



# Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

04/15/2013

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Grants Pass Plan Amendment  
DLCD File Number 003-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, April 26, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Lora Glover, City of Grants Pass  
Gordon Howard, DLCD Urban Planning Specialist  
Josh LeBombard, DLCD Regional Representative

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

**DATE STAMP**

**DEPT OF**

**APR 10 2013**

**LAND CONSERVATION AND DEVELOPMENT**

For Office Use Only

Jurisdiction: **Grants Pass**

Local file number: **12-40500003**

Date of Adoption: **3/20/2013**

Date Mailed: **4/5/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 12/21/2012

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The adopted Development Code text amendment modifies the permitted uses in Article 17 to allow for eating and drinking establishments to be permitted uses in the Neighborhood Commercial zoning district.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **n/a**

Acres Involved: **0**

Specify Density: Previous: **n/a**

New: **n/a**

Applicable statewide planning goals:

**1** **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 003-12 (19642) [17415]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: **Lora Glover**

Phone: (541) 450-6071 Extension:

Address: **101 NW A Street**

Fax Number: **541-476-9218**

City: **Grants Pass**

Zip: **97526-**

E-mail Address: **lglover@grantspassoregon.gov**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**  
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper **only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

Ordinance amending Schedule 12-2 of the  
Development Code to permit eating and  
drinking establishments in the Neighborhood  
Commercial (NC) zoning district.

Date: March 20, 2013

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**SUBJECT AND SUMMARY:**

The Ordinance will amend Schedule 12-2 of the Development Code to permit eating and drinking establishments in the Neighborhood Commercial (NC) zoning district.

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**RELATIONSHIP TO COUNCIL GOALS:**

This activity contributes to the Council's goal to **Encourage Economic Prosperity**.

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**BACKGROUND:**

The applicant for the text amendment is the owner of the Bridge Street Market located at the corner of Bridge and Oak Streets. The applicant desires to expand the 3,850 sq. ft. grocery store by approximately 700 sq. ft. to include a neighborhood restaurant with an outdoor seating and activity area. Schedule 12-2 "Permitted Uses and Site Plan Review Procedures" of the Development Code does not allow for "eating/drinking establishments" in the NC zone. The two options available to the applicant were to apply for a "Text Amendment" to add the use of eating/drinking establishment to the permitted uses in the NC zone; or, apply for a Comprehensive Plan Map and Zoning Map Amendment to change the zoning on the property to General Commercial (GC). Both procedures have specific criteria to be met in order to gain approval. Staff's initial recommendation was that General Commercial zoning may not be appropriate in that location, making it difficult to meet the criteria for the Comprehensive Plan Map and Zoning Map Amendment for General Commercial at that site.

Currently, there are seven (7) Neighborhood Commercial (NC) zoned tracts. Six are located within the City limits, all of which are north of the river, and one (1) NC tract is located on Cloverlawn Drive in the Urban Growth Boundary. The purpose of the NC zone is to provide for small retail and service related businesses supporting residential areas. Existing development of the NC zoned tracts include small neighborhood grocery markets; a small shopping complex with a Laundromat and beauty salon; a church; and, existing residential units. The NC zoned properties have a long history of providing convenient services to their surrounding neighborhoods. The inclusion of eating/drinking establishments will further foster the sense of neighborhood/community as experienced in other urban and metropolitan areas.

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ITEM: ORDINANCE AMENDING SCHEDULE 12-2 OF THE DEVELOPMENT CODE TO PERMIT EATING AND DRINKING ESTABLISHMENTS IN THE NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT.

### Background Continued.

Note: Eating and drinking establishments must also comply with the Adult Use/Business regulations under Section 14.600 of the Development Code. Age restricted establishments are not permitted within 200 ft. of residential zones. All of the NC zoned tracts are adjacent to residential zoned properties.

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### COST IMPLICATION:

None.

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### ALTERNATIVES CONSIDERED:

1. Approve the proposal as recommended;
  2. Approve the proposal with revisions;
  3. Deny the request and adopt no amendment;
  4. Postpone the item indefinitely; or
  5. Postpone the item to a time certain.
- 

### RECOMMENDED ACTION:

The Planning Commission found that the applicable criteria were satisfied and recommended that City Council adopt the proposal.

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### POTENTIAL MOTION:

I move the Council approve the Ordinance to amend Schedule 12-2 of the Development Code to permit eating and drinking establishments in the Neighborhood Commercial zoning district.

ORDINANCE NO. 5572

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS PASS AMENDING SCHEDULE 12-2 OF THE DEVELOPMENT CODE TO PERMIT EATING AND DRINKING ESTABLISHMENTS IN THE NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT.

WHEREAS:

1. The Grants Pass and Urbanizing Area Comprehensive Community Development Plan was adopted December 15, 1982; and
2. The ordinance amends Schedule 12-2 of the Development Code; and
3. The proposal is consistent with the goals and policies of the Comprehensive Plan; and
4. The applicable criteria from the Development Code are satisfied, and approval of the proposal is recommended by the Urban Area Planning Commission to the City Council.

NOW, THEREFORE, THE CITY OF GRANTS PASS HEREBY ORDAINS:

**Section 1.** The amendment to Development Code Schedule 12-2, as set forth in Exhibit "A", is hereby adopted.

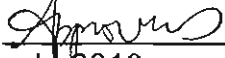
**ADOPTED** by the Council of the City of Grants Pass, Oregon, in regular session this 20<sup>th</sup> day March, 2013, with the following specific roll call vote:

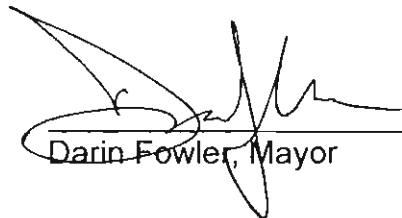
**AYES:** DeYoung, Goodwin, Hannum, Morgan, Riker, Webber and Williams

**NAYS:** None

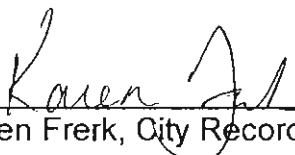
**ABSTAIN:** None

**ABSENT:** Gatlin

**SUBMITTED** to and  by the Mayor of the City of Grants Pass, Oregon, this 21 day of March, 2013.

  
Darin Fowler, Mayor

**ATTEST:**

  
Karen Frerk, City Recorder

Date submitted to Mayor: 3/21/13

Approved as to Form, Mark Bartholomew, City Attorney 

EXHIBIT D  
to CC F.O.F.

Land Use Types	UR	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
h) Residential Facility, per 14.521	P-II	P-II	P-II	P-II	P-I-C	P-I-C	P-I-C	P-I-C	P-I-C	-	-	-
i) Dwelling, Accessory	-	-	-	-	-	-	P-I-C	P-I-C	P-I-C	-	-	-
3) Trade												
a) Retail Indoor	-	-	-	-	-	-	P-II	P-(a)	P-(a)	P-(b)	-	-
b) Retail Outdoor	-	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
c) Wholesale	-	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
d) Itinerant Uses (Repealed)												
4) Services												
a) Professional Office	-	-	-	-	-	P-II	-	P-(a)	P-(a)	P-(b)	P*-(b)	-
b) Business Office	-	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	-	-
c) Limited Office	P-II	P-II	P-II	P-II	P-II	P-II	-	-	-	-	-	-
d) Repair/Maintenance, Commercial	-	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	-	P-(b)
e) Auto Service Station	-	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
<del>f) Eating/Drinking Establishment</del>	-	-	-	-	-	-	<del>P-(a)</del>	P-(a)	P-(a)	P-(b)	<del>P-(b)</del>	<del>P-(b)</del>
g) Hotel/Motel	-	-	-	-	-	-	-	P-(a)	P-(a)	-	-	-
h) RV Parks	-	-	-	-	-	-	-	P-II	-	-	-	-
i) Day Care/Family, per 14.310	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A (f)	P-I-A	P-I-A	P-I-A (f)	P-I-A (f)	P-I-A (f)
j) Day Care/Group, per 14.320	P-II	P-II	P-II	P-II	P-II	P-II	-	P-II	P-II	P-II	P-II	P-II

**Table Legend:**

P	=Permitted Use
-	=Use Not Permitted
X	=Use Specifically Prohibited (Uses defined in Article 30 as "Industrial, Prohibited")
C	=Use Conditionally Permitted (See Article 16)
I-EX	=Type I Procedure, Exempt from Development Permit Review, Section 2.033
I-AU	=Type I Procedure, Administrative Use Permit Review Only, Section 2.034
I-A	=Type I Procedure, Building Permit Serves as Development Permit, Section 2.035
I-B	=Type I Procedure, Director's Decision without Comment Period, Section 2.036
I-C	=Type I Procedure, Director's Decision with Comment Period, Section 2.037
II	=Type II Procedure, Hearings Officer's Decision, Section 2.040
III	=Type III Procedure, Planning Commission's Decision, Section 2.050
IV-A	=Type IV Procedure, City Council Decision without Planning Commission Recommendation, Section 2.060
IV-B	=Type IV Procedure, City Council Decision with Planning Commission Recommendation, Section 2.060
V	=Type V Procedure, Joint Board of County Commissioners & City Council Decision with Planning Commission Recommendation, Section 2.070
*	=Professional Office use permitted in the Industrial Park District only when subject property is located within the Medical Overlay District.

