners Loree Arthur and Dan McVay were absent and there was one vacant position. Also present and representing the City was Parks & Community Development (hereafter: PCD) Director Lora Glover, Senior Planner Joe Slaughter, and Associate Planner Justin Gindlesperger. City Council Liaison Rick Riker was present as well.

#### 2. ITEMS FROM THE PUBLIC: None

#### 3. PUBLIC HEARINGS:

- a. 15-40500003 – Development Code Text Amendment Subdivision Final Plat & PUD Final Plan
  - o Article 17 – Lots/Creation of Lots
  - o Article 18 – PUD
  - o Schedule 2-1 – Application Procedures
  - o Article 3 – Development Permit Procedure

Chair Fitzgerald stated, at this time I will open the public hearing to consider Application 15-40500003. We will begin the hearing with a staff report followed by any public comment. Then, we will discuss it as Commissioners and make our decision whether to recommend to the Council. Is there anyone present who wishes to challenge the authority of the Commission to consider this matter? Seeing none do any Commissioners wish to abstain from participating in this hearing or declare a potential conflict of interest? Since this is a legislative hearing you'd have to go a way for that. Ex parte doesn't apply either since this is legislative. In this hearing the decision of the Commission will be based on specific criteria and all testimony and evidence will be directed toward those criteria. The criteria which apply in this case are noted in the staff

report. It is important to remember if you fail to raise an issue with enough detail to afford the Commission and the parties an opportunity to respond to the issue you'll not be able to appeal to the Land Use Board of Appeals based on that issue. The hearing will now proceed with a report from staff.

Associate Planner Gindlesperger stated, tonight we will hear about subdivision final plat and PUD final plan and the changing of the process for the final approvals for those. Currently our process requires after a tentative plat is approved there is a separate land use process. It typically goes through a director's decision with a comment period. If there are modifications to that tentative plat when they come in for final plat it requires they go back through the same process the tentative plat went through. For example, if a subdivision came before you and then, when they went to final plat they made some sort of modification the code doesn't specify, that would have to come back in front of this body. Otherwise, it would be a director's decision with comment period. The proposal is to amend that and streamline the process. There are a couple parts to that. We also changed the expiration date from 18 months to 24 months for tentative plats and plans. There is also a clean-up amendment we noticed as we went through the code in Section in Article 17.516. It was numbered incorrectly so we want to provide consistency with the numbering. We're trying to streamline the process. It will provide an administrative review for final plats and PUD final plans. In order to qualify for that administrative review it has to substantially conform to the tentative plan. It pretty much has to be the same. The other thing we are trying to do here is provide a process for and differentiate between the types of modifications. A minor modification, something between a tentative plat and the final plat, if they decide to phase it, something minor like that, then it would have to go back through the director's decision with comment period. That is the Type 1-C process. Major changes, such as to the utility plans, street plans, density, etc., would be a major modification and that would have to come back through the same process. For example, a 10-lot subdivision that would typically come before you here, if they change the density or change the street or utility plan, that would come back before you. Again, the timing for the expiration, because we're removing that additional land use approval process the current code reads it is 18 months for tentative plan to go to final plat so it would add 6 months to that. It would allow them an additional 6 months to get all their documentation and meet all the requirements in order to file a final plat for approval. Again, changing the numbering of that section there in Article 17, but it won't change the administration of that. It will just make it consistent with the rest of the code. The effect of this, again, is to streamline that process. The Oregon Revised Statutes do not

consider approval of a final plat a “land use decision”. If it has clear and objective standards it doesn’t qualify as a land use decision so something that doesn’t change from tentative plat to final plat could be an administrative review and administrative approval. Establishing the two processes for the modifications and clarify that timing – add some additional time between tentative plat and final plat. This is a Type 4 procedure so your decision tonight is a recommendation to City Council. The 120-day rule does not apply to this decision. That is all I have so if you have any questions I’m free to answer them.

Commissioner MacMillan stated, on 18.034 on page 12, Exhibit 4A – I’m not understanding the appeals process. It says the final action of the review body. Which review body because you crossed out the Hearings Officer and Planning Commission?

