

**URBAN AREA PLANNING COMMISSION**

**MEETING MINUTES**

**November 30, 2016 – 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. Commissioners Loree Arthur, David Kellenbeck, Lois MacMillan, Dan McVay, Blair McIntire, Vice Chair Jim Coulter were present. Commissioner Robert Wiegand was absent. Also present and representing the City was Parks & Community Development Director (hereafter: PCD Director) Lora Glover, Planning Technician Shelly Stichter, Associate Planner Gindlesperger and City Council Liaison Rick Riker.

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

**3. CONSENT AGENDA:**

**a. MINUTES: October 12, 2016**

**Pg. 1-05**

**b. FINDINGS OF FACT:**

**MOTION/VOTE**

**Commissioner MacMillan moved and Commissioner Kellenbeck seconded the motion to approve the consent agenda from October 12, 2016. The vote resulted as follows:**

**“AYES”:** Commissioners Arthur, Coulter, Fitzgerald, McIntire, and McVay. **“NAYS”:**

**None. Abstain: None. Absent: Wiegand.**

**The motion passed.**

**4. PUBLIC HEARINGS:**

**a. 201-00144-16 - Fimbres Major Variance & Minor Site Plan Review –**

**Staff Report**

**Pg. 6-19**

- Chair Fitzgerald stated, at this time I will open the public hearing to consider Application 201-00144-16: Fimbres Major Variance & Minor Site Plan Review. We will begin the hearing with a staff report followed by a presentation by the applicant, statements by persons in favor of the application, statements by persons in opposition to the application, and an opportunity for additional comments by the applicant and staff. After that has occurred, the public

comment portion will be closed and the matter will be discussed and acted upon by the Commission. 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? Seeing none are there any Commissioners who wish to disclose discussions, contacts, or other ex parte information they have received prior to this meeting regarding this application? Seeing none in this hearing the decision of the Commission will be based on specific criteria which are set forth in the development code. All testimony which applies in this case is noted in the staff report. If you would like a copy of the staff report please let us know and we will try and get you one. 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.

- PCD Director Lora Glover introduced Planning Technician, Shelly Stichter and gave the staff report.
- Michael Fimbres, 3725 Winona Road, Grants Pass, OR 97527
- Michael stated the staff report was accurate. House initially was 18" into the 20' sewer easement. They switched to an Adair home for a better fit on the property. He is okay with the conditions required by staff.

#### **MOTION/VOTE**

**Commissioner MacMillan moved and Commissioner McVay seconded the motion to approve 201-00144-16 – Fimbres Major Variance & Minor Site Plan Review. The vote resulted as follows: “AYES”: Chair Fitzgerald and Vice Chair Coulter and Commissioners Arthur, Kellenbeck, and McIntire. “Nays”: None. Abstain: None. Absent: Commissioner Weigand.**

**The motion passed.**

- b. 201-00145-16 – Wellspring Family Practice Major Modification/Discretionary Review** **Pg. 20-27**
- Chair Fitzgerald stated, at this time I will open the public hearing to consider Application 201-00145-16 – Wellspring Family Practice Major

Modification/Discretionary Review. We will begin the hearing with a staff report followed by a presentation by the applicant, statements by persons in favor of the application, statements by persons in opposition to the application, and an opportunity for additional comments by the applicant and staff. After that has occurred, the public comment portion will be closed and the matter will be discussed and acted upon by the Commission. 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? Seeing none are there any Commissioners who wish to disclose discussions, contacts, or other ex parte information they have received prior to this meeting regarding this application? Seeing none in this hearing the decision of the Commission will be based on specific criteria which are set forth in the development code. All testimony which applies in this case is noted in the staff report. If you would like a copy of the staff report please let us know and we will try and get you one. 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.

- Justin gave the staff report.
- Justin stated original application was for a 5,300 sf addition to existing medical office. A few areas of that application were deficient on the east elevation. Applicant is therefore seeking discretionary review. Applicant has requirements they need to fulfill along with trying to meet the intent of the commercial design standards.
- Steve Ennis, Architect, 1108 E. Jackson Street, Medford, OR 97504.
- Steve confirmed the Code requires window sills lower than the privacy issues the design requires.