**Table Notes:**

- (a) A Type II Procedure is required if the subject property adjoins a residential zone, otherwise a Type I-C Procedure is required.
- (b) A Type II Procedure is required if the subject property adjoins a residential or commercial zone, otherwise Type I-C Procedure is required.
- (c) Type I-A, except the following are exempt (Type I-EX): operation, maintenance, repair, and preservation of existing transportation facilities; dedication or public acquisition of rights-of-way and easements; authorization of construction and construction of facilities and improvements, where the improvements are within the existing right-of-way or easement area or are consistent with clear and objective dimensional standards; and emergency measures necessary for the safety and protection of property.
- (d) Manufactured Dwelling Parks are not permitted in commercial or industrial zones or commercial or industrial Comprehensive Plan land use districts. Siting of an individual home within an approved manufactured dwelling park requires a Type I-A procedure.
- (e) An existing residential dwelling unit is a permitted use in this zone. In zones where a new residential dwelling unit is not a permitted use, this provision allows the existing residential dwelling unit to continue or expand without being subject to the nonconforming use provisions of the Development Code. There may be nonconforming development provisions that are applicable. If an existing dwelling unit is removed in a zone where a new dwelling unit is not permitted, it shall not be replaced.
- In zones where a new residential dwelling unit is not a permitted use, this provision does not allow for expansion that increases the number of dwelling units.
- In zones where a new residential dwelling unit is not a permitted use, this provision allows for a new residential accessory structure or accessory use associated with the existing residential dwelling.
- (f) These uses are permitted within an existing dwelling unit only, since a new dwelling unit is not permitted in the zoning district.
- (g) A commercial or industrial accessory building of 400 square feet or less that comprises less than 25 percent of the existing floor area of buildings and meets the definition of a minor modification in Section 19.058 of this Code is reviewed through a Type I-A procedure. All other commercial or industrial accessory buildings are subject to the applicable site plan review procedures.
- (h) A Type I-A Procedure is required for water and sewer pump stations. All other minor public facilities are reviewed through the procedure specified in the table.
- (i) A Type III Procedure is required if the tower height exceeds the zone height limit, otherwise a Type II Procedure is required.

EXHIBIT A

**CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT**

**NEIGHBORHOOD COMMERCIAL DEVELOPMENT CODE TEXT AMENDMENT  
EATING/DRINKING ESTABLISHMENTS  
CITY COUNCIL FINDINGS OF FACT-TYPE IV**

<b>Procedure Type:</b>	Type IV: Planning Commission Recommendation and City Council Decision
<b>Project Number:</b>	12-40500003
<b>Project Type:</b>	Development Code Text Amendment
<b>Applicants:</b>	Amjo, LLC., Merrily Nealy
<b>Planner Assigned:</b>	Lora Glover
<b>Application Received:</b>	December 7, 2012
<b>Application Complete:</b>	December 7, 2012
<b>Date of Planning Commission Staff Report:</b>	February 6, 2013
<b>Date of Planning Commission Hearing:</b>	February 13, 2013
<b>Date of Planning Commission Findings of Fact:</b>	February 27, 2013
<b>Date of City Council Staff Report:</b>	March 12, 2013
<b>Date of City Council Hearing:</b>	March 20, 2013
<b>Findings of Fact Signed:</b>	April 3, 2013

**I. PROPOSAL:**

A Development Code text amendment to amend Schedule 12-2 to include eating and drinking establishments as a permitted use in the Neighborhood Commercial (NC) zoning district.

**II. AUTHORITY AND CRITERIA:**

Section 4.102 of the City of Grants Pass Development Code provides the procedure for initiation of Development Code text amendments. The proposed amendment was initiated by the owner of the Bridge Street Market (Assessor's Map 36-05-18-DC, TLs 4400, 4600 & 4700). The tract is located within the City Limits.

Schedule 2-1 specifies that a Development Code Text Amendment is reviewed as a Type IV-B procedure. Sections 2.060, 7.040 and 7.050 authorize the Urban Area Planning Commission to make a recommendation to the City Council and authorize the City Council to make a final decision on a land use matter requiring a Type IV procedure, in accordance with the procedures of Section 2.060.

The applicable criteria from the Development Code are found in Section 4.103 of the Development Code.

### **III. APPEAL PROCEDURE:**

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

### **IV. PROCEDURE:**

- A. The application was submitted and deemed complete on December 7, 2012. The application was processed in accordance with Section 2.060 of the Development Code, and Sections III and V of the 1998 Intergovernmental Agreement.
- B. Notice of the proposed amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on December 21, 2012, in accordance with ORS 197.610 and OAR Chapter 660-Division 18.
- C. Notice of the proposed amendment was mailed to Josephine County on December 21, 2012, in accordance with the 1998 Intergovernmental Agreement.
- D. Notice of the proposed amendment, the February 13, 2013, Planning Commission hearing, and the March 20, 2013, City Council hearing was mailed to parties specified in Section 2.053(1) of the Development Code on January 23, 2013, and December 21, 2012, in accordance with Sections 2.053 and 2.063 of the Development Code.
- E. Notice of the proposed amendment and the February 13, 2013, Planning Commission hearing was published in the newspaper on February 6, 2013, in accordance with Section 2.053(2) of the Development Code.
- F. A public hearing was held by the Planning Commission on February 13, 2013, to consider the proposal and make a recommendation to City Council. The Planning Commission made a recommendation to the City Council.
- G. Notice of the proposed amendment and the March 20, 2013, City Council hearing was published in the newspaper on March 13, 2013, in accordance with Section 2.053(2) of the Development Code.
- H. A public hearing was held by the City Council on March 20, 2013, to consider the proposal. The City Council approved the ordinance on March 20, 2013.

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

- A. The basic facts and criteria regarding this application are contained in the March 12, 2013, City Council staff report and its exhibits, which are attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the City Council on March 20, 2013, which are attached as Exhibit "B", summarize the oral testimony presented and are hereby adopted and incorporated herein.

- C. The PowerPoint presentation given by staff at the March 20, 2013, City Council hearing is attached as Exhibit "C" and incorporated herein.
- D. The ordinance with the final text which incorporates the text of this proposal is attached as Exhibit "D" and incorporated herein.

## **VI. GENERAL FINDINGS AND DISCUSSION:**

The applicant for the text amendment is the owner of the Bridge Street Market located at the corner of Bridge and Oak Streets. The applicant desires to expand the 3,850 sq. ft. grocery store by approximately 700 sq. ft. to include a neighborhood restaurant with an outdoor seating and activity area. Schedule 12-2 "Permitted Uses and Site Plan Review Procedures" of the Development Code does not allow for "eating/drinking establishments" in the NC zone. The two options available to the applicant were to apply for a "Text Amendment" to add the use of eating/drinking establishment to the permitted uses in the NC zone; or, apply for a Comprehensive Plan Map and Zoning Map Amendment to change the zoning on the property to General Commercial (GC). Both procedures have specific criteria to be met in order to gain approval. Staff's initial recommendation was that General Commercial zoning may not be appropriate in that location, making it difficult to meet the criteria for the Comprehensive Plan Map and Zoning Map Amendment for General Commercial at that site.

