

URBAN AREA PLANNING COMMISSION
MEETING MINUTES
October 12, 2016 – 6:00 P.M.
Council Chambers

1. ROLL CALL:

The Urban Area Planning Commission met in regular session on the above date with Commissioner Lois MacMillan presiding. Commissioners Loree Arthur, David Kellenbeck, Dan McVay, Blair McIntire, and Robert Wiegand were present. Chair Gerard Fitzgerald and Vice Chair Jim Coulter were absent. Also present and representing the City was Parks & Community Development (hereafter: PCD) Lora Glover and City Council Liaison Rick Riker.

2. ITEMS FROM THE PUBLIC: None.

3. CONSENT AGENDA:

- a. **MINUTES: September 14, 2016** **Pg. 1-8**
- b. **FINDINGS OF FACT:**
 - I. **104-00102 ~ Blackberry Lane Subdivision Tentative Plan**
Findings of Fact **Pg. 9-34**
 - II. **104-00103 ~ Summerfield North Subdivision Tentative Plan**
Findings of Fact **Pg. 35-56**
 - III. **201-00130 ~ Casacde Self Storage – Major Site Plan**
Discretionary Review Findings of Fact **Pg. 57-76**

MOTION/VOTE

Commissioner Kellenbeck moved and Commissioner Weigand seconded the motion to approve the consent agenda from September 14, 2016 as corrected. The vote resulted as follows: “AYES”: Commissioners McVay, Arthur, MacMillan, McIntire, Wiegand, and Kellenbeck. “NAYS”: None. Abstain: None. Absent: Chair Fitzgerald and Vice Chair Coulter.

The motion passed.

Chair Fitzgerald joined the meeting.

4. PUBLIC HEARINGS:

None.

5. OTHER ITEMS/STAFF DISCUSSION:

a. Serial Meetings – Discussion

- Lora explained to the commission that there was a recent court case in which city councilors has discussed matters via email. The discussion was daisy chained until they came up with a majority decision. City staff would like to remind all of the committees/commissions to be aware of public meeting law and to please be careful to not unintentionally make a quorum outside of the designated meetings.

b. Goal Setting – Discussion

- Lora let the commission know that they will need to have their goals in by the end of November. Lora let the commissioners know that there will be a meeting in November and to please send suggestions for her to prepare for the packet for discussion.
- The commission discussed the email commissioner Coulter sent regarding the desire to review articles 25 and 27 in regards to traffic and access to parking. He had been concerned that there are situations where everything meets the code requirement but not necessarily the real needs. (Hawthorne for Gilbert, Winco area with the opening of Starbucks and Panda Express) Lora let the commission know that she had a conversation with their traffic consultant and he said the percentile that is being used for queuing may not be adequate for some projects.

c. Landscape Amendment

- Jim Love with the Urban Tree Committee has requested the commission look into a parking lot tree canopy amendment. Urban Tree would like to increase the size of the parking lot diamonds to provide more structural soil area for the trees and made reference to the Home Depot and Fred Meyer trees not surviving well. Urban tree

would also like to institute a better canopy/shade program. UAPC put together a residential amendment a few years ago and now Urban Tree would like the commission to move forward on a commercial amendment. Lora let the commission know that with their direction staff can start putting an amendment together and bring it back to you for review.

- The commission would like to have input from the developers on the trees to see if there might be some reasons that aren't being considered as to why they're stunted. Lora let the commission know that it would be in part to the fact that the parking islands are too small/narrow and not having adequate structural soils. There is not currently language in the code regarding this. This would be an opportunity to have language to group the trees to provide more shade as well. The Urban Tree committee has laid it out very well on what can be done and why. The City does not have an urban forester on staff to make sure that the trees are being taken care of; however the City might be able to use Jeff Nelson for that purpose or might need to contract the work out. There is good merit to their request and good recommendations.
- If the commission is interested staff can start drafting something and getting recommendations from local landscapers.
- The commission brought up that one recommendation was to increase the number of compact car spaces; they would like some statistics to support that need.
- There was a comment about small parking spaces in Medford (Trader Joe's) and not wanting to follow a similar trend here in Grants Pass.
- There was a discussion about smaller parking spaces possibly causing a problem. They would like to be careful to accommodate both larger vehicles and smaller and to have parking lots accommodate the turning radius for larger vehicles.
- Lora let the commission know that staff can get people we typically work with in to talk to them about parking. (Justin, Ausland)
- The commission had a discussion about the ingress over by Winco. The drive through line right off the ingress and exit. They want to

know if that build was okayed by the City. Lora let the commission know that at the time that did meet the standards. This was one of the locations they were talking about that make them think there is a need to make changes to the current standards.

- Commissioner Macmillan asked if the city has any authority to ask them to change the layout. Lora said that they can make a recommendation but can't force them to change it. She will try to communicate with them and hopefully they can work with the City.
- The commission asked if there was a backup plan at Allcare if there isn't enough parking. They have plans for a parking structure for Allcare, however they are having issues with employee parking at Gilbert.
- The commission asked if there have been any comments made since the changes to trees in residential areas were made. Lora let them know that it is still early in this stage and will be hard to tell. The new subdivisions are just starting up that will be affected by the changes.
- Commissioner Arthur asked about the meeting on the 30th. Lora let the commission know that date is being held in case it is needed but if it is not needed it will just be cancelled.
- Lora would like to wrap up goal setting on November 9th. Please turn in suggestions by November 9th to allow us to go over them.
- The commission and City staff agreed to get input on November 9th about landscape and move on a draft from there.
- The commission also requested to get input from the developers on how to solve issues at next meeting.
- Lora let the commission know that next Tuesday there will be a discussion on fee in lieu of development agreement from 3-5pm in Council Chambers. She will look into potentially adding this discussion to talk about parking lots. Council wanted to have a fee in lieu of program instead of a DDA for the builders and developers in the area. This already scheduled discussion will give her an opportunity to talk to the local developers on this subject at the same time. Some of the local landscapers as well.

- The commission had a discussion on some of the information provided by the tree committee.

6. ITEMS FROM COMMISSIONERS:

- None.

7. ADJOURNMENT:

Chair Fitzgerald adjourned the meeting at 6:37 P.M.

Next Meeting: October 26, 2016 – Cancelled

November 9, 2016

Gerard Fitzgerald, Chair
Urban Area Planning Commission

Date

These minutes were prepared by Carlie Appling, Administration Department, City of Grants Pass.

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

**FIMBRES MAJOR VARIANCE & MINOR SITE PLAN REVIEW
STAFF REPORT**

Procedure Type:	Type III: Planning Commission Decision
Project Number:	201-00144-16 & 301-00111-16
Project Type:	Major Variance & Minor Site Plan Review
Owner:	Michael & Beverly Fimbres
Applicant:	Michael & Beverly Fimbres
Property Address:	1309 Bellevue Place
Map and Tax Lot:	36-05-18-AB, TL 7003 see <i>Exhibits 1 & 2</i>
Zoning:	R-1-6 (City)
Size:	0.15 acres (6,330 square feet)
Planner Assigned:	Shelly Stichter
Application Received:	October 27, 2016
Application Complete:	October 28, 2016
Date of Staff Report:	November 9, 2016 Due: 11/23/16
Date of Hearing	November 30, 2016
120 Day Deadline:	February 25, 2017

I. PROPOSAL:

The proposal is a Major Variance request, in conjunction with a Minor Site Plan Review, to the Residential Base Development Standards (Section 12.150) of the Development Code; specifically, to side yard setback requirement for the R-1-6 zoning district, and the additional setback requirement under the “15-ft rule” pursuant to Schedule 12-5, Note 4 (for every 1-ft over 15 ft. an additional ½ ft. setback is required. The standard setback is a total of 16 ft. for the side property lines with a minimum of 6 feet in the R-1-6 zone. The proposed residence is 25-ft. high at the side property line, requiring an additional 5-ft. setback. The property owner is proposing an 11-ft. setback. The property owners are requesting approval of a Major Variance for the side yard setback to construct a single-family dwelling (see *Exhibit 3*). The applicant has provided a written statement (see *Exhibit 4*).

II. AUTHORITY & CRITERIA:

Section 2.050 Schedule 2-1, and Section 6.050 of the City of Grants Pass Development Code, authorize the Planning Commission to consider the request and make a decision to approve, approve with conditions, or deny. The decision on the Minor Site Plan Review and Major Variance must be based on the criteria contained in Sections 6.060 & 19.042 of the Development Code.

III. APPEAL PROCEDURE:

Section 10.050, City of Grants Pass Development Code, provides for an appeal of the Planning Commission's decision to the City Council. An appeal must be filed with the Director within twelve calendar days of the Urban Area Planning Commission's oral decision. A statement of grounds to the appeal must be filed with the Director within seven (7) calendar days of the Planning Commission's written decision.

IV. BACKGROUND:

A. Characteristics of the Property:

1. Land Use Designation:
 - a. Comprehensive Plan: Low Density Residential
 - b. Zone District: R-1-6
 - c. Special Purpose District: Steep Slope Hazard
2. Size: 0.15 acres (6,330 square feet)
3. Frontage: Bellevue Place (Local Street)
4. Existing Public Utilities:
 - i. Water: 8-inch in Bellevue Place
 - ii. Sewer: 8-inch in Bellevue Place
 - iii. Storm: Gravity main at north property edge
5. Topography: The front portion of the property is gently sloped, becoming steeper toward the southwest. The area is identified as a Slope Hazard area
6. Natural Hazards: Steep slopes/wildfire hazard.
7. Natural Resources: None identified.
8. Existing Land Use:
 - a. Subject parcel: Vacant
 - b. Surrounding: Residential, except for a City Park (Loveless) to the southeast.