## MOTION/VOTE

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

The motion passed.

### c. 201-00142-16 - In-N-Out Burger Major Modification/Discretionary Review Staff Report Pg. 28-36

- Chair Fitzgerald stated, at this time I will open the public hearing to consider Application 201-00142-16 – In-N- Out Burger Major Modification/Discretionary Review. We will begin the hearing with a staff report followed by a presentation by the applicant, statements by persons in favor of the application, statements by persons in opposition to the application, and an opportunity for additional comments by the applicant and staff. After that has occurred, the public comment portion will be closed and the matter will be discussed and acted upon by the Commission. 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? Seeing none are there any Commissioners who wish to disclose discussions, contacts, or other ex parte information they have received prior to this meeting regarding this application? Seeing none in this hearing the decision of the Commission will be based on specific criteria which are set forth in the development code. All testimony which applies in this case is noted in the staff report. If you would like a copy of the staff report please let us know and we will try and get you one. 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.
- Justin gave the staff report.
- The applicant is requesting modification to the east elevation by adding architectural elements in-lieu of windows along the east elevation.

- Lora stated the applicant, Jim Lockington, was unable to be present. However, they feel comfortable with the application.

#### **MOTION/VOTE**

**Commissioner MacMillan moved and Commissioner McIntire seconded the motion to accept the major modification. The vote resulted as follows: “AYES”: Chair Fitzgerald, Vice Chair Coulter, and Commissioners Arthur, Kellenbeck, MacMillan, McIntire and McVay. “NAYS”: None. Abstain: None. Absent: Commissioner Weigand.**

**The motion passed.**

#### **4. OTHER ITEMS/STAFF DISCUSSION:**

##### **a. Staff Updates – Discussion**

- Lora stated they will proceed with their goal session. Justin has accepted a position with Jackson County.

#### **5. ITEMS FROM COMMISSIONERS:**

- Commissioner Arthur submitted a list of items for consideration for Strategic Planning Goals. Discussion followed regarding the timing of and submission of the list.
- Commissioner Arthur asked for updated UGB maps when they are available.
- Commissioner MacMillan expressed concern about the traffic concerns at Panda Express. There was discussion about access and cueing issues which is one of their goals for this next year.
- Commissioner MacMillan brought up an issue concerning an application about 6 months ago for multi-family housing. A statement from a citizen against the development said to put all of those that can't afford housing in one area. There was further discussion of housing issues and increased appropriate housing.
- Commissioners discussed urban agriculture.

#### **6. ADJOURNMENT:**

Chair Fitzgerald adjourned the meeting at 7:03

Next Meeting: December 14, 2016

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Gerard Fitzgerald, Chair  
Urban Area Planning Commission

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Date

These minutes were prepared by Donna Anderson, Administration Department, City of Grants Pass.

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

**FIMBRES MAJOR VARIANCE & MINOR SITE PLAN REVIEW  
FINDINGS OF FACT**

<b>Procedure Type:</b>	Type III: Planning Commission Decision
<b>Project Number:</b>	201-00144-16 & 301-00111-16
<b>Project Type:</b>	Major Variance & Minor Site Plan Review
<b>Owner:</b>	Michael & Beverly Fimbres
<b>Applicant:</b>	Michael & Beverly Fimbres
<b>Property Address:</b>	1309 Bellevue Place
<b>Map and Tax Lot:</b>	36-05-18-AB, TL 7003
<b>Zoning:</b>	R-1-6 (City)
<b>Size:</b>	0.15 acres (6,330 square feet)
<b>Planner Assigned:</b>	Shelly Stichter
<b>Application Received:</b>	October 27, 2016
<b>Application Complete:</b>	October 28, 2016
<b>Date of Staff Report:</b>	November 9, 2016
<b>Date of Hearing :</b>	November 30, 2016
<b>Date of Findings of Fact:</b>	December 14, 2016
<b>120 Day Deadline:</b>	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. The applicant has provided a written statement .