Currently, there are seven (7) Neighborhood Commercial (NC) zoned tracts. Six are located within the City limits, all of which are north of the river, and one (1) NC tract is located on Cloverlawn Drive in the Urban Growth Boundary. The purpose of the NC zone is to provide for small retail and service related businesses supporting residential areas. Existing development of the NC zoned tracts include small neighborhood grocery markets; a small shopping complex with a Laundromat and beauty salon; a church; and, existing residential units. The NC zoned properties have a long history of providing convenient services to their surrounding neighborhoods. The inclusion of eating/drinking establishments will further foster the sense of neighborhood/community as experienced in other urban and metropolitan areas.

Note: Eating and drinking establishments must also comply with the Adult Use/Business regulations under Section 14.600 of the Development Code. Age restricted establishments are not permitted within 200 ft. of residential zones. All of the NC zoned tracts are adjacent to residential zoned properties.

## **VII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:**

*The City Council found the criteria of Section 4.103 of the Development Code are satisfied and approved the amendment.*

### **SECTION 4.103:**

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

**City Council Response: Satisfied.** The proposal amends Schedule 12-2 of the Development Code. The purpose statements for applicable Development Code sections, which include Section 12.011 ~ Zoning Districts, Section 12.221 ~ Neighborhood Commercial District, are included below:

## Article 12. Zoning Districts

12.011. Purpose. The purpose of this Article is as follows:

- (1) To implement the policies and Land Use Map of the Comprehensive Plan;
- (2) To protect the right to use and enjoy real property;
- (3) To protect the health, safety and welfare of the community;
- (4) To serve as a basis for resolving land use conflict.

12.221 Neighborhood Commercial District (NC). The purpose of the Neighborhood Commercial District is to provide locations for small businesses which serve the retail and personal services needs within residential zoning districts. The businesses are intended to be limited in size to fit into residential patterns of development without creating land use, architectural or traffic conflicts.

**Response:** The allowance of eating/drinking establishments will continue to provide for small retail and service businesses in residential areas, promoting livability and convenience for area residents. The relatively small acreage sizes of the existing NC zoned tracts, will limit any potential impact from development of eating/drinking establishments.

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

**City Council Response: Satisfied.** The proposed amendment is internally consistent with other provisions of the Development Code. The proposed amendment will not negatively affect the base development standards for the Neighborhood Commercial zoning district. The amendment to Schedule 12-2, is appropriate to the intent and purpose of Section 12.221.

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

**City Council Response: Satisfied. See below**

### Comprehensive Plan Consistency

The proposed amendment is consistent with the goals and policies of the Comprehensive Plan. Applicable goals and policies are contained in *Element 8 (Economy)* and *Element 13 (Land Use)*:

Policy 8.1(e). The City and County shall endeavor to improve, expand, diversity and stabilize the economic base of the community by protecting existing and planned commercial and industrial areas from the intrusion of incompatible land uses through land use regulation.

**Response:** The proposed text amendment is consistent with the policy noted above by providing for small scale mixed commercial retail and service uses to sustain area neighborhoods. The amendment will further support the economic base of the community.

**Element 13. Land Use.**

Goal. To provide a vision of the future through maps and policies that shall guide and inform the land use decisions of the present, in such a manner that: (c) does not exceed the carrying capacity of the area's air, land and water resource... and (d) is responsive to the wishes of the citizens and property owners of the planning area.

**Response:** The Development Code standards and procedures shall act to streamline the land development process, and shall contain standards and procedures for land use actions that are clear, objective, and non-arbitrary. The public hearing process provides the opportunity to determine whether the efficient use of the land as proposed by the property owners' amendment would also be responsive to the wishes of citizens.

**Most Effective Alternative**

The alternative to approving the proposal is to retain the existing uses for the NC zone listed within the Development Code. The proposed amendment more effectively carries out the goals and policies stated above.

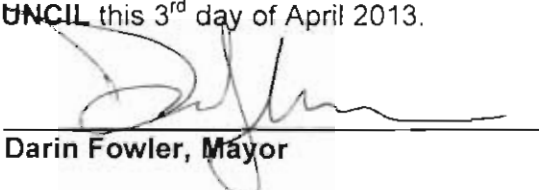
**CRITERION 4:** The proposed amendment is consistent with the functions, capacities, and performance standards of transportation facilities identified in the Master Transportation Plan.

**City Council Response: Satisfied.** The proposed amendment is not expected to affect the functions, capacities, or performance standards of transportation facilities identified in the Master Transportation Plan (MTP). Commercial uses permitted within the NC zone are subject to site plan review. New development must address traffic impacts for any specific proposal or intensity of use consistent with the provisions of Section 27.121(3) of the Development Code.

**VIII. DECISION AND SUMMARY:**

City Council **APPROVED** the proposed amendment, as presented in Ordinance 5572. The vote was 8-0-0, with Councilors Morgan, DeYoung, Williams, Riker, Webber, Gatlin, Goodwin, and Hannum in favor and none opposed.

XI. FINDINGS APPROVED AND DECISION ADOPTED BY THE GRANTS PASS CITY  
COUNCIL this 3<sup>rd</sup> day of April 2013.

  
\_\_\_\_\_  
Darin Fowler, Mayor

**CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT**

**NEIGHBORHOOD COMMERCIAL CODE TEXT AMENDMENT  
EATING/DRINKING ESTABLISHMENTS  
CITY COUNCIL STAFF REPORT-TYPE IV**

<b>Procedure Type:</b>	Type IV: Planning Commission Recommendation and City Council Decision
<b>Project Number:</b>	12-40500003
<b>Project Type:</b>	Development Code Text Amendment
<b>Applicants:</b>	Amjo, LLC., Merrily Nealy
<b>Planner Assigned:</b>	Lora Glover
<b>Application Received:</b>	December 7, 2012
<b>Application Complete:</b>	December 7, 2012
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<b>Date of Planning Commission Hearing:</b>	February 13, 2013
<b>Date of Planning Commission Findings of Fact:</b>	February 27, 2013
<b>Date of City Council Staff Report:</b>	March 12, 2013
<b>Date of City Council Hearing:</b>	March 20, 2013

**I. PROPOSAL:**

The proposal as recommended by the Urban Area Planning Commission is to amend Schedule 12-2 of the Development Code to permit eating and drinking establishments in the Neighborhood Commercial (NC) zoning district. See *Exhibit A* of the Ordinance or *Exhibit 1.A.1* of this report for the text amendment as recommended by the Commission.

**II. AUTHORITY AND CRITERIA:**

Section 4.102 of the City of Grants Pass Development Code provides the procedure for initiation of Development Code text amendments. The proposed amendment was initiated by the owner of the Bridge Street Market (Assessor's Map 36-05-18-DC, TLs 4400, 4600 & 4700). The tract is located within the City Limits.

Schedule 2-1 specifies that a Development Code Text Amendment is reviewed as a Type IV-B procedure. Sections 2.060, 7.040 and 7.050 authorize the Urban Area Planning Commission to make a recommendation to the City Council and authorize the City Council to make a final decision on a land use matter requiring a Type IV procedure, in accordance with the procedures of Section 2.060.

The applicable criteria from the Development Code to be met are found in Section 4.103 of the Development Code.

### **III. APPEAL PROCEDURE:**

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

### **IV. BACKGROUND AND DISCUSSION:**

Detailed background and discussion is provided in the Planning Commission's Findings of Fact (see **Exhibit 1**).

### **V. CONFORMANCE WITH APPLICABLE CRITERIA**

Detailed findings of conformance with applicable criteria are provided in the Planning Commission's Findings of Fact (see **Exhibit 1**).