B. Background:

The proposal is to construct a new residence of approximately 2,100 square feet on a vacant lot. The applicants are requesting relief from the required 15-foot side yard setback to allow the residence to be 11 feet from both the side yard property lines. The side yard setbacks are typically 6-feet on one side and 10-feet on the other, but increases by ½ foot for every foot in height the building exceeds 15 feet. Because the

structure will be 25-ft. high at the side property line, the setback would be an additional 5-ft. The east property line meets the minimum setback of 6-feet with the additional 5-foot setback for a total of 11-feet; however the west side property line does not meet the minimum setback of 10-feet with the additional 5-foot setback it falls short by 4-feet.

V. CONFORMANCE WITH APPLICABLE CRITERIA:

A. Criteria for Variances ~ Section 6.060

Previously granted variances shall not be considered to have established a precedent. The review body shall approve, approve with conditions, or deny the application. No variance shall be granted unless the review body finds that all of the applicable criteria under (A) and (B) have been satisfied.

(A) Qualifying Condition. The applicant shall demonstrate that the following elements are present to qualify for a variance.

Criterion (1) Unique Physical Constraint or Characteristic. The applicant has clearly described the nature of a unique physical constraint or characteristic of the property to which the variance application is related. The constraint is related to the particular property for which the variance is sought, regardless of the owner, and it does not relate to other property or personal conditions of the owner or applicant, such as personal financial circumstances or inconvenience. Either:

- (a) The property has unique physical constraints or characteristics peculiar to the land involved, over which the applicant has no control, such as lot size or shape, topography, natural features, or other physical conditions on the site or in the immediate vicinity, which are not typical of other lands in the same zoning district subject to the same regulation; or
- (b) The property has existing development, conforming or nonconforming, located such that it poses unique constraints to the further development of the property in full compliance with the standards of this Code.

Staff Response: Satisfied. The variance request stems from a drop in elevation from the front to the back of the property, and a 10 foot sewer easement that runs down the west property line and then becomes a 20 foot easement through the south west corner of the property. This has reduced the developable area of the parcel and the property owner has elected to build a two story residence. An additional ½ foot setback is required for every foot in height over 15 feet. The purpose of this additional setback is to provide adequate separation between structures on abutting parcels. Because the abutting parcel on the west must maintain the same 10-foot easement there are no structures near the portion of the applicants' property that would be affected by the reduced setback.

Criterion (2) Self-Created Constraint. If the review body finds the unique constraint described in Subsection (1) was self-created, the property shall only qualify for a

variance if the review body determines that the self-created constraint can no longer be reasonably eliminated or reversed, or that it is in the public interest to grant a variance rather than require the owner to eliminate the self-created constraint. A situation shall be considered self-created if:

- (a) A current or previous owner created the unique physical constraint or characteristic by dividing, reconfiguring, or physically altering the property in a manner such that it could only be subsequently developed, or further developed, by obtaining a variance to the regulations in effect at the time of alteration; and
- (b) At the time the current owner altered or acquired the property, he could not have known that, as a result of the deliberate alteration, the property could only be developed, or further developed, by obtaining a variance.

Staff Response: Satisfied. As discussed above, the unique physical constraint is due to the impact of the existing sewer easement. The difference in elevation between the front and rear of the property and the 10-foot utility easement down the west property line that becomes a 20 foot easement through the south west corner of the property reduces the developable area of the parcel. The proposed two-story dwelling to be subject to additional setback requirements based on the height of its rear elevation, and the 20 foot sewer easement limiting the size of structure that could be built without a variance.

Criterion (3) Need for Variance. The applicant has demonstrated that a variance is necessary to overcome at least one of the following situations:

- a. Allow Reasonable Use of an Existing Property. Due to the unique physical constraint or characteristic of an existing lot or parcel, strict application of the provisions of the Development Code would create a hardship by depriving the owner of the rights commonly enjoyed by other properties in the same zoning district subject to the same regulation. The variance is necessary for preservation of a property right of the owner, substantially the same as is possessed by owners of other property in the same district subject to the same regulation.
- b. Better Achieve Public Purpose for Development, Division, or Adjustment of Lots and Parcels. There need not be a hardship to the owner to qualify for a variance under this Subsection. Due to the unique physical constraint or circumstance, the variance is necessary to better achieve the public purposes of the Comprehensive Plan and Development Code, with minimum deviation from standards. The variance will allow preservation of scenic, natural, or historic resources or features; allow a lot arrangement that represents a more efficient use of land; avoid odd shaped lots or flag lots; or alleviate other unique physical conditions to better achieve public purposes.
- c. Allow Flexibility for Expansion of Existing Development. The location of existing development on the property poses a unique constraint to expansion in full compliance with the Code. The variance is needed for new construction and site improvements in order to provide for efficient

use of the land or avoid demolition of existing development, where the public purpose can be substantially furthered in alternate ways with minimal deviation from standards.

Staff Response: Satisfied. Subsections (a) & (c) above describe the criteria for the need of the variance. Approving the proposed four (4) ft. encroachment into the west side yard setback will allow the property owners reasonable use of the property and flexibility in the design of the expansion. The portion of the dwelling requiring the variance is adjacent to west side yard, limiting potential adverse effects that could result if the structure was near the east side residential lot.

Criterion (4) No Other Reasonable Alternative. Reasonable alternatives to comply with the provisions of the Development Code have been exhausted. No reasonable alternatives have been identified that would accomplish the same purpose in accordance with the Code without the need for a variance. If applicable, the applicant shall, at a minimum, demonstrate that the following are not reasonable alternatives instead of the requested variance:

- a. Lot line adjustment.
- b. Modified setback option, pursuant to Section 22.200.
- c. Alternate solar standards, pursuant to Section 22.623.

Staff Response: Not Applicable. The above alternatives are not viable solutions. The only lot available for a lot line adjustment is a city park, and completing such an adjustment would not alleviate the need for the variance.

(B) Result of Relief. If the review body finds the proposal for a variance based on the criteria in Subsection (A) above, the review body shall only approve the proposal if it finds the specific proposal is consistent with the following criteria.

Criterion (5) Best Alternative. When a variance is needed for a purpose identified in Subsection (3) above, the proposed variance shall be the best alternative to achieve the purpose compared with variances to other standards that could accomplish the same purpose. The best alternative will be the most consistent with the overall purpose of the Comprehensive Plan and Development Code, with the least impact to other properties and the public interest. Impacts to public facilities, substantial natural features, and natural systems shall be presumed to have broader public impact than localized impacts on nearby properties.

Staff Response: Satisfied. Approval of the variance will not be detrimental to the Comprehensive Plan or Development Code and will have the least impact to other properties. In addition, there are no substantial natural features or natural systems within the immediate area that would be adversely affected by the variance.

Criterion (6) Minimum Deviation. Adherence to the standards of this Code shall be maintained to the greatest extent that is reasonably possible while accomplishing the purpose in Subsection (3). The deviation from standards shall be the minimum necessary to accomplish the purpose, and shall not convey a special right to the property that is not available to properties in the same zoning district subject to the same regulation.

Staff Response: Satisfied. Approval of this variance will not convey a special right to this property that is not available to other similarly configured properties. No additional rights would be conveyed as a result of the variance because the proposed use remains a single-family dwelling.

Criterion (7) No Hazard. The proposal shall not pose a public safety hazard such as a visual obstruction or traffic hazard, and shall not obstruct pedestrian or vehicular movement or impede emergency access.

Staff Response: Satisfied. As discussed above in Criterion 5, the approval of the requested variance will not pose a public safety hazard. The expansion will not cause a visual impact for drivers on Bellevue Place. The expansion will not be located in the vision clearance area.

Criterion (8) Plan and Ordinance Consistency. The proposal shall not adversely affect implementation of the Comprehensive Plan, and shall not be materially detrimental or injurious to the purposes of the Comprehensive Plan or Development Code; other applicable plans, policies, or standards; or other properties in the same district or vicinity.

Staff Response: Satisfied. The request for variance will not adversely affect the implementation of the Comprehensive Plan nor will it be materially detrimental or injurious to the purposes of the Comprehensive Plan or the Development Code. The site is adjacent to a park and will not result in structures being sited too close to each other, a condition that would be detrimental to the purposes of the Development Code.

Criterion (9) Mitigate Adverse Impacts. Adverse impacts shall be avoided where possible and mitigated to the extent practical. If a variance is not necessary to preserve a property right, or if the unique constraint in Subsection (1) was self-created, adverse impacts may be grounds for denial.

Staff Response: Satisfied. As previously noted, there are no adverse impacts foreseen by allowing the extension into the west side yard setback, primarily because the extension will be adjacent to a neighboring property line with an unbuildable easement dedication.

Criterion (10) No Significant Increase in Residential Density. For development of an existing lot, if the variance is for a reduction to lot area, it shall not result in a significant increase in density. For a land division, the variance shall not result in an increase in density over that permitted by the zoning district, except that when a lot is reduced in size due to dedication of right-of-way, minimum lot area may be reduced by fifty square feet or less.

Staff Response: Not Applicable. The variance request does not affect to the residential density of the property.

Criterion (11) Recommendation of City Engineer. The review body shall consider a written recommendation of the City Engineer when the variance is to any of the following standards:

- a. A Street, access, or utility development standard in Article 27 or 28 of the Code.

- b. The Flood Hazard or Slope Hazard provisions in Article 13 of this Code.
- c. To allow encroachment into existing or planned right-of-way or public utility easement. When a variance is authorized to allow encroachment into a right-of-way, the owner shall sign a right-of-way use agreement that specifies the terms and conditions under which the right-of-way may be utilized.

Staff Response: Not Applicable. The variance request does not pertain to street access or utility development.

Criterion (12) Additional Criteria. Variances from the street standards in Article 27 of this Code shall meet the additional criteria of 27.121(11)(h)(4) General Design Standards, 27.122(5) Connectivity Standards, and 27.123(14) Street Section Design Standards.