Associate Planner Gindlesperger stated, that would depend on if they have any modifications. If you look at Article 2 on page 5, some of those modifications change so it could be the director, it could be the Hearings Officer, or it could be the Planning Commission. It depends on how the tentative plan was approved. If the Hearings Officer approved the tentative plan and then they did major modifications then it would have to go back to the Hearings Officer. If it was the Planning Commission then it would come back to the Planning Commission. Instead of listing all the review bodies we want to change it to “the review body” and that is consistent with the rest of the code.

Chair Fitzgerald stated, if you would please look at page 15 referencing 18.063 Criteria for Approval. I was wondering if the changes should read “approval or denial”?

Associate Planner Gindlesperger stated, it says “the decision to approve or deny” – the copy is a little bad.

Chair Fitzgerald asked, have we looked at how we are going to integrate CC&Rs if they are part of the conditions of approval? We ran into that before where we had CC&Rs that were a condition of approval and then later on we had where they did away with all of it. What will insure in a PUD that the criteria that has been set down in the conditions of approval if they are future what is going to maintain them if we don’t integrate the CC&Rs as part of the findings of fact?

PCD Director Glover stated, realistically the way the tentative plan process was set up we have our lists A, B, and C. On the A list is always the revisions, the corrections, and the additional things they need to add. The B list is to go out and do that. The C list was technically the final plat list. Those CC&R requirements should have always been in the C list. When we were coming back over and redoing the final plat process we would lift those conditions and pull them in. They should always have been there. Now you might focus a little more on that C list. We will explain that more later on. We did have the ability to catch something at the final plat process when we took it through the director's decision, but it also left the developer vulnerable for another appeal. We also wanted to make sure we didn't have a situation where he didn't know he was going to have to do something extensive. As an example, not to pick on them, but with GPID sometimes we would get additional comments or conditions in the final plat process that hadn't been discussed in the tentative. It is really at the tentative that the applicant and staff need to be able to address those so we're not piling on additional conditions at the later date because it can be a deal killer sometimes. Then, they're so financially involved in the process they are stuck and have to go through and do something that had not been put on the table the first time. Council has directed us to streamline our processes and so we feel this is a good balance in doing that and in letting the developer know what he is going to have to deal with in the future.

Chair Fitzgerald asked, (inaudible) the idea that these CC&Rs will be integrated in a position to ensure that the conditions for future will actually (inaudible)?

PCD Director Glover stated, yes, and especially with a PUD. They have to have the CC&Rs for a PUD along with all of the other legal documents. They don't necessarily have to have them for a subdivision.

Chair Fitzgerald asked, right, but this is under 18, which is final plan, which is basically applicable to PUDs, right?

PCD Director Glover stated, yes, we will bring it all into that.

Chair Fitzgerald asked, are you all comfortable with that? Any other questions for Justin? Now we will open the hearing to anyone from the public that would like to comment. Since we don't have any we will close the public portions and turn it over to the Commission.

## MOTION/VOTE

Commissioner MacMillan moved and Commissioner McIntire seconded the motion to recommend approval to City Council of Application 15-40500003 as presented. The vote resulted as follows: “AYES”: Chair Fitzgerald and Vice Chair Coulter and Commissioners MacMillan, Kellenbeck, and McIntire. “NAYS”: None. Abstain: None. Absent: Commissioners Arthur and McVay. The motion passed.

### 4. CONSENT AGENDA:

a. MINUTES: November 24, 2015

b. FINDINGS OF FACT:

15-40500003 – Development Code Text Amendment Subdivision Final Plat & PUD Final Plan

- o Article 17 – Lots/Creation of Lots
- o Article 18 – PUD
- o Schedule 2-1 – Application Procedures
- o Article 3 – Development Permit Procedure

## MOTION/VOTE

Commissioner Kellenbeck moved and Commissioner MacMillan seconded the motion to approve the consent agenda as submitted. The vote resulted as follows: “AYES”: Chair Fitzgerald and Vice Chair Coulter and Commissioners MacMillan, Kellenbeck, and McIntire. “NAYS”: None. Abstain: None. Absent: Commissioners Arthur and McVay. The motion passed.