### **VI. CITY COUNCIL ACTION:**

#### **A. Positive Action:**

1. Approve the proposal as recommended.
2. Approve the proposal with revisions (list):

#### **B. Negative Action: deny the request and adopt no amendments for the following reasons (list):**

#### **C. Postponement: Continue item**

1. Indefinitely.
2. To a date and time certain.

### **VII. INDEX TO EXHIBITS:**

1. Planning Commission's Findings of Fact and Exhibits:
  - A. UAPC Staff Report and Exhibits:
    1. Revised Schedule 12-2
  - B. UAPC Minutes dated February 13, 2013
  - C. PowerPoint Presentation dated February 13, 2013

**CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT**

**NEIGHBORHOOD COMMERCIAL CODE TEXT AMENDMENT  
EATING/DRINKING ESTABLISHMENTS  
PLANNING COMMISSION FINDINGS OF FACT-TYPE IV**

<b>Procedure Type:</b>	Type IV: Planning Commission Recommendation and City Council Decision
<b>Project Number:</b>	12-40500003
<b>Project Type:</b>	Development Code Text Amendment
<b>Applicants:</b>	Amjo, LLC., Merrily Nealy
<b>Planner Assigned:</b>	Lora Glover
<b>Application Received:</b>	December 7, 2012
<b>Application Complete:</b>	December 7, 2012
<b>Date of Planning Commission Staff Report:</b>	February 6, 2013 Due: 2/6/2013
<b>Date of Planning Commission Hearing:</b>	February 13, 2013
<b>Date of Planning Commission Findings of Fact:</b>	February 27, 2013

**I. PROPOSAL:**

The proposal is to amend Schedule 12-2 of the Development Code to permit eating and drinking establishments in the Neighborhood Commercial (NC) zoning district.

**II. AUTHORITY AND CRITERIA:**

Section 4.102 of the City of Grants Pass Development Code provides the procedure for initiation of Development Code text amendments. The proposed amendment was initiated by the owner of the Bridge Street Market (Assessor's Map 36-05-18-DC, TLs 4400, 4600 & 4700). The tract is located within the City Limits.

Schedule 2-1 specifies that a Development Code Text Amendment is reviewed as a Type IV-B procedure. Sections 2.060, 7.040 and 7.050 authorize the Urban Area Planning Commission to make a recommendation to the City Council and authorize the City Council to make a final decision on a land use matter requiring a Type IV procedure, in accordance with the procedures of Section 2.060.

**III. APPEAL PROCEDURE:**

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

#### **IV. PROCEDURE:**

- A. An application for a Development Code text amendment was submitted and deemed complete on December 7, 2012. The application was processed in accordance with Section 2.060 of the Development Code and Sections III and V of the 1998 Intergovernmental Agreement.
- B. Notice of the proposed amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on December 21, 2012, in accordance with ORS 197.610 and OAR Chapter 660-Division 18.
- C. Notice of the proposed amendment was mailed to Josephine County on December 21, 2012, in accordance with the 1998 Intergovernmental Agreement.
- D. Notice of the February 13, 2013, Planning Commission hearing was mailed to potentially interested parties on January 23, 2013.
- E. Public notice of the February 13, 2013, Planning Commission hearing was published in the newspaper on February 6, 2013, in accordance with Sections 2.053 and 2.063 of the Development Code.
- F. A public hearing was held by the Planning Commission on February 13, 2013, to consider the proposal and make a recommendation to City Council.

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

- A. The basic facts and criteria regarding this application are contained in the February 13, 2013, Planning Commission staff report and its exhibits, which are attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the Urban Area Planning Commission on February 13, 2013, which are attached as Exhibit "B", summarize the oral testimony presented and are hereby adopted and incorporated herein.
- C. The PowerPoint presentation given by staff at the February 13, 2013, Planning Commission hearing is attached as Exhibit "C" and incorporated herein.

#### **VI. GENERAL FINDINGS AND DISCUSSION:**

The applicant for the text amendment is the owner of the Bridge Street Market located at the corner of Bridge and Oak Streets. The applicant desires to expand the 3,850 sq. ft. grocery store by approximately 700 sq. ft. to include a neighborhood restaurant with an outdoor seating and activity area. Schedule 12-2 "Permitted Uses and Site Plan Review Procedures" of the Development Code does not allow for "eating/drinking establishments" in the NC zone. The two options available to the applicant were to apply for a "Text Amendment" to add the use of eating/drinking establishment to the permitted uses in the NC zone; or, apply for a Comprehensive Plan Map and Zoning Map Amendment to change the zoning on the property to General Commercial (GC). Both procedures have specific criteria to be met in order to gain approval. Staff's initial recommendation was that General Commercial zoning may not be appropriate in that location, making it difficult to meet the criteria for the Comprehensive Plan Map and Zoning Map Amendment for General Commercial at that site.

Currently, there are seven (7) Neighborhood Commercial (NC) zoned tracts. Six are located within the City limits, all of which are north of the river, and one (1) NC tract is located on Cloverlawn Drive in the Urban Growth Boundary. The purpose of the NC zone is to provide for small retail and service related businesses supporting residential areas. Existing development of the NC zoned tracts include small neighborhood grocery markets; a small shopping complex with a Laundromat and beauty salon; a church; and, existing residential units. The NC zoned properties have a long history of providing convenient services to their surrounding neighborhoods. The inclusion of eating/drinking establishments will further foster the sense of neighborhood/community as experienced in other urban and metropolitan areas.

Note: Eating and drinking establishments must also comply with the Adult Use/Business regulations under Section 14.600 of the Development Code. Age restricted establishments are not permitted within 200 ft. of residential zones. All of the NC zoned tracts are adjacent to residential zoned properties.

## **VII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:**

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

### **SECTION 4.103:**

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

**Planning Commission Response: Satisfied.** The proposal amends Schedule 12-2 of the Development Code. The purpose statements for applicable Development Code sections, which include Section 12.011 ~ Zoning Districts, Section 12.221 ~ Neighborhood Commercial District, are included below:

#### **Article 12. Zoning Districts**

12.011. Purpose. The purpose of this Article is as follows:

- (1) To implement the policies and Land Use Map of the Comprehensive Plan;
- (2) To protect the right to use and enjoy real property;
- (3) To protect the health, safety and welfare of the community;
- (4) To serve as a basis for resolving land use conflict.

12.221 Neighborhood Commercial District (NC). The purpose of the Neighborhood Commercial District is to provide locations for small businesses which serve the retail and personal services needs within residential zoning districts. The businesses are intended to be limited in size to fit into residential patterns of development without creating land use, architectural or traffic conflicts.

**Response:** The allowance of eating/drinking establishments will continue to provide for small retail and service businesses in residential areas, promoting livability and convenience for area residents. The relatively small acreage sizes of the existing NC zoned tracts, will limit any potential impact from development of eating/drinking establishments.

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

**Planning Commission Response: Satisfied.** The proposed amendment is internally consistent with other provisions of the Development Code. The proposed amendment will not negatively affect the base development standards for the Neighborhood Commercial zoning district. The amendment to Schedule 12-2, is appropriate to the intent and purpose of Section 12.221.

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

**Planning Commission Response: Satisfied. See below**

**Comprehensive Plan Consistency**

The proposed amendment is consistent with the goals and policies of the Comprehensive Plan. Applicable goals and policies are contained in *Element 8 (Economy)* and *Element 13 (Land Use)*:

Policy 8.1(e). The City and County shall endeavor to improve, expand, diversity and stabilize the economic base of the community by protecting existing and planned commercial and industrial areas from the intrusion of incompatible land uses through land use regulation.

**Response:** The proposed text amendment is consistent with the policy noted above by providing for small scale mixed commercial retail and service uses to sustain area neighborhoods. The amendment will further support the economic base of the community.

**Element 13. Land Use.**

Goal. To provide a vision of the future through maps and policies that shall guide and inform the land use decisions of the present, in such a manner that: (c) does not exceed the carrying capacity of the area's air, land and water resource... and (d) is responsive to the wishes of the citizens and property owners of the planning area.

**Response:** The Development Code standards and procedures shall act to streamline the land development process, and shall contain standards and procedures for land use actions that are clear, objective, and non-arbitrary. The public hearing process provides the opportunity to

determine whether the efficient use of the land as proposed by the property owners' amendment would also be responsive to the wishes of citizens.

**Most Effective Alternative**

The alternative to approving the proposal is to retain the existing uses for the NC zone listed within the Development Code. The proposed amendment more effectively carries out the goals and policies stated above.

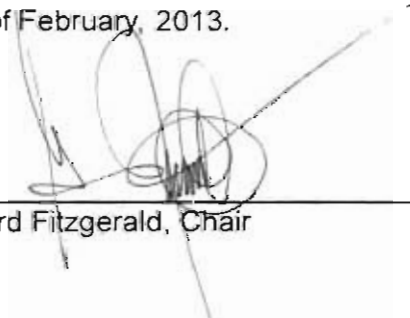
**CRITERION 4:** The proposed amendment is consistent with the functions, capacities, and performance standards of transportation facilities identified in the Master Transportation Plan.