Staff Response: Not Applicable. Sections 27.121(11)(h)(4), 27.122(5) and 27.123(14) are not applicable to the variance request for the front yard setback encroachment.

B. CRITERIA FOR MINOR SITE PLAN REVIEW ~ SECTION 19.042

Section 19.042 of the City of Grants Pass Development Code states that the review body shall approve, approve with conditions, or deny the request based upon the following criteria:

Criterion (1): Complies with applicable Base Development Standards of the Zoning District or standards as previously approved under the provisions of an optional development plan or other approved permit.

Staff's Response: Satisfied with conditions. The property is approximately 6,330 square feet in the R-1-6 zoning district. The parcel exceeds minimum lot size and has the required frontage to a public right-of-way. Upon approval of the Major Variance and as conditioned below, the new residence will be required to meet setbacks for the R-1-6 zone, with the exception that the west side yard property setback will be 11 feet if the Planning Commission approves the setback variance.

The site is in a Class A (15-25%) Steep Slope area. Prior to construction, the applicant will need to demonstrate compliance with Code Section 13.130.

Criterion (2): Complies with adopted public utility and access plans, policies, and standards.

Staff's Response: Satisfied with conditions. As noted above, the property has access to public sewer and water and is subject to a storm water drainage easement. As conditioned below, the property will be required to connect to water and sewer.

Criterion (3): Adequate basic urban services are available or can be made available by the applicant as part of a proposed development or are scheduled by the City Capital Improvement Plan.

Staff's Response: Satisfied. All basic public services are available to the property.

Criterion (4): Complies with all other applicable provisions of this Code, including off-street parking, landscaping, signage, and Special Purpose District requirements.

Staff Response: Satisfied with conditions. No waivers are requested from the provisions of this criterion. As conditioned below, the developer will be required to install front yard landscaping in conformance with Section 23.031 and pave the proposed driveway. Driveways cannot exceed an 18% slope (Section 27.121.11.d).

Criterion (5): Potential land use conflicts have been mitigated through specific conditions of development.

Staff's Response: Satisfied with conditions. Except for the side yard setback request, the proposed dwelling otherwise satisfies development standards. As conditioned below, any potential land use conflicts will be mitigated through the remaining base development standards for the R-1-6 zone.

Criterion (6): Internal circulation is accommodated in commercial, institutional and office park uses with walkways and bikeways as provided in Article 27.

Staff Response: Not applicable. The property is residential and has direct access to Bellevue Place. As previously discussed, frontage improvements are not being required under this review.

Criterion (7): If the property contains existing nonconforming use or development to remain, the application and the review body's decision shall also be consistent with the provisions of Article 15, including any additional standards, relief from the Code or conditions imposed.

Staff's Response: Not applicable. There are no noted nonconforming aspects on the property.

VI. RECOMMENDATION:

Staff recommends that the Planning Commission **APPROVE** the request for the Major Variance and the Minor Site Plan with the following conditions:

Conditions of Approval:

The following shall be accomplished within eighteen months of the date this report is signed and prior to issuance of a Building Permit. Otherwise, the approval shall expire. Extension of the Site Plan Review approval is permitted pursuant to Section 3.077(2) of the Development Code. Extension of the Development Permit is permitted pursuant to Section 3.093(2) of the Development Code.

- A. A development permit is required prior to commencement of construction. Development must occur according to the approved site plan, including the items listed below. The developer must contact the Parks & Community Development Department and arrange for a final inspection prior to occupancy to insure compliance.

- B. Submit construction documents to the Building Division for their review and approval to determine compliance with all Building, Fire and Life Safety, and the adopted Oregon Structural Specialty Code requirements. Buildings plans shall be consistent with the approved site plan.
- C. Submit an erosion control and grading plan (Section 13.121).
- D. Driveways must be paved and cannot exceed 18% slope (Section 27.121.11.d).
- E. Prior to occupancy, front yard landscaping shall be installed as reflected on the approved site plan (Section 23.031).

VII. PLANNING COMMISSION ACTION:

- A. **Positive Action:** Approve the request
 - 1. as submitted.
 - 2. with the conditions stated in the staff report.
 - 3. with the conditions stated in the staff report as modified by the Planning Commission(list):
- B. **Negative Action:** Deny the request for the following reasons (list):
- C. **Postponement:** Continue item
 - 1. indefinitely
 - 2. to a time certain.

NOTE: Law requires that a decision be made on the application within 120 days of when the application was deemed complete.

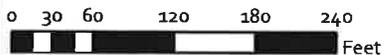
VIII. INDEX TO EXHIBITS:

- 1. Vicinity Map
- 2. Aerial Photo
- 3. Site Plan
- 4. Narrative



CITY OF GRANTS PASS

1309 Bellevue Place
 36-05-18-AB, TL 7003



Legend

 Subject Parcel

EXHIBIT 1



CITY OF GRANTS PASS

Parks & Community Development Dept.
 101 Northwest "A" Street
 Grants Pass, OR 97526
Phone: (541) 450-6060
Fax: (541) 476-9218
Web: www.grantspassoregon.gov

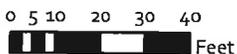


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CITY OF GRANTS PASS

1309 Bellevue Place
36-05-18-AB, TL 7003



EXHIBIT



Legend

-  Subject Parcel
-  Water Mains
-  Sewer Gravity Mains
-  Storm Water Gravity Main



CITY OF GRANTS PASS

Parks & Community Development Dept.
101 Northwest "A" Street
Grants Pass, OR 97526
Phone: (541) 450-6060
Fax: (541) 476-9218

Web: www.grantspassoregon.gov

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the governmental agencies with jurisdiction, the mortgage lender the contractor and documented.

Owner Michael Fimbres

Date 13/2016

Owner Security Fimbres

Date 9/13/2016

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NW BELLEVUE PACE

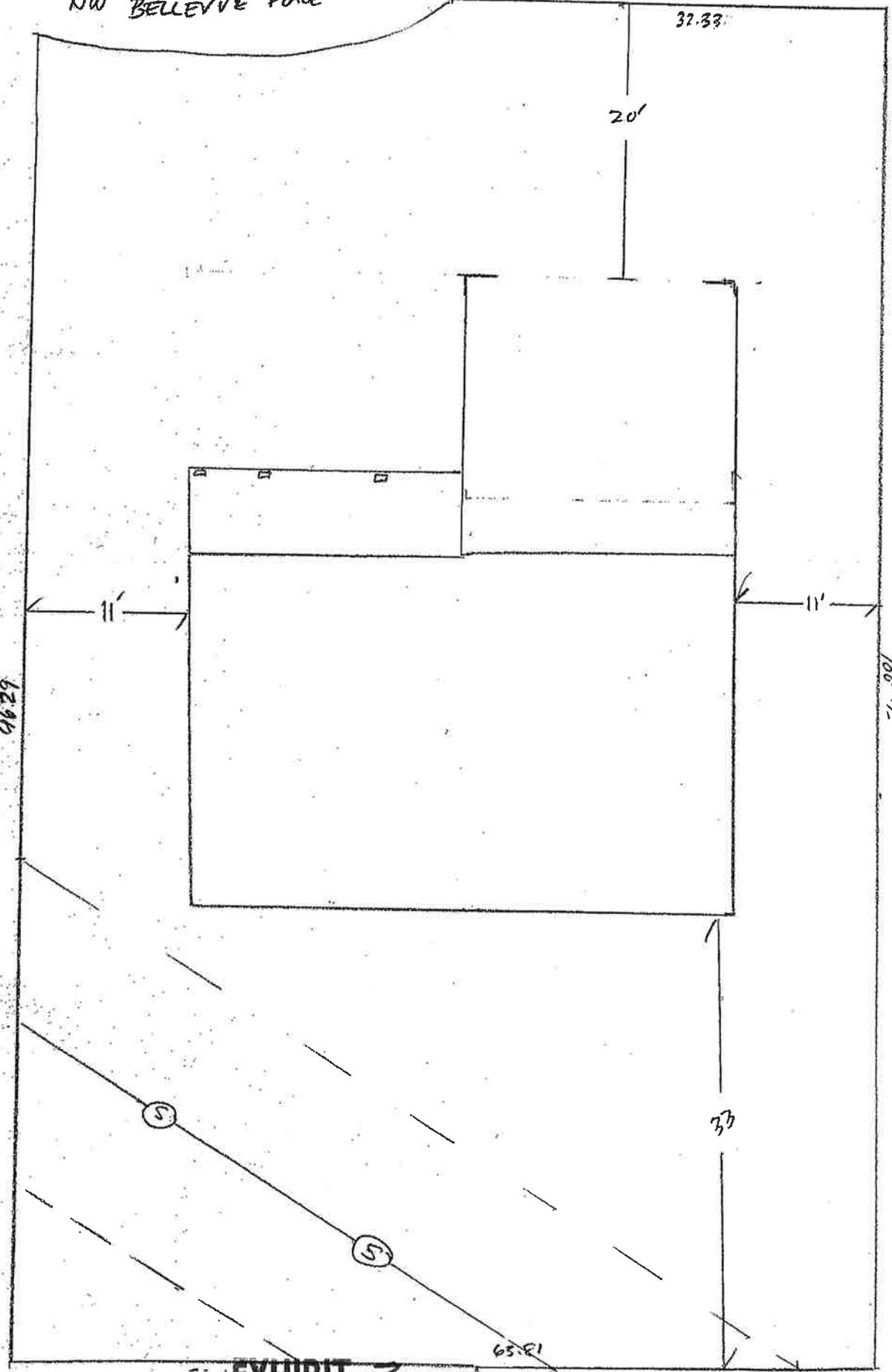


EXHIBIT 3

Written Narrative/Response to 6.060. Criteria for Variances
For 1309 Bellevue Place building project by Michael and Beverly Fimbres

A. Qualifying Conditions

1. Unique Physical Constraint or Characteristic

(a) Our property at 1309 Bellevue Place has some unique physical constraints and characteristics, that I have no control over. The location of my lot is unique. It has 3 sides that are not able to be built on by anyone. The north side is border by a 20' annexed section that the city of Grants Pass utilize for a part of the sewer system. Still further north of that is a portion of Skunk Creek of about 20' also. On the west side is the B Street Jump Park, so nothing can be built there. On the east side of my lot is Bellevue Place street. On the south side is the only home that my lot borders. We meet the additional setbacks on this side only. Another unique characteristic of my lot is the topography. After about 40 feet from Bellevue Place, the back of our land begins to slope down toward the B Street Park. No other lot in the culdesac, at the end of Bellevue has all of these locational or topographical features to deal with.