### 5. OTHER ITEMS/STAFF DISCUSSION:

PCD Director Glover stated, thank you for allowing us to flip the consent agenda as that relieves us of having to have another meeting in December. I believe we have something scheduled in January. Strategic planning and goal setting will be coming up for City Council January 14-16. At some point in that the different committee will be giving presentations. I'll be preparing your PowerPoint presentation for you of some of the goals/items we've discussed. I have a feeling it will be fairly short. We are going to add to yours some of the Community Development Block Grant discussion as we go into action year 2. Also, maybe the small manufacture crafting discussion we had the open house series and meetings for, wrapping in whether we want to

move forward on a crafter's type of text amendment to allow a little more mixed-use downtown. We will be discussing that with you. We will get that presentation ready for you to review online if we don't have a meeting before then. Also, City Council will be selecting new committee and commission members at their December 16<sup>th</sup> meeting.

Commissioner MacMillan asked, you have three applicants?

PCD Director Glover stated, I believe we have two.

Commissioner MacMillan asked, do you know who they are?

PCD Director Glover stated, one is Rob Wiggin, a former engineer and the other one is a local realtor, but I don't remember her name. We have two viable candidates.

#### **6. ITEMS FROM COMMISSIONERS:**

Chair Fitzgerald stated, I would like to thank Mr. Coulter for doing a great job and the Commission for making me feel completely parenthetic, which is good, as apparently I don't need to be here at all. I thank you. If I caused anyone any inconvenience, I apologize. Have a wonderful Christmas.

#### **7. ADJOURNMENT:**

Chair Fitzgerald adjourned the meeting at 7:20 P.M.

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Gerard Fitzgerald, Chair

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Date

Urban Area Planning Commission

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

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

**DEVELOPMENT CODE TEXT AMENDMENT  
HISTORIC DISTRICT DESIGN GUIDELINES  
ARTICLE 13 ~ SPECIAL PURPOSE DISTRICTS**

**STAFF REPORT - URBAN AREA PLANNING COMMISSION**

<b>Procedure Type:</b>	Type IV: Planning Commission Recommendation and City Council Decision
<b>Project Number:</b>	15-40500004
<b>Project Type:</b>	Development Code Text Amendment
<b>Applicant:</b>	City of Grants Pass
<b>Planner Assigned:</b>	Justin Gindlesperger
<b>Application Received:</b>	November 23, 2015
<b>Application Complete:</b>	November 27, 2015
<b>Date of Staff Report:</b>	January 6, 2016
<b>Date of UAPC Hearing:</b>	January 13, 2016

**I. PROPOSAL:**

Development Code Text Amendment to provide design guidelines for exterior improvements to structures within the Historic District. The proposed amendment provides administrative review and approval for improvements that conform to the design guidelines.

**II. AUTHORITY AND CRITERIA:**

Section 4.102 of the City of Grants Pass Development Code provides that the Director, Planning Commission or City Council may initiate a text amendment. The amendment has been initiated by the Director.

Section 2.062 authorizes the Planning Commission to make a recommendation to the City Council and authorize the City Council to make a final decision on an application for a Development Code Text Amendment, pursuant to the requirements of a Type IV procedure.

The text of the Development Code may be recommended for amendment and amended provided the criteria in Section 4.103 of the Development Code are met.

**III. APPEAL PROCEDURE:**

Section 10.060 provides the City Council's final decision to be appealed to the State Land Use Board of Appeals (LUBA) as provided in state statutes. A notice of intent to appeal must be filed with LUBA within 21 days of the Council's written decision.

#### IV. BACKGROUND AND DISCUSSION:

The review procedure for all exterior alterations to structures within the downtown Historic District and local Landmark structures require a Type III, Historic Buildings and Sites Commission (HBSC) Decision. The HBSC drafted the design guidelines to maintain consistent standards for exterior details that include signage, color and materials while providing flexibility to property owners for exterior improvements.

For signage and exterior alterations that comply with the design guidelines, the proposed amendment provides an administrative review and approval. New construction within the Historic District that complies with the design guidelines will follow the Type I-C, Director's Decision process.

Property owners may propose exterior alterations, signage and new construction that do not comply with the design guidelines. For any improvement or alteration that does not follow the proposed guidelines, the application will follow the Type III, HBSC Decision process. Proposed demolition of a structure within the Historic District or an existing Landmark will follow the Type III, HBSC Decision process.