**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. SUMMARY OF EVIDENCE:**

- A. The basic facts and criteria regarding this application are contained in the staff report, which is attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the Urban Area Planning Commission on August 24, 2016, attached as Exhibit "B", summarize the oral testimony presented and are hereby adopted and incorporated herein.
- C. PowerPoint presentation given by staff is attached as Exhibit "C".

**V. FINDINGS OF FACT:**

The Urban Area Planning Commission found that based upon the testimony given at the public hearing and the staff report, the proposal meets the criteria in Sections 6.060 and 19.042 of the Development Code based on the reasons stated in the included below.

**VI. GENERAL FINDINGS OF FACT:**

**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.

**A. 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.

**VII. FINDINGS IN 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.

**Planning Commission 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.

**Planning Commission 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.

**Planning Commission 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.

**Planning Commission 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.

**Planning Commission 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.

**Planning Commission 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 used 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.

**Planning Commission 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.

**Planning Commission 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 purposed 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.

**Planning Commission 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.

**Planning Commission 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.

**Planning Commission 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.

**Planning Commission 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.

**Planning Commission 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.

**Planning Commission 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.

**Planning Commission 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.

**Planning Commission 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.

**Planning Commission 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.

**Planning Commission 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.

**Planning Commission Response: Not applicable.** There are no noted nonconforming aspects on the property.

**VIII. DECISION AND SUMMARY:**

The Urban Area Planning Commission **APPROVED** the Major Variance to schedule 12-5 Note 4. The vote was 7-0 with Commissioners Fitzgerald, Coulter, MacMillan, Kellenbeck, Arthur, McVay and McIntire voting in favor. There were none opposed; Commissioner Wiegand was absent.

**CONDITIONS OF APPROVAL:**

**A. The following must be accomplished within 18 months of the Planning Commission's Decision and prior to issuance of a Development Permit. (Note: A Development Permit is required in order to obtain a grading permit.):**

1. 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.
2. Submit an erosion control and grading plan (Section 13.121).
3. Driveways must be paved and cannot exceed 18% slope (Section 27.121.11.d).
4. Prior to occupancy, front yard landscaping shall be installed as reflected on the approved site plan (Section 23.031).

**B. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION** this 14<sup>th</sup> day December, 2016 :

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Gerard Fitzgerald, Chair  
Urban Area Planning Commission



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

**WELLSPRING FAMILY PRACTICE  
MAJOR MODIFICATION/DISCRETIONARY REVIEW  
FINDINGS OF FACT**

<b>Procedure Type:</b>	Type III: Urban Area Planning Commission	
<b>Project Number:</b>	201-00145-16	
<b>Project Type:</b>	Major Modification – Discretionary Review	
<b>Owner:</b>	Jon and Suanna Ermshar	
<b>Agent:</b>	Steve Ennis, Architect	
<b>Property Address:</b>	1714 Williams Highway	
<b>Map and Tax Lot:</b>	36-05-19DC 1401 (proposed office) 36-05-19-CD 1800 (existing office)	
<b>Zoning:</b>	General Commercial	
<b>Parcel Size:</b>	0.75 acre	
<b>Planner Assigned:</b>	Justin Gindlesperger	
<b>Application Received:</b>	October 27, 2016	
<b>Application Complete:</b>	October 28, 2016	
<b>Date of Report:</b>	November 22, 2016	Due: 11/23/2016
<b>Date of UAPC Hearing:</b>	November 30, 2016	
<b>Date of Findings:</b>	December 14, 2016	
<b>120-Day Deadline:</b>	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.

**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. PROCEDURE:**

- A. An application for a Major Modification was submitted on October 27, 2016 and deemed complete on October 28, 2016. The application was processed in accordance with Section 2.050 of the Development Code.
- B. Public notice of the November 30, 2016 hearing was mailed on November 9, 2016, in accordance with Section 2.053 of the Development Code.
- C. A public hearing was held on November 30, 2016 and the Planning Commission voted unanimously to approve the Major Modification request with the conditions attached in the Director's Decision for the Major Site Plan Review.

### **V. SUMMARY OF EVIDENCE:**

- A. The basic facts and criteria regarding this application are contained in the Staff Report, which is attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the Urban Area Planning Commission on November 30, 2016, attached as Exhibit "B", summarize the oral testimony presented and are hereby incorporated herein.
- C. The PowerPoint given by staff is attached as Exhibit "C".