(b) Not applicable. The property does not have existing developments, conforming or non conforming , located such that it poses unique constraints to the further development of the property in full compliance with the standards of this Code.

2. Self-Created Constraint

(a) Unique Constraints not self-created.

(b) Unique Constraints not self-created.

3. Need for Variance

(a) Allow Reasonable Use of an Existing Property

Due to the unique physical constraint of the location and topography of our lot, strict application of the provisions of the Development Code would create a hardship by depriving my wife and I the rights commonly enjoyed by other properties in the same zoning district subject to the same regulation. The first review of our building plans for a two story home was denied. It was stated that we needed additional setbacks, this time on the sides, because the distance from the top of our roof to the ground was too much. The variance is necessary for preservation of a property right of the owner, substantially the same as is possessed by owners of other property in the same district subject to the same regulation. We need to be able to build our home on a step foundation without additional setbacks.

(b) Better Achieve Public Purpose for Development, Division, or Adjustment of Lots and Parcels. Not applicable.

(c) Allow Flexibility for Expansion of Existing Development. Not applicable.

4. No Other Reasonable Alternative.

(a) Lot line adjustment. Not viable option

(b) Modified setback option, pursuant to Section 22.200. Not viable option.

(c) Alternate solar standards, pursuant to Section 22.623. Not viable option.

(B) Result of Relief

5. Best Alternative The requested variance of allowing existing setbacks to remain and not impose additional setbacks on the sides of the house, is the best alternative to achieve the purpose compared with variances to other standards that could accomplish the same purpose. It is the most consistent with the overall purpose of the Comprehensive Plan and the Development Code, with the least impact to the other properties and the public interest. Impact to public facilities, substantial natural features and natural systems shall be presumed to have broader public impact than localized impacts on nearby properties.
6. Minimum Deviation Adherence to the standards of this Code shall be maintained to the greatest extent that is reasonably possible while accomplishing the purpose in Section (3). The deviation from standards shall be the minimum necessary to accomplish the purpose and shall not convey a special right to the property that not available to properties in the same zoning district subject to the same regulation. This will be done
7. No Hazard The proposal shall not pose a public safety hazard such as a visual obstruction or traffic hazard and shall not obstruct pedestrian or vehicular movement or impede emergency access. No hazards shall be posed by this variance.
8. Plan and Ordinance Consistency This proposal shall not adversely affect implementation of the Comprehensive Plan, and shall not be materially detrimental or injurious to the purposes of the Comprehensive Plan or Developmental Code: other applicable plans, policies, or standards; or other properties in the same district or vicinity. This variance adheres to these consistencies.
9. Mitigate Adverse Impacts Adverse impacts shall be avoided where possible and mitigated to the extent practical. If a variance is not necessary to preserve a property right, or if the unique constraint in subsection (1) was self-created, adverse impacts may be grounds for denial. Agreed
10. No Significant Increase in Residential Density For development of an existing lot, if the variance is for a reduction to lot area, it shall not result in a significant increase in density. For a land division, the variance shall not result in an increase in density over that permitted by the zoning district, except that when a lot is reduced in size due to dedication of right-of-way, minimum lot area may be reduced by fifty square feet or less. Agreed
11. Recommendation of City Engineer The review body shall consider a written recommendation of the City Engineer when the variance is any to any of the following standards.
 - (a) A street, access, or utility development standard in Article 27 or 28 of the Code.
 - (b) The Flood Hazard or Slope Hazard provisions in Article 13 of this Code.
 - (c) To allow encroachment into existing or planned right-of-way or public utility easement. When a variance is authorized to allow encroachment into a right-of-way, the owner shall sign a right-of-way use agreement that specifies the terms and conditions under which the right-of-way may be utilized. Agreed
12. Additional Criteria Variances from the street standards in Article 27 of this Code shall meet the additional criteria of 27.121(11)(h)(4) General Design Standards, 27.122(5) Connectivity Standards, and 27.123(15) Street Section Design Standards. Not applicable


Oct. 27, 2016

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

**WELLSPRING FAMILY PRACTICE
MAJOR MODIFICATION/DISCRETIONARY REVIEW
STAFF REPORT**

Procedure Type:	Type III: Urban Area Planning Commission
Project Number:	201-00145-16
Project Type:	Major Modification – Discretionary Review
Owner:	Jon and Suanna Ermshar
Agent:	Steve Ennis, Architect
Property Address:	1714 Williams Highway
Map and Tax Lot:	36-05-19DC 1401 (proposed office) 36-05-19-CD 1800 (existing office) See Exhibits 1 & 2
Zoning:	General Commercial
Parcel Size:	0.75 acre
Planner Assigned:	Justin Gindlesperger
Application Received:	October 27, 2016
Application Complete:	October 28, 2016
Date of Report:	November 22, 2016 Due: 11/23/2016
Date of UAPC Hearing:	November 30, 2016
120-Day Deadline:	February 25, 2017

I. PROPOSAL:

The application is for a Major Modification to an approved Major Site Plan Review (see File No. 201-00127-16) for construction of a new 5,300 square foot medical office on a 0.75 acre parcel located at 1714 Williams Highway in the General Commercial zoning district. The property size is a result of property line adjustment between tax lot 1401 and tax lot 1800 to the west, approved on July 22, 2016 (see File No. 102-00106-16). The applicant is requesting modification to the conditions of approval to comply with standards of Article 20, Commercial Design Standards, and is requesting Discretionary Review. The applicant's submitted site plan and building elevations are attached (see **Exhibits 3 & 4**).

II. AUTHORITY AND CRITERIA:

Section 2.020, Schedule 2-1, Section 2.050, 7.040 and Section 12.027, Schedule 12-2 of the Development Code authorize the Urban Area Planning Commission to consider the request and make a decision to approve, approve with conditions, or deny. The decision pertaining to a Major Modification must be based on the criteria contained in Section 19.052 of the Development Code.

III. APPEAL PROCEDURE:

Section 10.050, City of Grants Pass Development Code, provides for an appeal of the Urban Area Planning Commission to the City Council. An appeal must be filed with the Director within twelve (12) calendar days from the date the written notice of Planning Commission decision is mailed.

IV. BACKGROUND:

A. Characteristics of the Property:

1. Land Use Designation:
 - a. Comprehensive Plan: General Commercial
 - b. Zone District: GC
 - c. Special Purpose District: Grants Pass Irrigation District, and Medical Overlay District (partial)
2. Size: 0.75 acres
3. Frontage: Williams Highway
4. Access: Williams Highway
5. Existing Public Utilities:
 - a. Water: 12-inch main in Williams Highway right-of-way;
 - b. Sewer: 8-inch main in Williams Highway right-of-way;
 - c. Storm: 12-inch cross drain to a 15-inch main along East side of Williams Highway right-of-way;
6. Proposed Public Utilities: None identified
7. Topography: Relatively flat
8. Natural Hazards: None identified
9. Natural Resources: None identified
10. Existing Land Use:
 - a. Subject Parcel: Undeveloped
 - b. Surrounding: Mixed general commercial and residential uses

B. Discussion:

The application is for a Major Modification to an approved Major Site Plan Review (see File No. 201-00127-16) for construction of a new 5,300 square foot medical office. The applicant is requesting modification to the conditions of approval to

comply with standards of Article 20, Commercial Design Standards, and is requesting Discretionary Review.

V. CONFORMANCE WITH APPLICABLE CRITERIA:

Section 20.200 of the City of Grants Pass Development Code states that an applicant may opt for the Discretionary Review procedure, which shall be conducted through a Type III – Planning Commission Decision. The review body shall approve, approve with conditions, or deny the request based upon the following criteria:

Architectural Standards

The purpose of the Discretionary Review procedure is to provide flexibility to the standards of Article 20, provided the overall site design and building design accomplish the intent and purpose of the standards. As noted in the Staff Report of the applicant's Major Site Plan Review, the building elevations did not meet the objective standards. The following is a list of standards that were not met in the current design:

1. Windows and Glass Doors in Exterior Walls (20.410)
2. Change in Massing at Maximum of 100 Feet (20.424)

Windows and Glass Doors in Exterior Walls (20.410)

Buildings should provide a face towards streets, sidewalks and on-site parking and circulation areas. The wall face should provide windows or glass doors for 25% of the width of the elevation. Exterior walls greater than twenty five (25) feet in length shall contain windows and/or glass doors at least three (3) feet in height, including the area between three (3) and six (6) feet above the exterior ground surface.

Staff Response: The interior rooms along the east elevation are proposed for exam rooms. While the rooms are not precluded from having windows, the building design features the proposed windows in the current configuration to provide security and privacy to the occupants of the rooms.

Change in Massing at Maximum of 100 Feet (20.424)

No wall shall be more than 100 feet in length without at least one combined horizontal and vertical offset in the wall plane for the full height of the building. An offset in a wall plane shall be a minimum of four (4) feet deep and three (3) foot vertical change in height with a minimum width of twenty five (25) along the face of the building elevation.

Staff Response: The applicant is proposing a two (2) foot deep offset for a width of thirty two (32) feet along the building elevation. The proposed offset will provide a break in the east façade and will be screened by vegetation from the adjacent property once the proposed landscape materials mature.