#### V. CONFORMANCE WITH APPLICABLE CRITERIA:

***The text of the Development Code may be recommended for amendment and amended provided that all of the following criteria of Section 4.103 of the Development Code are met.***

**CRITERION 1:** The proposed amendment is consistent with the purpose of the subject section and article.

**Staff Response: Satisfied.** The proposed amendments are consistent with the purpose of Article 13 and provide consistent standards for exterior details and alterations within the Historic District and to Landmark structures. For any exterior alteration or signage that complies with the historic review design guidelines, the proposal will provide administrative review and approval procedure. The amendment also provides direction for new construction within the Historic District. New construction within the Historic District that complies with the design guidelines will follow the Type I-C, Director's Decision process.

For any improvement or alteration that does not follow the proposed guidelines, the application will follow the Type III, HBSC Decision process. Proposed demolition of a structure within the Historic District or an existing Landmark will follow the Type III, HBSC Decision process.

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

**Staff Response: Satisfied.** The proposed text amendments will streamline the process for signage and exterior alterations that comply with the historic review design guidelines. These changes will not substantially change the code and the revised Sections will remain consistent with other provisions of the code.

**CRITERION 3:** The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, and most effectively carries out those goals and policies of all alternatives considered.

**Staff Response: Satisfied.** The proposed changes are consistent with Element 13, Land Use, of the Comprehensive Plan. The proposed amendments attempt to streamline the review process and provide procedures for land use actions that are clear, objective and non-arbitrary, pursuant to 13.4.2 and 13.4.3 of the Comprehensive Plan.

**Most Effective Alternative**

The alternative to approving the proposal is to retain the existing process for review and approval of signage, exterior alterations and new construction within the Historic District and alterations to Landmarks. The proposed amendments more effectively carry out the goals and policies stated above.

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

**Staff Response: Satisfied.** The proposed amendment is not expected to affect the functions, capacities, or performance standards of transportation facilities identified in the Master Transportation Plan (MTP).

**VI. RECOMMENDATION:**

Staff recommends the Urban Area Planning Commission recommend that the City Council **APPROVE** the proposed amendments, as presented in the Exhibits 1 & 2.

**VII. PLANNING COMMISSION ACTION:**

- A. Positive Action: Recommend approval of the request:
  - 1. as submitted.
  - 2. as modified by the Planning Commission (list):
  
- B. Negative Action: Recommend denial of the request for the following reasons (list):
  
- C. Postponement: Continue item
  - 1. indefinitely.
  - 2. to a time certain.

**NOTE:** The application is not subject to the 120 day requirement per ORS 227.178.

**VIII. INDEX TO EXHIBITS:**

- 1. Mark up text for Section 13.434
- 2. Mark up text for Section 13.450

<sup>17</sup>13.434 Designation and Review Procedures.

- (1) Historic Designation applications shall be processed according to Section 4.047 of this Code and the procedures in Schedule 2-1.
- (2) Historic Review applications shall be processed according to Schedule 13-2 as follows:

Schedule 13-2: Procedure for Historic Review			
<u>Application Type</u>	<u>Type I-A</u>	<u>Type I-C</u>	<u>Type III</u>
Alteration (Exterior)			
a. <u>Per Design Guidelines (Section 13.450)</u>	✓		
b. <u>Not within Guidelines</u>			✓
New Construction in District			
a. <u>Per Design Guidelines</u>		✓	
b. <u>Not within Guidelines</u>			✓
<u>Signage</u>			
a. <u>Per Design Guidelines</u>	✓		
b. <u>Not within Guidelines</u>			✓
Demolition in District			✓
Demolition of Landmarks			✓

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<sup>i</sup> Revised 2-5-92

<sup>19</sup>13.450 Development Review Historic District Design Guidelines

13.451 Review Required. Except as provided in Section 13.454, no person may alter any structure, site or signage in an Historic District, a designated structure in a Conservation District, or any Landmark in such a manner as to affect its exterior appearance, nor may any new structure be constructed in an Historic District or Conservation District, unless it has previously been reviewed ~~by the Historical Buildings and Sites Commission in accordance with this article, following the procedure type specified in Schedule 13-2.~~

13.452 Criteria for Approval. The ~~Historical Buildings and Sites Commission, in reviewing the appropriateness decision to approve of the an~~ alteration or new construction, shall ~~be based upon consider~~ the following:

~~(1)~~ Complies with the applicable development standards of this section.

~~(1)(2)~~ The purpose of the Historic Districts, Section 13.411.

~~(2)(3)~~ The general compatibility of the signage, exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new building or structure;

~~(3)(4)~~ The effect of the proposed new structure on the character of the district; and

~~(4)(5)~~ The economic effect of the new structure on the historic value of the district.