### **VI. FINDINGS OF FACT:**

The Urban Area Planning Commission found that based on the responses stated in the staff report and included below, and the minutes from the public hearing, and with the conditions in the Director's Decision for the Major Site Plan Review, the proposal meets the requirements of Section 19.052 of the City of Grants Pass Development Code.

### **VII. GENERAL FINDINGS OF FACT:**

#### **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. Background:**

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.

**VIII. FINDINGS IN 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.

**Planning Commission Response: Satisfied.** 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.

**Planning Commission Response: Satisfied.** 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.

## IX. DECISION AND SUMMARY:

The Planning Commission **APPROVED** 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). The vote was 7-0 with Commissioners Fitzgerald, Coulter, MacMillan, Arthur, Kellenbeck, McIntire and McVay in favor. None were opposed. Commissioner Wiegand was absent.

**X. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION** this 14th day of December, 2016.

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Gerard Fitzgerald, Chair



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

**IN-N-OUT BURGERS  
MAJOR MODIFICATION/DISCRETIONARY REVIEW  
FINDINGS OF FACT**

<b>Procedure Type:</b>	Type III: Urban Area Planning Commission	
<b>Project Number:</b>	201-00142-16	
<b>Project Type:</b>	Major Modification – Discretionary Review	
<b>Owner:</b>	In-N-Out Burgers	
<b>Applicant:</b>	Jim Lockington	
<b>Property Address:</b>	110 & 124 NE Morgan Lane	
<b>Map and Tax Lot:</b>	36-05-05-CD, TLs 301 & 302	
<b>Zoning:</b>	General Commercial (GC) ~ City	
<b>Size:</b>	1.49 acres	
<b>Planner Assigned:</b>	Justin Gindlesperger	
<b>Application Received:</b>	October 20, 2016	
<b>Application Complete:</b>	October 21, 2016	
<b>Date of Staff Report:</b>	November 23, 2016	Due: 10/23/2016
<b>Date of UAPC Hearing:</b>	November 30, 2016	
<b>Date of Findings:</b>	December 14, 2016	
<b>120-Day Deadline:</b>	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. 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.

**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. PROCEDURE:**

- A. An application for a Major Modification was submitted on October 20, 2016 and deemed complete on October 21, 2016. The application was processed in accordance with Section 2.050 of the Development Code.
- B. Public notice of the November 30, 2016 hearing was mailed on November 9, 2016, in accordance with Section 2.053 of the Development Code.
- C. A public hearing was held on November 30, 2016 and the Planning Commission voted unanimously to approve the Major Modification request with the conditions attached in the Director's Decision for the Major Site Plan Review.

**V. SUMMARY OF EVIDENCE:**

- A. The basic facts and criteria regarding this application are contained in the Staff Report, which is attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the Urban Area Planning Commission on November 30, 2016, attached as Exhibit "B", summarize the oral testimony presented and are hereby incorporated herein.
- C. The PowerPoint given by staff is attached as Exhibit "C".

**VI. FINDINGS OF FACT:**

The Urban Area Planning Commission found that based on the responses stated in the staff report and included below, and the minutes from the public hearing, and with the conditions in the Director's Decision for the Major Site Plan Review, the proposal meets the requirements of Section 19.052 of the City of Grants Pass Development Code.

**VII. GENERAL FINDINGS OF FACT:**

**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 7<sup>th</sup> Street; NE Morgan Lane; & Interstate 5
- 4. Access: NE 7<sup>th</sup> 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. Background:**

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.

**VIII. FINDINGS IN 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.

**Planning Commission Response: Satisfied.** 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.

**Planning Commission Response: Satisfied.** 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.

**IX. DECISION AND SUMMARY:**

The Planning Commission **APPROVED** 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). The vote was 7-0 with Commissioners Fitzgerald, Coulter, MacMillan, Arthur, Kellenbeck, McIntire and McVay in favor. None were opposed. Commissioner Wiegand was absent.

**X. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION** this 14th day of December, 2016.

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Gerard Fitzgerald, Chair