V. RECOMMENDATION:

Staff recommends the Planning Commission **APPROVE** the request for the Major Modification request with the conditions listed in the Director's Decision for the Major Site Plan Review (see File No. 201-00127-16).

VI. PLANNING COMMISSION ACTION:

- A. Positive Action: Approve the request**
 - 1. as submitted.
 - 2. with the conditions stated in the staff report.
 - 3. with the conditions stated in the staff report as modified by the Planning Commission (list):

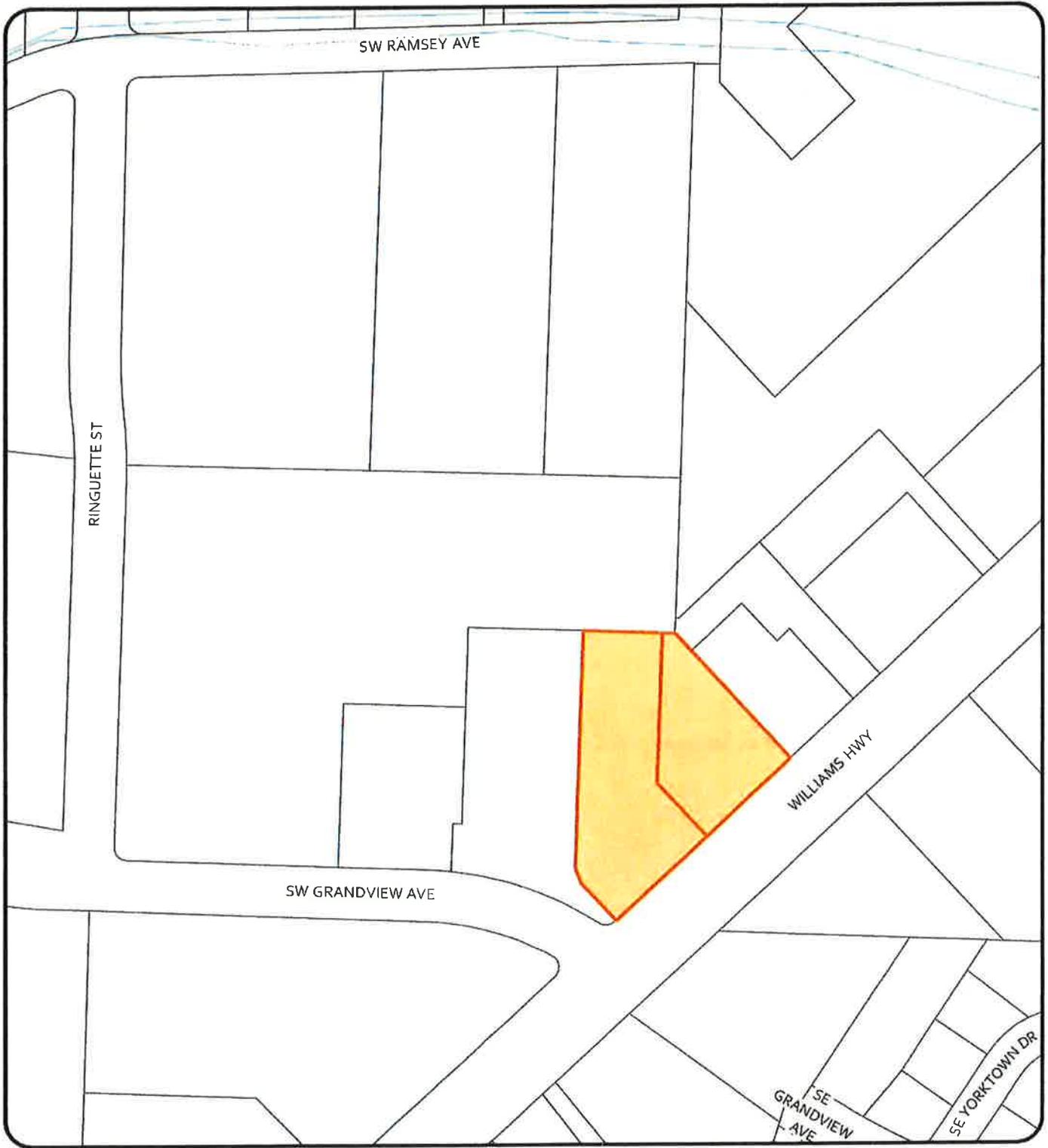
- B. Negative Action: Deny the request for the following reasons (list):**

- C. Postponement: Continue item**
 - 1. indefinitely
 - 2. to a time certain.

NOTE: State law requires that a decision be made on the application within 120 days of when the application was deemed complete.

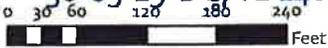
VII. INDEX TO EXHIBITS:

- 1. Location map
- 2. Aerial photo
- 3. Applicant's submitted site plan
- 4. Building Elevations



CITY OF GRANTS PASS

1714 & 1716 Williams Hwy
 36-05-19-CD, TL 1800 &
 36-05-19-DC, TL 1401



Legend

 Subject Parcels

EXHIBIT 1



CITY OF GRANTS PASS
 Parks & Community Development Dept.
 101 Northwest "A" Street
 Grants Pass, OR 97526
 Phone: (541) 450-6060
 Fax: (541) 476-9218
 Web: www.grantspassoregon.gov



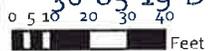
<<DOUBLECLICK TO ADD NAME • DATE>>

DISCLAIMER: The Geographic Information Systems (GIS) data made available on this map are developed and maintained by the City of Grants Pass and Josephine County. Every reasonable effort has been made to assure the accuracy of the maps and associated data.



CITY OF GRANTS PASS

1714 & 1716 Williams Hwy
 36-05-19-CD, TL 1800 &
 36-05-19-DC, TL 1401



Legend

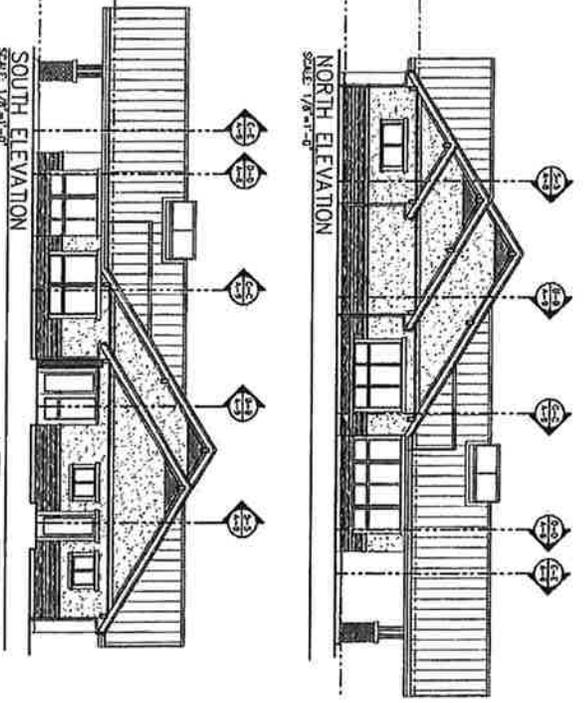
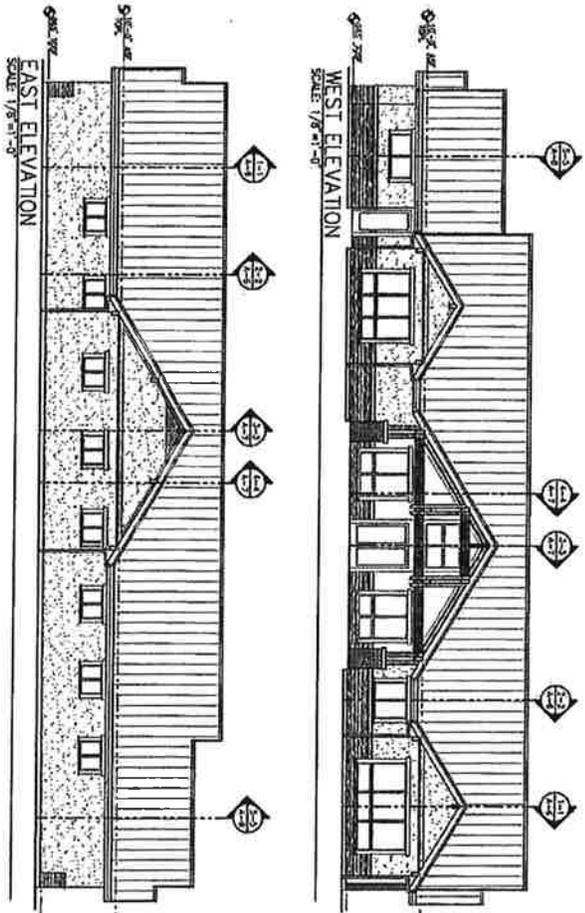
- Subject Parcels
- Water Mains
- Sewer Gravity Mains
- Storm Water Gravity Main



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SHEET TITLE EXTERIOR ELEVATIONS	PROJECT ADDRESS 1716 WILLIAMS HIGHWAY GRANTS PASS, OREGON	REGISTERED ARCHITECT STATE OF OREGON WELLS SPRING FARM PRAIRIE NEW MEDICAL OFFICE BUILDING	STEVE ENNIS ARCHITECT 1108 EAST JACKSON STREET MEDFORD, OREGON 97504	EXHIBIT 4	DATE: 11/11/11	DRAWN:
	PROJECT NO.:				SHEET NO.: A-5	CHECKED:

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

**IN-N-OUT BURGERS
MAJOR MODIFICATION/DISCRETIONARY REVIEW
STAFF REPORT**

Procedure Type:	Type III: Urban Area Planning Commission	
Project Number:	201-00142-16	
Project Type:	Major Modification – Discretionary Review	
Owner:	In-N-Out Burgers	
Applicant:	Jim Lockington	
Property Address:	110 & 124 NE Morgan Lane	
Map and Tax Lot:	36-05-05-CD, Tls 301 & 302 (see <i>Exhibits 1 & 2</i>)	
Zoning:	General Commercial (GC) ~ City	
Size:	1.49 acres (see <i>Exhibit 3</i>)	
Planner Assigned:	Justin Gindlesperger	
Application Received:	October 20, 2016	
Application Complete:	October 21, 2016	
Date of Staff Report:	November 23, 2016	Due: 10/23/2016
Date of UAPC Hearing:	November 30, 2016	
120-Day Deadline:	February 18, 2017	

I. PROPOSAL:

The application is a Major Modification to an approved Major Site Plan Review (see File No. 201-00124-16) for construction of a new 4,385 square foot In-N-Out Burgers fast food restaurant with a drive-thru window. The applicant's site plan is attached (see *Exhibit 4*). The applicant is requesting modification to the conditions of approval to comply with standards of Article 20, Commercial Design Standards, and is requesting Discretionary Review. The applicant's revised building elevations are attached (see *Exhibit 5*).