**Planning Commission Response: Satisfied.** The proposed amendment is not expected to affect the functions, capacities, or performance standards of transportation facilities identified in the Master Transportation Plan (MTP). Commercial uses permitted within the NC zone are subject to site plan review. New development must address traffic impacts for any specific proposal or intensity of use consistent with the provisions of Section 27.121(3) of the Development Code.

**VIII. RECOMMENDATION:**

The Planning Commission found that the applicable criteria are satisfied and recommended that the proposed amendment to Schedule 12-1 of the Development Code as set forth in Exhibit 1 of the Staff Report, be forwarded to the City Council for adoption. The vote was 8-0, with Commissioners MacMillian, Fitzgerald, Regan, Coulter, Arthur, McIntire, Kellenbeck and McVay in favor.

**IX. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION this 27<sup>th</sup> day of February, 2013.**

  
\_\_\_\_\_  
Gerard Fitzgerald, Chair

**CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT**

**NEIGHBORHOOD COMMERCIAL CODE TEXT AMENDMENT  
EATING/DRINKING ESTABLISHMENTS  
PLANNING COMMISSION STAFF REPORT-TYPE IV**

<b>Procedure Type:</b>	Type IV: Planning Commission Recommendation and City Council Decision	
<b>Project Number:</b>	12-40500003	
<b>Project Type:</b>	Development Code Text Amendment	
<b>Applicants:</b>	Amjo, LLC., Merrily Nealy	
<b>Planner Assigned:</b>	Lora Glover	
<b>Application Received:</b>	December 7, 2012	
<b>Application Complete:</b>	December 7, 2012	
<b>Date of Planning Commission Staff Report:</b>	February 6, 2013	Due: 2/6/2013
<b>Date of Planning Commission Hearing:</b>	February 13, 2013	

**I. PROPOSAL:**

The proposal is to amend Schedule 12-2 of the Development Code to permit eating and drinking establishments in the Neighborhood Commercial (NC) zoning district (see **Exhibit 1**).

**II. AUTHORITY AND CRITERIA:**

Section 4.102 of the City of Grants Pass Development Code provides the procedure for initiation of Development Code text amendments. The proposed amendment was initiated by the owner of the Bridge Street Market (Assessor's Map 36-05-18-DC, TLs 4400, 4600 & 4700). The tract is located within the City Limits.

Schedule 2-1 specifies that a Development Code Text Amendment is reviewed as a Type IV-B procedure. Sections 2.060, 7.040 and 7.050 authorize the Urban Area Planning Commission to make a recommendation to the City Council and authorize the City Council to make a final decision on a land use matter requiring a Type IV procedure, in accordance with the procedures of Section 2.060.

**III. APPEAL PROCEDURE:**

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

**IV. BACKGROUND AND DISCUSSION:**

The applicant for the text amendment is the owner of the Bridge Street Market located at the corner of Bridge and Oak Streets. The applicant desires to expand the 3,850 sq. ft. grocery store by approximately 700 sq. ft. to include a neighborhood restaurant with an outdoor seating

and activity area. Schedule 12-2 "Permitted Uses and Site Plan Review Procedures" of the Development Code does not allow for "eating/drinking establishments" in the NC zone. The two options available to the applicant were to apply for a "Text Amendment" to add the use of eating/drinking establishment to the permitted uses in the NC zone; or, apply for a Comprehensive Plan Map and Zoning Map Amendment to change the zoning on the property to General Commercial (GC). Both procedures have specific criteria to be met in order to gain approval. Staff's initial recommendation was that General Commercial zoning may not be appropriate in that location, making it difficult to meet the criteria for the Comprehensive Plan Map and Zoning Map Amendment for General Commercial at that site.

Currently, there are seven (7) Neighborhood Commercial (NC) zoned tracts. Six are located within the City limits, all of which are north of the river, and one (1) NC tract is located on Cloverlawn Drive in the Urban Growth Boundary. The purpose of the NC zone is to provide for small retail and service related businesses supporting residential areas. Existing development of the NC zoned tracts include small neighborhood grocery markets; a small shopping complex with a Laundromat and beauty salon; a church; and, existing residential units. The NC zoned properties have a long history of providing convenient services to their surrounding neighborhoods. The inclusion of eating/drinking establishments will further foster the sense of neighborhood/community as experienced in other urban and metropolitan areas.

Note: Eating and drinking establishments must also comply with the Adult Use/Business regulations under Section 14.600 of the Development Code. Age restricted establishments are not permitted within 200 ft. of residential zones. All of the NC zoned tracts are adjacent to residential zoned properties.

#### **V. CONFORMANCE WITH APPLICABLE CRITERIA:**

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

#### **SECTION 4.103:**

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

**Staff Response: Satisfied.** The proposal amends Schedule 12-2 of the Development Code. The purpose statements for applicable Development Code sections, which include Section 12.011 ~ Zoning Districts, Section 12.221 ~ Neighborhood Commercial District, are included below:

#### **Article 12. Zoning Districts**

12.011. Purpose. The purpose of this Article is as follows:

- (1) To implement the policies and Land Use Map of the Comprehensive Plan;
- (2) To protect the right to use and enjoy real property;
- (3) To protect the health, safety and welfare of the community;
- (4) To serve as a basis for resolving land use conflict.

12.221 Neighborhood Commercial District (NC). The purpose of the Neighborhood Commercial District is to provide locations for small businesses which serve the retail and personal services needs within residential zoning districts. The businesses are intended to be limited in size to fit into residential patterns of development without creating land use, architectural or traffic conflicts.

**Response:** The allowance of eating/drinking establishments will continue to provide for small retail and service businesses in residential areas, promoting livability and convenience for area residents. The relatively small acreage sizes of the existing NC zoned tracts, will limit any potential impact from development of eating/drinking establishments.

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

**Staff Response: Satisfied.** The proposed amendment is internally consistent with other provisions of the Development Code. The proposed amendment will not negatively affect the base development standards for the Neighborhood Commercial zoning district. The amendment to Schedule 12-2, is appropriate to the intent and purpose of Section 12.221.

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

**Staff Response: Satisfied. See below**

**Comprehensive Plan Consistency**

The proposed amendment is consistent with the goals and policies of the Comprehensive Plan. Applicable goals and policies are contained in *Element 8 (Economy)* and *Element 13 (Land Use)*:

Policy 8.1(e). The City and County shall endeavor to improve, expand, diversity and stabilize the economic base of the community by protecting existing and planned commercial and industrial areas from the intrusion of incompatible land uses through land use regulation.

**Response:** The proposed text amendment is consistent with the policy noted above by providing for small scale mixed commercial retail and service uses to sustain area neighborhoods. The amendment will further support the economic base of the community.

**Element 13. Land Use.**

Goal. To provide a vision of the future through maps and policies that shall guide and inform the land use decisions of the present, in such a manner that: (c) does not exceed the carrying capacity of the area's air,

land and water resource... and (d) is responsive to the wishes of the citizens and property owners of the planning area.

**Response:** The Development Code standards and procedures shall act to streamline the land development process, and shall contain standards and procedures for land use actions that are clear, objective, and non-arbitrary. The public hearing process provides the opportunity to determine whether the efficient use of the land as proposed by the property owners' amendment would also be responsive to the wishes of citizens.

**Most Effective Alternative**

The alternative to approving the proposal is to retain the existing uses for the NC zone listed within the Development Code. The proposed amendment more effectively carries out the goals and policies stated above.

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

**Staff Response: Satisfied.** The proposed amendment is not expected to affect the functions, capacities, or performance standards of transportation facilities identified in the Master Transportation Plan (MTP). Commercial uses permitted within the NC zone are subject to site plan review. New development must address traffic impacts for any specific proposal or intensity of use consistent with the provisions of Section 27.121(3) of the Development Code.

**VI. RECOMMENDATION:**

Staff recommends the Planning Commission **RECOMMEND APPROVAL** of the proposed amendment to City Council, as presented in ***Exhibit 1***.

**VII. PLANNING COMMISSION ACTION:**

- A. Positive Action: Recommend that City Council approve the request:
  - 1. as submitted
  - 2. with revisions recommended by the Planning Commission (list):
- B. Negative Action: Recommend that City Council deny the request for the following reasons (list):
- C. Postponement: Continue item
  - 1. indefinitely.
  - 2. to a time certain.