13.453 Elements of Compatibility. These criteria are intended to create a range of appropriate options that will allow owners to proceed with as little delay as is feasible while still assuring the goals of the Historic District are met. Elements determined to be outside these approval criteria by the Director shall be reviewed by the Historic Buildings and Sites Commission.

~~(1)~~ Materials. Variety of materials adds visual interest, supports compatibility, and minimizes the impact of mass.

~~(a)~~ Materials Not Recommended for Building Faces. The following materials are not recommended for use on walls or vertical building surfaces:

~~(i)~~ River rock, or other round rock surfaces.

~~(ii)~~ Stucco

(iii) Corrugated metal panels, similar metal products, corrugate fiberglass panels, or any other material that requires corrugation, seams or similar manipulation of the exterior surface to prevent deflection of the surface.

(2) Roofs.

(a) Exclusions. Re-roofing any historic structure, or structure within the Historic District, with new materials of the same type, profile, and visual qualities as the existing, subject to the requirements of the adopted City of Grants Pass Building Code, is excluded from review under this section.

(b) Pre-Approved Materials for Residences. The following roofing materials are pre-approved for use in the Historic District:

(i) Wood Shakes.

(ii) Wood Shingles

(iii) Fiberglass Composition (Asphalt) Shingle:

(a) 3-Tab

(b) Architectural Grade Fiberglass Composition (Asphalt)

(c) Asphalt Shake/Multi-Layer Asphalt

(3) Additions and/or New Construction. New additions, exterior alterations or related new construction shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property.

(4) Colors. Paint and roof color represent highly visible elements of a building that can either greatly enhance, or greatly detract, from historic character.

(a) Colors of predominant wall surfaces shall be neutral colors from commercially available historical color palettes.

(b) The following colors are not recommended for building surfaces or trim:

(i) Unmuted, primary colors (red, blue, and yellow) and unmuted pure secondary colors (orange, green, and purple).

(ii) Pure black or white.

- (c) The application for colors shall include no more than three individual colors, hues, or tones.
- (5) Awnings. Awnings can help unify or provide interest to an otherwise undistinguished exterior.
  - (a) Awning must be fixed and made of canvas stretched over a metal framework that is mounted directly to the structure.
  - (b) Materials not recommended for awnings.
    - (i) Vinyl
    - (ii) Metal
- (6) Signs. All signage applying for approval will be reviewed for compliance with the following design criteria:
  - (i) Placement. Signage shall be installed in appropriate sign areas, as defined by the existing architecture of the façade. See Figure 13- .
  - (ii) Material. Sign materials shall be consistent with the traditional character of the Historic District. Appropriate materials include:
    - (a) Metal, including iron, steel, brass, copper, aluminum and other natural finishes
    - (b) Painted metal, including powder-coated or enameled metals.
    - (c) Wood, including painted or natural, carved or sand-blasted lettering.
    - (d) Vinyl or other sheet claddings for backing panels or cut lettering only.
    - (e) Fiberglass, high-density urethane foam and similar cast or formed materials to create 3-dimensional objects.
  - (iii) Illumination. Signs may be illuminated or non-illuminated and shall use forms consistent with the Historic District. Appropriate illumination includes exposed neon tubing and indirect illumination.

(iv) Shapes. Signage in the Historic District is encouraged to employ complex shapes, mixed mounting types and multiple forms in the design.

(v) Awnings. Awnings in the Historic District may incorporate signs and may project over the right-of-way.

13.453454

Historical Buildings and Sites Commission Action. The Historical Buildings and Sites Commission shall, ~~upon review, shall~~ take the role of the Urban Area Planning Commission in the Type III Procedure for historic review, pursuant to Section 2.050. The Commission shall be empowered to set the conditions of approval based on compliance with the criteria, Section 13.452, and with the purpose of this section, Section 13.411.

13.454455

Public Safety Caveat. Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural features which does not involve a change in design, material or the outward appearance of such feature. The Building Official shall certify such repair is required for the public safety because of its unsafe or dangerous condition and that time is of the essence in such repair.

- (1) Sandblasting shall be excluded as a method for cleaning the exterior of buildings unless specifically approved by the Buildings and Sites Commission.

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<sup>1</sup> Revised 2-5-92