II. AUTHORITY & CRITERIA:

Section 2.020, Schedule 2-1, Section 2.050, 7.040 and Section 12.027, Schedule 12-2 of the Development Code authorize the Urban Area Planning Commission to consider the request and make a decision to approve, approve with conditions, or deny. The decision pertaining to a Major Modification must be based on the criteria contained in Section 19.052 of the Development Code.

III. APPEAL PROCEDURE:

Section 10.050, City of Grants Pass Development Code, provides for an appeal of the Planning Commission decision to the City Council. An appeal must be filed with the

Director within twelve (12) calendar days from the date the written notice of Planning Commission decision is mailed.

IV. BACKGROUND:

A. Characteristics of the Property:

1. Land Use Designation:
 - a. Comprehensive Plan: General Commercial
 - b. Zone District: GC
 - c. Special Purpose District: Grants Pass Irrigation District
2. Size: 1.49 acres
3. Frontage: NE 7th Street; NE Morgan Lane; & Interstate 5
4. Access: NE 7th Street & NE Morgan Lane
5. Existing Public Utilities:
 - a. Water: 12-inch main NE Morgan Lane;
 - b. Sewer: 8-inch in NE Morgan Lane;
 - c. Storm: 12-inch main in NE Morgan Lane.
6. Proposed Public Utilities: None proposed
7. Topography: Relatively flat
8. Natural Hazards: None identified
9. Natural Resources: None identified
10. Existing Land Use:
 - a. Subject Parcel: Commercial
 - b. Surrounding: General Commercial

B. General Discussion:

The application is for a Major Modification to an approved Major Site Plan Review (see File No. 201-00124-16) for construction of a new 4,385 square foot In-N-Out Burgers fast food restaurant with a drive-thru window. The applicant is requesting modification to the conditions of approval to comply with standards of Article 20, Commercial Design Standards, and is requesting Discretionary Review.

V. CONFORMANCE WITH APPLICABLE CRITERIA:

Section 20.200 of the City of Grants Pass Development Code states that an applicant may opt for the Discretionary Review procedure, which shall be conducted through a Type III – Planning Commission Decision. The review body

shall approve, approve with conditions, or deny the request based upon the following criteria:

Architectural Standards

The purpose of the Discretionary Review procedure is to provide flexibility to the standards of Article 20, provided the overall site design and building design accomplish the intent and purpose of the standards. As noted in the Staff Report of the applicant's Major Site Plan Review, the building elevations did not meet the objective standards. The following is a list of standards that were not met in the current design:

1. Windows and Glass Doors in Exterior Walls (20.410(3))
2. Treatment of Blank Walls without Windows and Glass Doors (20.430(4))

Windows and Glass Doors in Exterior Walls (20.410(3))

Buildings should provide a face towards streets, sidewalks and on-site parking and circulation areas. The wall face should provide windows or glass doors for 25% of the width of the elevation. Buildings 18-feet and taller shall provide windows in the area of the second floor for 10% of the wall face.

Staff Response: Section 20.410(6) provides exceptions for wall sections that cannot have glass openings. Features in lieu of windows are required in place of windows and glass doors for 25% of the wall section. The building elevations depict a metal tube trellis along the east elevation that accounts for 25% of the wall face (Exhibit 3).

The upper area of the wall does not contain features in lieu of glass openings. The applicant is requesting relief from this section of the Development Code because the building does not have an upper floor. The east façade features a raised band that separates the area of first floor height from the upper floor height. Between the raised band and the parapet, the façade features light bands that further breaks up the façade height.

Treatment of Blank Walls without Windows and Glass Doors (20.430(4))

Wall faces that qualify for an exception to providing windows and glass doors should provide other elements to minimize the feeling of a long, continuous blank wall by breaking the surfaces of the wall into smaller elements with a human scale and relating the wall face to the rest of the building through common design features.

Staff Response: Walls that face a street or on-site parking shall incorporate elements that project from the wall plane and provide depth and shadow. Additionally, multi-story height buildings longer than 50-feet shall have treatment at the height of the floor line (or similar height). The building design depicts features in lieu of glass openings for 25% of the wall face. The proposed grates are attached to the wall and will provide depth and shadows to break up the length of the elevation.

VI. RECOMMENDATION:

Staff recommends the Planning Commission **APPROVE** the request for the Major Modification request with the conditions listed in the Director's Decision for the Major Site Plan Review (see File No. 201-00124-16).

VII. PLANNING COMMISSION ACTION:

A. Positive Action: Approve the request

1. as submitted.
2. with the conditions stated in the staff report.
3. with the conditions stated in the staff report as modified by the Planning Commission (list):

B. Negative Action: Deny the request for the following reasons (list):

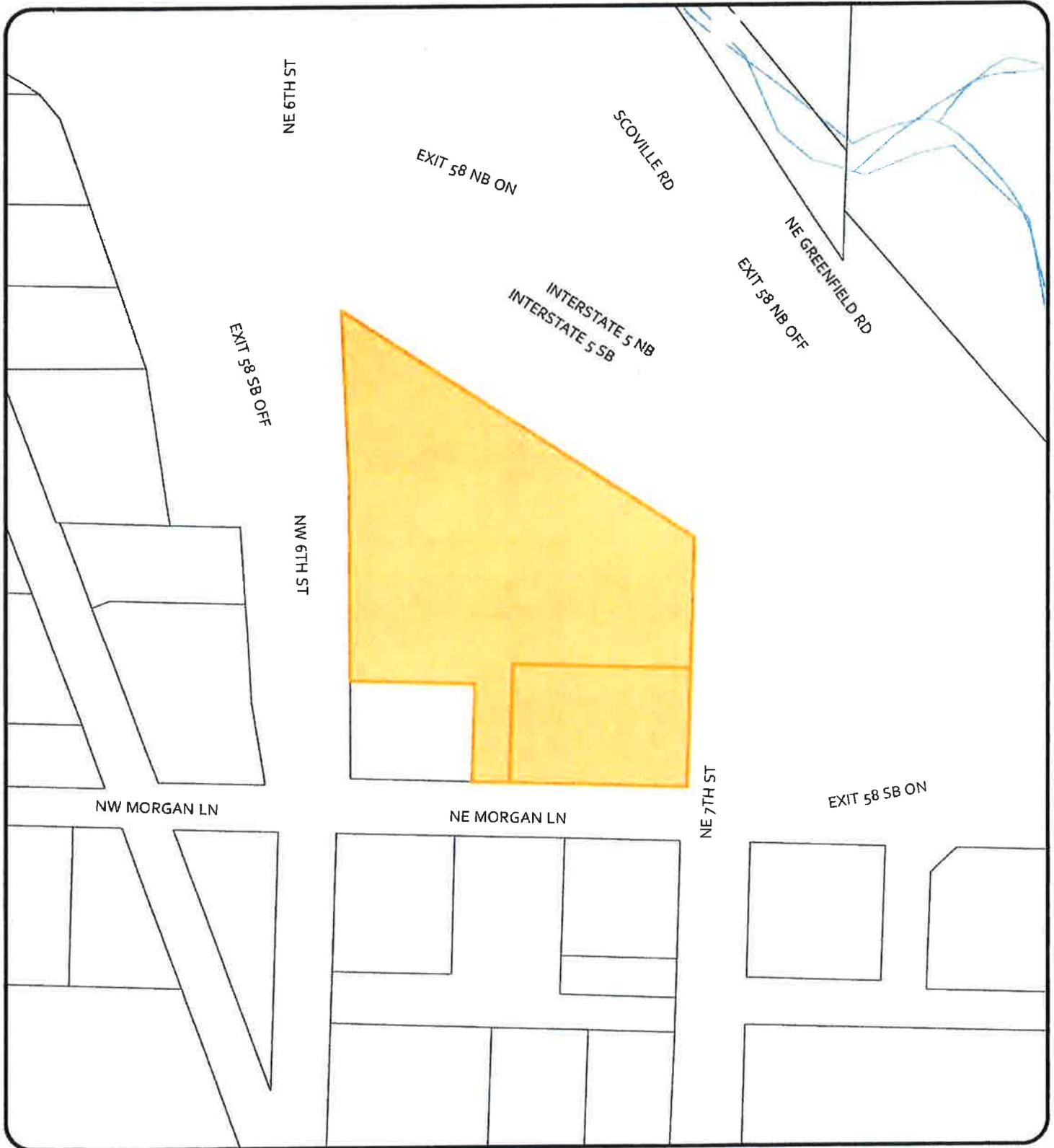
C. Postponement: Continue item

1. indefinitely
2. to a time certain.

NOTE: State law requires that a decision be made on the application within 120 days of when the application was deemed complete.