**NOTE:** The application is a legislative amendment and is not subject to the 120-day limit.

**VIII. INDEX TO EXHIBITS:**

1. Schedule 12-2 with proposed amendment

Land Use Types	UR	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
h) Residential Facility, per 14.521	P-II	P-I	P-II	P-II	P-I-C	P-I-C	P-I-C	P-I-C	P-I-C	-	-	-
i) Dwelling, Accessory	-	-	-	-	-	-	P-I-C	P-I-C	P-I-C	-	-	-
3) Trade												
a) Retail Indoor	-	-	-	-	-	-	P-II	P-(a)	P-(a)	P-(b)	-	-
b) Retail Outdoor	-	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
c) Wholesale	-	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
d) Itinerant Uses (Repealed)												
4) Services												
a) Professional Office	-	-	-	-	-	P-II	-	P-(a)	P-(a)	P-(b)	P*(b)	-
b) Business Office	-	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	-	-
c) Limited Office	P-II	P-II	P-II	P-II	P-II	P-II	-	-	-	-	-	-
d) Repair/Maintenance, Commercial	-	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	-	P-(b)
e) Auto Service Station	-	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
f) Eating/Drinking Establishment	-	-	-	-	-	-	P-(a)	P-(a)	P-(a)	P-(b)	-	P-(b)
g) Hotel/Motel	-	-	-	-	-	-	-	P-(a)	P-(a)	-	-	-
h) RV Parks	-	-	-	-	-	-	-	P-II	-	-	-	-
i) Day Care/Family, per 14.310	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A (f)	P-I-A	P-I-A	P-I-A (f)	P-I-A (f)	P-I-A (f)
j) Day Care/Group, per 14.320	P-II	P-II	P-II	P-II	P-II	P-II	-	P-II	P-II	P-II	P-II	P-II

**Table Legend:**

P	=Permitted Use
-	=Use Not Permitted
X	=Use Specifically Prohibited (Uses defined in Article 30 as "Industrial, Prohibited")
C	=Use Conditionally Permitted (See Article 16)
I-EX	=Type I Procedure, Exempt from Development Permit Review, Section 2.033
I-AU	=Type I Procedure, Administrative Use Permit Review Only, Section 2.034
I-A	=Type I Procedure, Building Permit Serves as Development Permit, Section 2.035
I-B	=Type I Procedure, Director's Decision without Comment Period, Section 2.036
I-C	=Type I Procedure, Director's Decision with Comment Period, Section 2.037
II	=Type II Procedure, Hearings Officer's Decision, Section 2.040
III	=Type III Procedure, Planning Commission's Decision, Section 2.050
IV-A	=Type IV Procedure, City Council Decision without Planning Commission Recommendation, Section 2.060
IV-B	=Type IV Procedure, City Council Decision with Planning Commission Recommendation, Section 2.060
V	=Type V Procedure, Joint Board of County Commissioners & City Council Decision with Planning Commission Recommendation, Section 2.070
*	=Professional Office use permitted in the Industrial Park District only when subject property is located within the Medical Overlay District.

**Table Notes:**

- (a) A Type II Procedure is required if the subject property adjoins a residential zone, otherwise a Type I-C Procedure is required.
- (b) A Type II Procedure is required if the subject property adjoins a residential or commercial zone, otherwise Type I-C Procedure is required.
- (c) Type I-A, except the following are exempt (Type I-EX): operation, maintenance, repair, and preservation of existing transportation facilities; dedication or public acquisition of rights-of-way and easements; authorization of construction and construction of facilities and improvements, where the improvements are within the existing right-of-way or easement area or are consistent with clear and objective dimensional standards; and emergency measures necessary for the safety and protection of property.
- (d) Manufactured Dwelling Parks are not permitted in commercial or industrial zones or commercial or industrial Comprehensive Plan land use districts. Siting of an individual home within an approved manufactured dwelling park requires a Type I-A procedure.
- (e) An existing residential dwelling unit is a permitted use in this zone. In zones where a new residential dwelling unit is not a permitted use, this provision allows the existing residential dwelling unit to continue or expand without being subject to the nonconforming use provisions of the Development Code. There may be nonconforming development provisions that are applicable. If an existing dwelling unit is removed in a zone where a new dwelling unit is not permitted, it shall not be replaced.
- In zones where a new residential dwelling unit is not a permitted use, this provision does not allow for expansion that increases the number of dwelling units.
- In zones where a new residential dwelling unit is not a permitted use, this provision allows for a new residential accessory structure or accessory use associated with the existing residential dwelling.
- (f) These uses are permitted within an existing dwelling unit only, since a new dwelling unit is not permitted in the zoning district.
- (g) A commercial or industrial accessory building of 400 square feet or less that comprises less than 25 percent of the existing floor area of buildings and meets the definition of a minor modification in Section 19.058 of this Code is reviewed through a Type I-A procedure. All other commercial or industrial accessory buildings are subject to the applicable site plan review procedures.
- (h) A Type I-A Procedure is required for water and sewer pump stations. All other minor public facilities are reviewed through the procedure specified in the table.
- (i) A Type III Procedure is required if the tower height exceeds the zone height limit, otherwise a Type II Procedure is required.

**URBAN AREA PLANNING COMMISSION**

**MEETING MINUTES**

**February 13, 2013 – 6:00 P.M.**

**Council Chambers**

**1. ROLL CALL:**

The Urban Area Planning Commission met in regular session on the above date with Chair Lois MacMillan presiding. Vice Chair Gerard Fitzgerald and Commissioners Thomas Regan, Jim Coulter, Loree Arthur, Blair McIntire, David Kellenbeck, and Dan McVay were present. Also present and representing the City was Principal Planner Carla Angeli Paladino, Associate Planner Lora Glover, and City Council Liaison Rick Riker.

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

**3. CONSENT AGENDA:**

- a. MINUTES:** December 12, 2012  
December 19, 2012
- b. FINDINGS OF FACT:** None

Vice Chair Fitzgerald stated, there is a correction on page 27. It is in the paragraph that starts with Vice Chair Fitzgerald stated. At about the middle of it where it talks about "and we were using a hand radio" it is not, is should be ham radio.

Chair MacMillan stated, ham, h-a-m. Are there any other corrections that you saw? Seeing none...

**MOTION/VOTE**

**Vice Chair Fitzgerald moved and Commissioner Regan seconded to approve the minutes with the correction as stated. The vote resulted as follows: "AYES": Chair MacMillan, Vice Chair Fitzgerald and Commissioners Arthur, Kellenbeck, Regan, and McVay. "NAYS": None. Abstain: Commissioners Coulter and McIntire. Absent: None.**

**The motion passed.**

#### **4. PUBLIC HEARING:**

##### **12-40500003: Neighborhood Commercial Zone Development Code Text Amendment**

Chair MacMillan stated, we will begin the hearing with a staff report followed by the public comment and then 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?

Vice Chair Fitzgerald stated, there are none it is quasi.

Chair MacMillan stated, I know, but I'm just going to read this. In this hearing the decision of the Commission will be based on specific criteria. We will begin with the staff report.

Associate Planner Glover stated, tonight we are reviewing the request for a text amendment to the neighborhood commercial zones. It is fairly simple and the applicant is requesting that we add eating and drinking establishments to the zone. There is a limited list of uses in the neighborhood commercial zone, but the purpose of this zone is to provide for convenient retail and personal services in residential areas. You're probably fairly familiar with the neighborhood commercial zones that we have in place. I have another slide with all of them listed, but again, the Bridge Street Market is the applicant behind this and is most interested in expanding the uses. Existing uses right now include retail and/or personal services and recreation-commercial which is actually the most impactful use it could be. You could have a theater or some sort of recreational indoor place with a 300 person capacity. You can also do minor public uses which would include something as a library or religious assembly. The amendment needs to be judged against the criteria in Section 4.103 of the development code. It must show that it's consistent with the subsections of the article, which would be Article 12, and other provisions of the code to make sure they can make capacity such as utilities and transportation and the goals of the comprehensive plan.