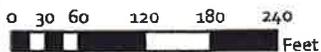
VIII. INDEX TO EXHIBITS:

1. Vicinity Map
2. Aerial Photo
3. Property Line Adjustment
4. Site Plan
5. Building Elevations



CITY OF GRANTS PASS

110 & 124 NE Morgan Lane
 36-05-05-CD TLs 301, 302



Legend

 Subject Parcels

EXHIBIT 1



CITY OF GRANTS PASS
 Parks & Community Development Dept
 101 Northwest "A" Street
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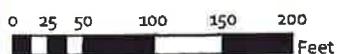


<<DOUBLE CLICK TO ADD NAME • DATE>>



CITY OF GRANTS PASS

110 & 124 NE Morgan Lane
36-05-05-CD TLs 301, 302



Legend

-  Subject Parcels
-  Water Mains
-  Sewer Gravity Mains
-  Storm Water Gravity Main



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Grants Pass, OR 97526
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<<DOUBLE CLICK TO ADD NAME • DATE>>

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EXHIBIT 2

EXHIBIT "A" - TENTATIVE PROPERTY LINE ADJUSTMENT PLAN

PREPARED BY

MSL ENGINEERING, INC.
 402 W. ARROW HIGHWAY, SUITE 4
 SAN DIMAS, CA. 91773
 (909) 305-2395
 aaron@msleng.com
 MSL JN 16004 Exhbt-LLA
 JUNE 8, 2016

SW 1/4 OF S5, T36S, R5W, WILLAMETTE MERIDIAN,
 CITY OF GRANTS PASS, JOSEPHINE COUNTY, OREGON

DESCRIPTION	PARCEL A	PARCEL B
OWNER AND APPLICANT	MORGAN LODGING, LLC, AN OREGON LIMITED LIABILITY COMPANY	IN-N-OUT BURGERS, A CALIFORNIA CORPORATION
TAX LOT	302	301
ADDRESS	110 NE MORGAN LANE	124 NE MORGAN LANE
BEFORE AREA	143,547 SQ. FT. 3.295 ACRES	32,242 SQ. FT. 0.740 ACRES
AFTER AREA	110,869 SQ. FT. 2.545 ACRES	64,920 SQ. FT. 1.490 ACRES
EXISTING LAND USE	VACANT	VACANT
PROPOSED LAND USE	HAMPTON INN HOTEL	IN-N-OUT BURGER RESTAURANT



EXPIRES: 12-31-2016

EASEMENTS TO BE OUTCLAIMED

- 14 A 25' WIDE NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS PER VOL. 242, PG. 120.
- 15 A 25' WIDE NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS PER VOL. 246, PG. 852.

GENERAL NOTES

REC. SMH

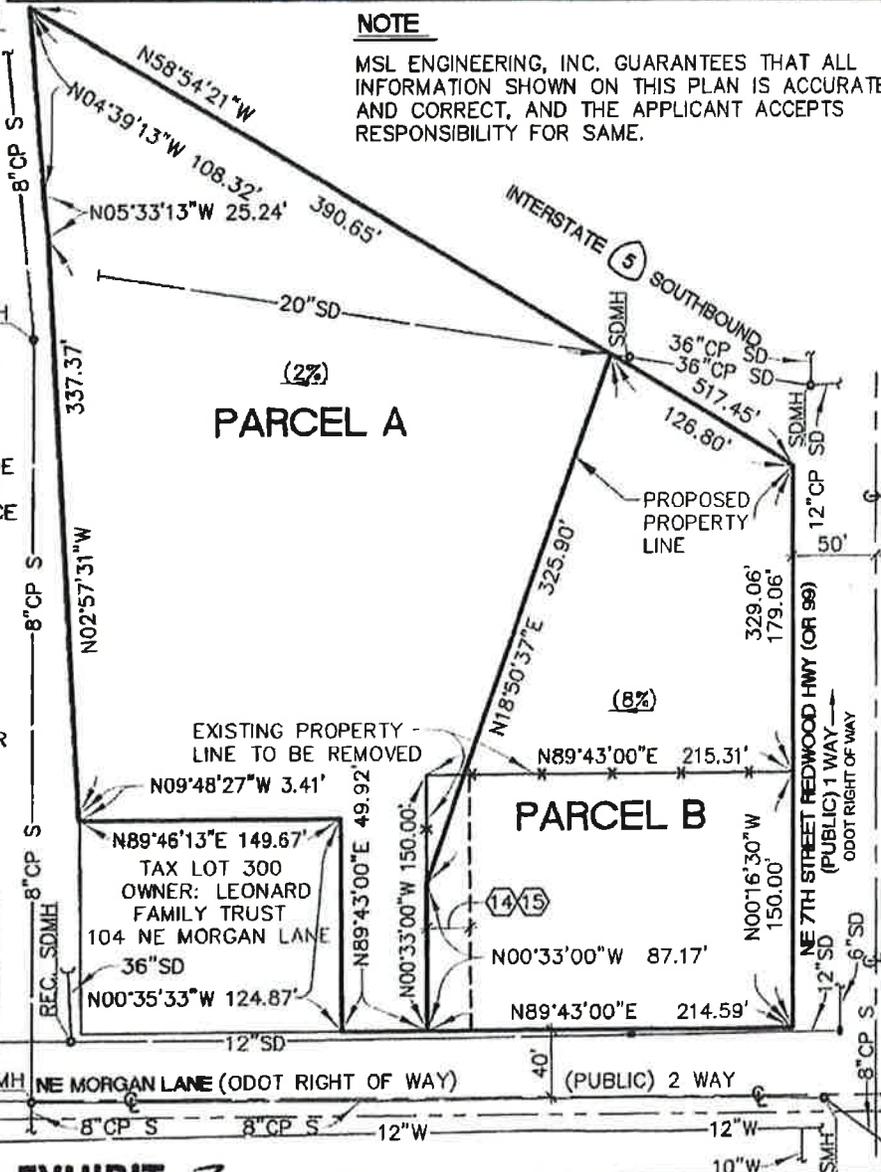
1. ALL TREES ON SITE TO BE REMOVED AS PART OF PROPOSED DEVELOPMENT APPLICATIONS.
2. PROPERTY LIES IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN PER FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 41033C0504E WITH AN EFFECTIVE DATE OF 12-03-2009
3. ASSESSORS MAP 36-05-05-CD

BOUNDARY AND EASEMENT REFERENCE

CARDNO 04-19-2016 ALTA MAP PREPARED FOR IN-N-OUT BURGER

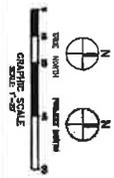
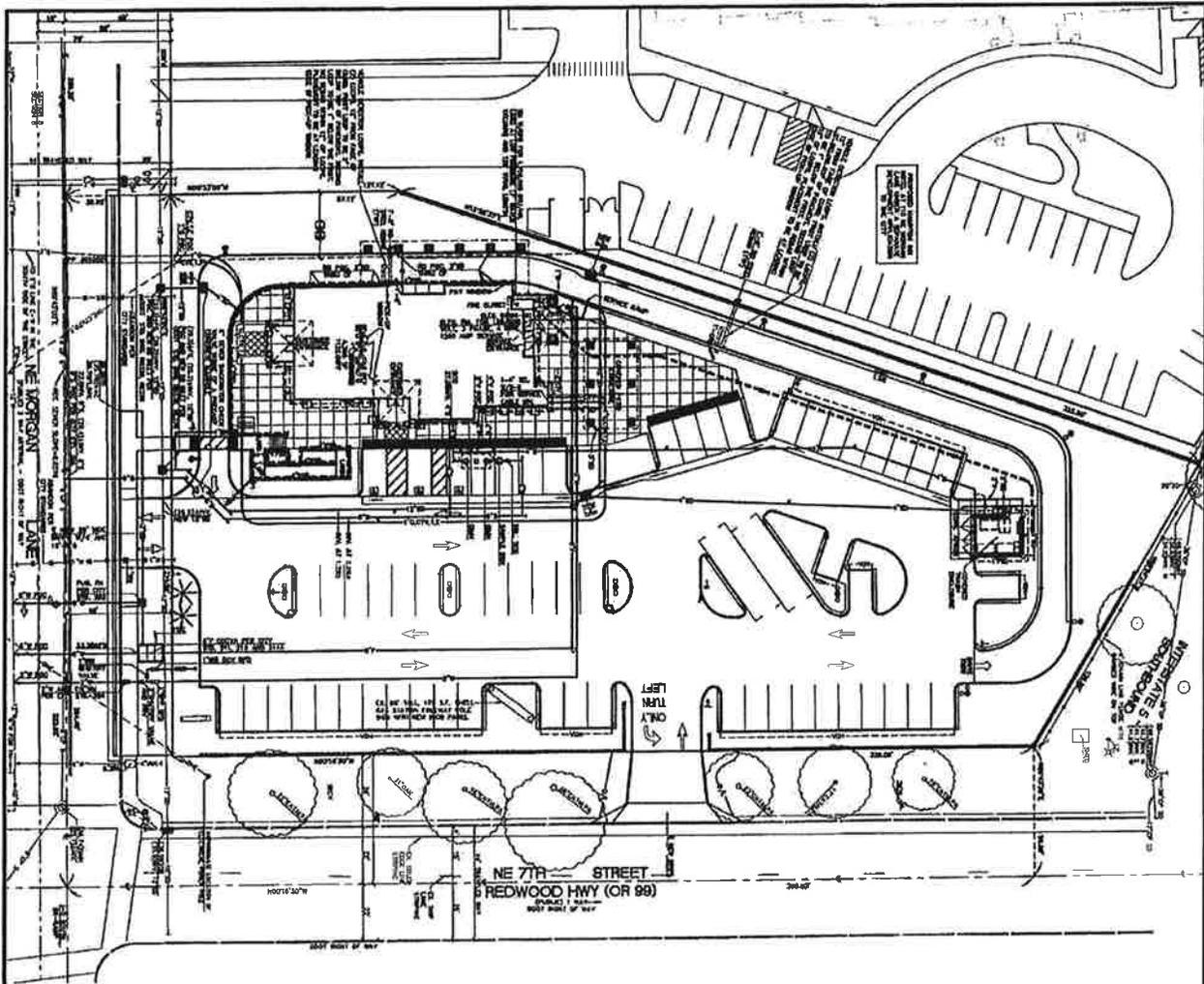
NOTE

MSL ENGINEERING, INC. GUARANTEES THAT ALL INFORMATION SHOWN ON THIS PLAN IS ACCURATE AND CORRECT, AND THE APPLICANT ACCEPTS RESPONSIBILITY FOR SAME.



GRAPHIC SCALE
 SCALE: 1"=100'

EXHIBIT 3



PARTIAL LEGEND

1. EXISTING UTILITIES SHOWN AS PER CITY RECORDS

2. NEW UTILITIES SHOWN AS PER CITY RECORDS

3. NEW UTILITIES SHOWN AS PER CITY RECORDS

4. NEW UTILITIES SHOWN AS PER CITY RECORDS

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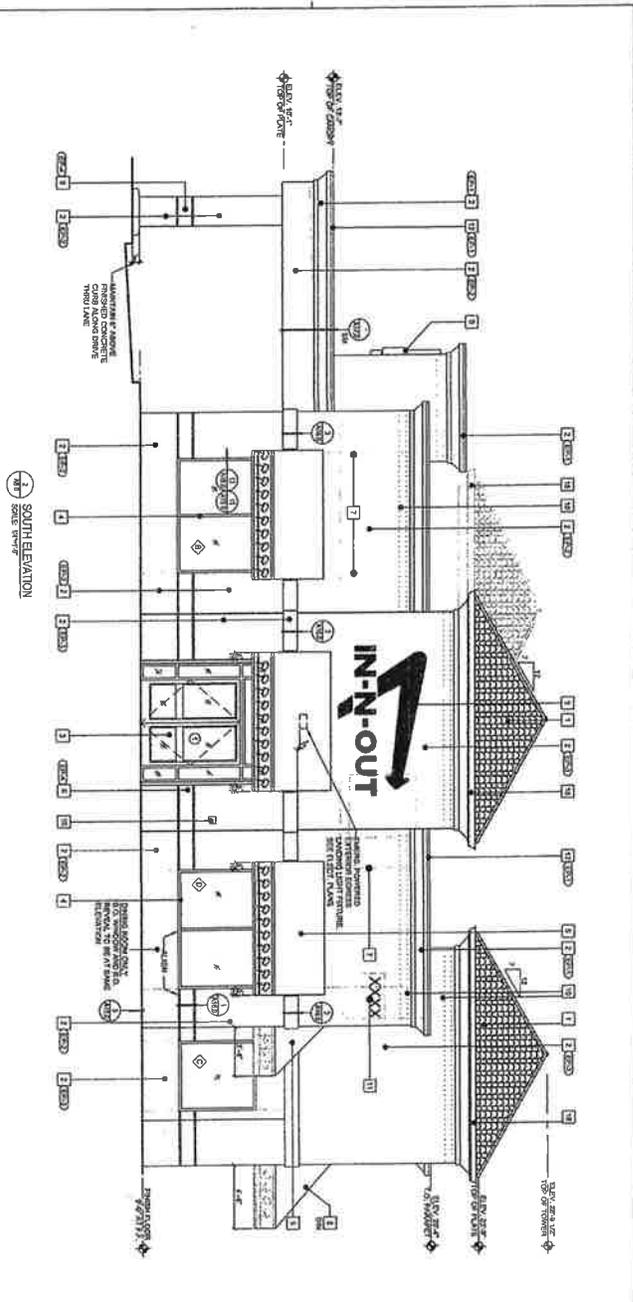
18. NEW UTILITIES SHOWN AS PER CITY RECORDS

19. NEW UTILITIES SHOWN AS PER CITY RECORDS

20. NEW UTILITIES SHOWN AS PER CITY RECORDS

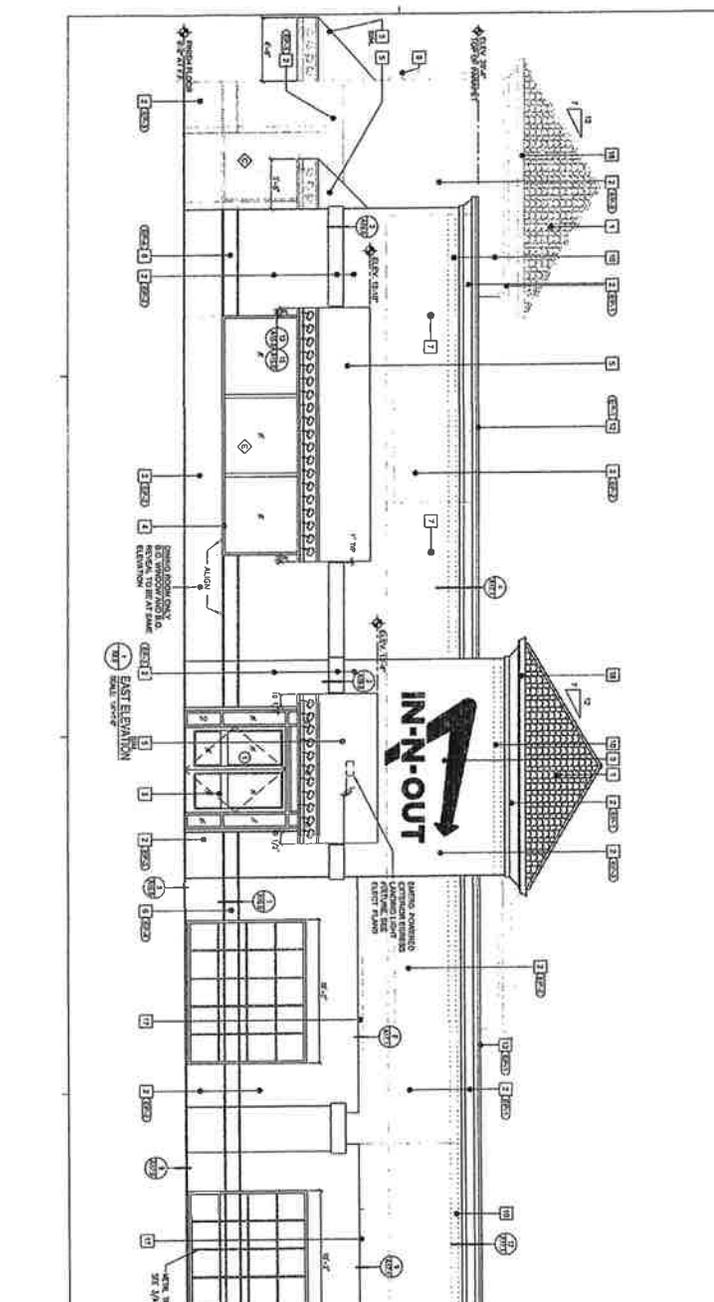
EXHIBIT 4

PLAN TITLE CITY ENTITLEMENT STORM DRAIN UTILITY AND PLAN	REVISIONS ▲ ▲ ▲ ▲ ▲		PROJECT IN-N-OUT BURGERS RESTAURANT 124 NE MORGAN LANE GRANITE PADD, OR, 97524	
			OWNER INN-OUT BURGER 1802 HANBROOK LANE, BALDWIN PARK, CA 91706-0948 (626) 837-8280	
SHEET 4 OF 12 C33	DATE 08/11/2011	DRAWN BY JSP	CHECKED BY JSP	SCALE AS SHOWN



KEY NOTES

1. EXTERIOR WALLS SHALL BE FINISHED WITH 1/2" THICK CONCRETE BLOCK WITH 1/2" THICK CONCRETE FINISH.
2. EXTERIOR WALLS SHALL BE FINISHED WITH 1/2" THICK CONCRETE BLOCK WITH 1/2" THICK CONCRETE FINISH.
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19. EXTERIOR WALLS SHALL BE FINISHED WITH 1/2" THICK CONCRETE BLOCK WITH 1/2" THICK CONCRETE FINISH.
20. EXTERIOR WALLS SHALL BE FINISHED WITH 1/2" THICK CONCRETE BLOCK WITH 1/2" THICK CONCRETE FINISH.



EXTERIOR PAINT SCHEDULE

NO.	TYPE	MODEL	COLOR NAME	FINISH	REMARKS
1	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE
2	WOOD	WOOD	WOOD	WOOD	WOOD
3	ALUMINUM	ALUMINUM	ALUMINUM	ALUMINUM	ALUMINUM
4	GLASS	GLASS	GLASS	GLASS	GLASS
5	ROOF	ROOF	ROOF	ROOF	ROOF
6	CEILING	CEILING	CEILING	CEILING	CEILING
7	FLOOR	FLOOR	FLOOR	FLOOR	FLOOR
8	WALL	WALL	WALL	WALL	WALL
9	DOOR	DOOR	DOOR	DOOR	DOOR
10	WINDOW	WINDOW	WINDOW	WINDOW	WINDOW
11	SCREEN	SCREEN	SCREEN	SCREEN	SCREEN
12	TRUSS	TRUSS	TRUSS	TRUSS	TRUSS
13	RAFTER	RAFTER	RAFTER	RAFTER	RAFTER
14	JOIST	JOIST	JOIST	JOIST	JOIST
15	BEAM	BEAM	BEAM	BEAM	BEAM
16	POST	POST	POST	POST	POST
17	BRACE	BRACE	BRACE	BRACE	BRACE
18	CLAMP	CLAMP	CLAMP	CLAMP	CLAMP
19	WEDGE	WEDGE	WEDGE	WEDGE	WEDGE
20	SHIM	SHIM	SHIM	SHIM	SHIM

GRANTS PASS BURGER
 IN-N-OUT
 OREGON

EXHIBIT 5

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