We have gone back through and individually addressed each criterion in the staff report for you. The Staff's response is that the request meets those criteria. Our existing neighborhood commercial zones include the Highland Market, the Circle K Market at Northeast A Street, and

the market and shopping plaza that is located on Southwest G and High Streets. They are across the street from each other and we have a little L-shaped shopping plaza that has a barber shop and laundromat in there. Then on the south side across from Options is the grocery store. We have a somewhat undeveloped tract that is farther east on G Street and across on both sides and on Oak. There is a residence on one of the lots and a couple of them are vacant. And again, we have the Bridge Street Market, the former Portola Market, which is currently being used for a small religious assembly, and then the Cloverlawn Market. The Cloverlawn Market is the only one that is not in the city limits or north of the river.

This is a picture of the Bridge Street Market. It is owned by the Neals and they are interested in adding on approximately 700 square feet to this building which is about 3500 square feet. They own the two lots that are to the east and they would like to have an eating and drinking establishment as part of it. They're very interested in being able to participate in a few more of the community activities, especially with the All Sports Park that is to the west of them, like participating in some of the bicycle tournaments where maybe they are part of the route. One of the safeguards that are built into the development code already with eating and drinking establishments is that they're not allowed to be adult use only facilities when they are adjacent to residential neighborhoods. So you don't have to be concerned that just a bar would go into one of these neighborhood commercial zones. They could sell alcohol as restaurants do such as Applebee's, but again, it would be a normal eating and drinking establishment. Based on that, Staff recommends that the Planning Commission recommend approval up to the City Council. Mrs. Nealy isn't here this evening. She had a schedule conflict out of town, she is in Portland. She does want to explain what their purpose is for what they're interested in doing and just to add another small eating area.

We went into it a little bit more in the staff report that all of these neighborhood commercial areas are relatively small. It will still require a site review to go through and a hearing process. When they go through it would be a Type II hearing level through the hearings officer. This isn't a matter of approval across the board. They will still go through a planning process afterwards. We feel we have some safeguards built in with that. I have received probably 20 telephone calls on the applications because we did notice each neighborhood around each of these neighborhood commercial zones. All of the people were supportive once they understood what the request was about. I have not had any objections at this point. Carla did receive one

telephone call today and the caller was concerned about alcohol being served at the Bridge Street store.

Chair MacMillan asked, are there any questions for Staff? Thank you very much. Is there anything you would like to say? Seeing none I think I will close this hearing and the matter is before the Commission.

Vice Chair Fitzgerald stated, I think the staff report answers all the questions. I think it's a no-brainer really. It should be included. It's a way of making those businesses more productive and it's also making them more tied in to the neighborhoods they're in. That's always a good thing.

#### **MOTION**

**Vice Chair Fitzgerald moved and Commissioner McIntire seconded that the Commission would recommend approval of the text amendment to City Council.**

Chair MacMillan asked, is there any discussion on the question?

Commissioner Arthur stated, I do have a couple questions. If there are only seven locations then is this a more recent zoning? I'm just curious about what happens with the ones like the B Street Market that isn't there anymore. Was it grandfathered in and not in that zone to begin with?

Associate Planner Glover stated, I'm not sure the history behind it the B Street Market but my understanding of the neighborhood commercial was when zoning came in they did try to work with these little outlying commercial uses since not all of them are the same. Historically the Portola Market and A Street and Highland have been there for quite some time. The B Street, I believe it was zoned R2 –

Commissioner Arthur stated, so it wasn't zoned that way anyway.

Associate Planner Glover stated, it was a nonconforming use and I don't know why they didn't pick it up as a neighborhood commercial zone.

Commissioner Arthur asked, so they don't lose it if they temporarily go out of business like the Portola?

Associate Planner Glover stated, no the zoning is in place.

Chair MacMillan stated, I am going to call the question.

#### **VOTE**

**The vote resulted as follows: "AYES": Chair MacMillan, Vice Chair Fitzgerald and Commissioners Arthur, Kellenbeck, Coulter, McIntire, Regan, and McVay. "NAYS": None. Abstain: None. Absent: None. The motion passed.**

**5. CITIZEN INVOLVEMENT COMMITTEE: None**

**6. ITEMS FROM STAFF: None**

**7. ITEMS FROM COMMISSIONERS:**

Chair MacMillan stated, I would like to start with the election of a chair and a vice chair. I've been here for a little over a year and so it's time for me to leave, just from the chair spot.

#### **MOTION/VOTE**

**Commissioner McIntire moved and Commissioner Coulter seconded to nominate Gerard Fitzgerald as the Commission Chair. The vote resulted as follows: "AYES": Chair MacMillan and Commissioners Arthur, Kellenbeck, Coulter, McIntire, Regan, and McVay. "NAYS": None. Abstain: Vice Chair Fitzgerald. Absent: None. The motion passed.**

#### **MOTION/VOTE**

**Chair MacMillan moved and Commissioner McIntire seconded to nominate Jim Coulter as Commission Vice Chair. The vote resulted as follows: "AYES": Chair MacMillan, Vice Chair Fitzgerald and Commissioners Arthur, Kellenbeck, McIntire, Regan, and McVay. "NAYS": None. Abstain: Commissioner Coulter. Absent: None.**

**The motion passed.**

Chair MacMillan stated, now it is items from individual commissioners.

Commissioner Coulter stated, I have a quick question and I think I know the answer. It is about engineering and when engineering from the City for a recommendation is a requirement. We don't have a City engineer so is there a long-term fix to that? How are we going to go forward?

Principal Planner Angeli Paladino stated, we actually are contracting out the City engineer services. Mike Thorton is a contract City engineer so we contact him if we have questions that need to be answered about design work and all that. We do have a City engineer he's just not in-house.

Commissioner Coulter asked, so if it's a requirement in the code then we have the contract engineer looking at it and making a recommendation?

Principal Planner Angeli Paladino stated, yes that is correct.

Chair MacMillan asked, is that due to a budgetary decision by the Council or is that because you couldn't find somebody or is that position eliminated?

City Council Liaison Riker stated, our new City Manager decided to see what it would be like, during these economic times when things are in slow-motion, to have an outside engineer on board because it would be a cost saver. It is my understanding the position has not been eliminated it has just been put on hold at this time. If activity were to come back he has indicated he would give serious consideration to filling that position. Right now where it is it seems advantageous to just have it filled temporarily by an outside consultant.

Chair Macmillan asked, do you think it is working? It is working well don't you think?

City Council Liaison Riker stated, that would be a Carla question.

Principal Planner Angeli Paladino stated, (inaudible) Planning Staff, but I think we've had good results so far and good relationships so far.

Vice Chair Fitzgerald asked, would we get data from those consultations from the outside City engineer? In other words, would we have in our packets the questions that were posed to the City engineer and the answers and responses or not?

Principal Planner Angeli Paladino stated, it would probably depend on the question but it would be similar to what it was before. Say for a variance there's a criterion that says the City engineer has made a recommendation. We would probably get an e-mail or something in writing and we would attach that for you. It will be the same as before it would just have a different stamp on it.

Commissioner Arthur stated, I'm just wondering on this thing we just did. If somebody somewhere in a more developing area wanted to put in a new establishment would they have to come in for a zone change to this zoning? Would that be spot zoning, would it be possible? Or do we only have these that have been there forever for the neighborhood commercial?

Principal Planner Angeli Paladino stated, I think we would evaluate it just like we do any other zone change proposal. We would look at the comprehensive plan and we would look at where they're proposing it and see if it made sense. It would come before you and it would go to City Council as well. We have just these seven existing neighborhood commercial sites but that doesn't mean we couldn't have more later.

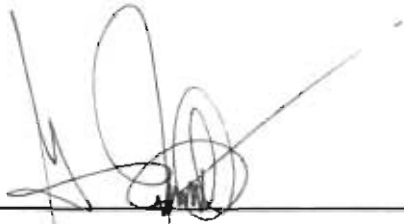
Vice Chair Fitzgerald stated, but we did not change those that were already there. All we did was add to the text that they can now have food. Are you concerned that we are maybe setting up ourselves for something down the road Loree?

Commissioner Arthur stated, no I'm just wondering because for our neighborhood it was inconvenient to lose the B Street Market. Now you have to go quite a ways further to go to any place. I don't know exactly what it's like in areas that have been expanding outward because I don't live there and whether it would be convenient if somebody wanted to come in and start a new one someplace. I don't know where but if it was reasonably feasible to do it.

Chair Macmillan stated, thank you for allowing me to serve and I'm going to enjoy my time as a regular member. I won't have to talk anymore which will be very, is very difficult.

**8. ADJOURNMENT:**

Chair MacMillan adjourned the meeting at 6:15 P.M.

A handwritten signature in dark ink, appearing to read 'Gerard Fitzgerald', is written over a horizontal line.

Gerard Fitzgerald, Chair  
Urban Area Planning Commission

2/27/2013  
Date

These minutes were prepared by Becca Quimby.

### Neighborhood Commercial Text Amendment

- o Procedure Type: Type IV
- o Project No.: 12-40500003
- o Applicant: Amjo, LLC, Merrily Nealy
- o Planner: Lora Glover
- o Hearing Date: February 13, 2013

### Request

- o Amend Schedule 12-2 to permit eating and drinking establishments in the Neighborhood Commercial (NC) zoning district.
- o Purpose of the NC district is to provide locations for small businesses which serve the retail and personal services needs within residential zones.
- o Existing permitted uses include:
  - o Retail Indoor; Personal Services;
  - o Recreation/Commercial ~ Local Impact; Minor Public Use; Religious Assembly.

### Criteria ~ Section 4.103

- o The amendment is consistent with:
  - o The purpose of the subject section and article;
  - o Other provisions of the Code;
  - o The goals and policies of the Comprehensive Plan; and
  - o The Master Transportation Plan.

### Existing NC Locations

- o There are 7 NC zoned areas:
  - o Highland Market
  - o Circle K Market ( NE A Street)
  - o Market/Shopping Plaza (SW G & High Streets)
  - o Undeveloped tract (SW G & Oak Streets)
  - o Bridge Street Market
  - o Portola Market (Rogue & Portola Drives)
  - o Cloverlawn Market

### *Bridge Street Market*



### *Recommendation*

- Staff recommends the Planning Commission Recommend Approval of the proposed amendment to the City Council.
- Questions?

## Development Code Text Amendment

City Council  
March 20, 2013  
Application No.: 12-40500003  
Presented By: Carlo Angeli Paladino

## Proposal

- Amend Article 12 of the Development Code; Permitted Use Table
- Add an additional use in the Neighborhood Commercial (NC) zoning district
- Submitted by property/business owner of Bridge Street Market – Merrily Nealy

## Specific Request

- o Purpose of the NC district is to provide locations for small businesses to serve the retail and personal service needs of residents in surrounding residential zones
- o Select permitted uses include:
  - o Indoor Retail
  - o Personal Services (Hair Salons, Nail/Tanning, Laundromat)
  - o Religious Assembly
- o New use proposed to be added to schedule:
  - o Eating & Drinking Establishments A.K.A. Restaurants

## Proposed Text

Land Use Type	RM	NC (1-10) R-10	R-20	R-2	R-2	R-2	NC	GC	CB	EP	IP	I
B) Residential Facility, per 14.521	P-1	P-2	P-3	P-4	P-5	P-6	P-7	P-8	P-9	P-10	P-11	P-12
C) Dwelling, Accessory	-	-	-	-	-	-	-	-	-	-	-	-
D) Trade	-	-	-	-	-	-	-	-	-	-	-	-
e) Retail Store	-	-	-	-	-	-	-	-	-	-	-	-
f) Retail Shop	-	-	-	-	-	-	-	-	-	-	-	-
g) Wholesale	-	-	-	-	-	-	-	-	-	-	-	-
h) Restaurant (per 14.521)	-	-	-	-	-	-	-	-	-	-	-	-
i) Services	-	-	-	-	-	-	-	-	-	-	-	-
j) Professional Office	-	-	-	-	-	-	-	-	-	-	-	-
k) Business Office	-	-	-	-	-	-	-	-	-	-	-	-
l) General Office	P-1	P-2	P-3	P-4	P-5	P-6	P-7	P-8	P-9	P-10	P-11	P-12
m) Supermarkets, Commercial	-	-	-	-	-	-	-	-	-	-	-	-
n) Auto Service Station	-	-	-	-	-	-	-	-	-	-	-	-
o) Eating & Drinking Establishments	-	-	-	-	-	-	-	-	-	-	-	-
p) Homebased	-	-	-	-	-	-	-	-	-	-	-	-
q) RV Parks	-	-	-	-	-	-	-	-	-	-	-	-
r) Day Care Facility, per 14.521	P-1	P-2	P-3	P-4	P-5	P-6	P-7	P-8	P-9	P-10	P-11	P-12
s) Day Care Group, per 14.521	P-1	P-2	P-3	P-4	P-5	P-6	P-7	P-8	P-9	P-10	P-11	P-12

## Applicable Criteria

Section 4.103 ~

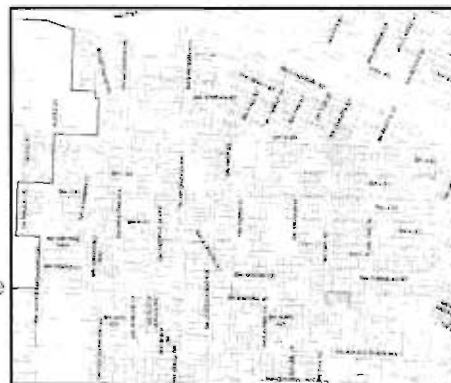
The amendment is consistent with:

- The purpose of the subject section and article;
- Other provisions of the Code;
- The goals and policies of the Comprehensive Plan; and
- The Master Transportation Plan.

## Existing Neighborhood Commercial Locations

There are 7 NC zoned areas:

- Highland Market
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*Bridge Street Market*

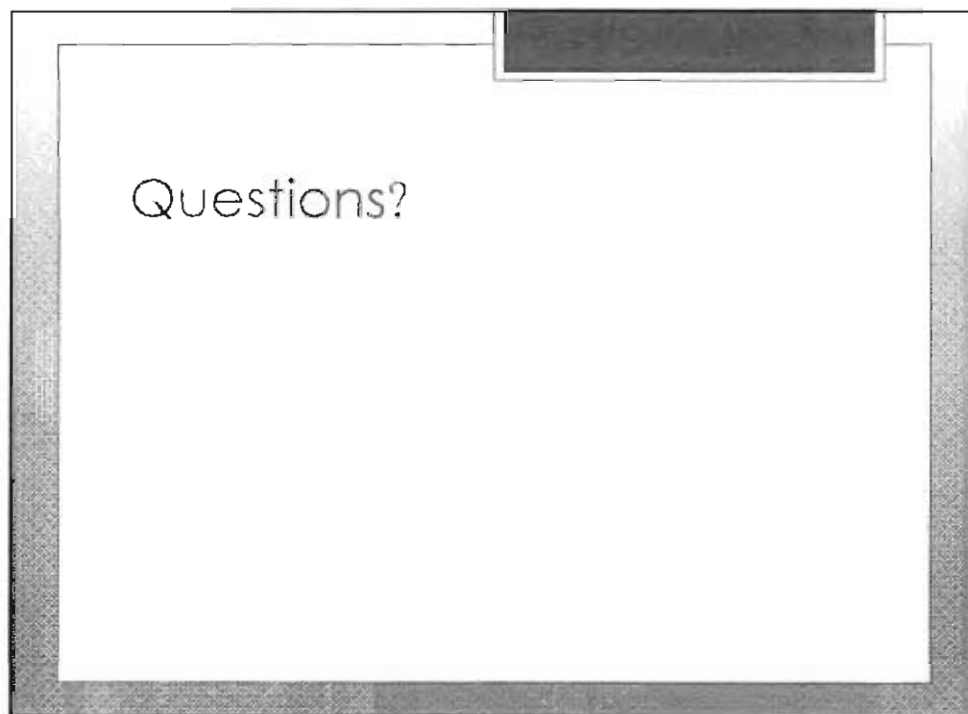


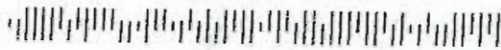
## Applicant's Future Plans



## Recommendation

- o Planning Commission reviewed the text amendment and recommended the City Council **APPROVE** the proposed change.
- o It is recommended the City Council adopt the Ordinance





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U.S. POSTAGE  
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GRANTS PASS, OR  
97526  
APR 05, 13  
AMOUNT

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### City of Grants Pass

101 Northwest A Street  
Grants Pass, OR 97526

**TO:**

Department of Land Conservation & Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

*Attn: Plan Amendment Specialist*

DEPT OF  
APR 10 2013  
LAND CONSERVATION  
AND DEVELOPMENT