Hi, there. I'll call this Commission meeting of May 25th, 2022, to order.

1. Roll
I'll start with roll call. Commissioner Arthur.
Here.
Commissioner Aviles.
Here.
Vice Chair Collier.
Here.
Commissioner Nelson.
Present.
Commissioner Scherf.
Here.
And I'm Chair Heesacker. I'm here.

2. Introductions
Staff, any introductions?
Not from our end.

3. Public Comment
Item three; Public Comment. This is an opportunity for the public to address the Commission on items not related to a public hearing or action item. The intent here is to provide information that is pertinent to the City's jurisdiction. Each speaker will be given three minutes to address the Commission as one body, not to individuals. The Commission may consider items brought up during this time later in our agenda, during matters from Commission Members and Staff. Is there anybody here wanting to do that? There is not.

4. Approval of Minutes
a. May 11, 2022
Item 4A; Approval of Minutes from the May 11th Meetings. Do we have a motion?

I would move approval of the minutes from May 11th. Nelson.

Do we have a second?

I'll second, but I have a comment for a change.
Yes, I do too.

Please comment.

Okay. Page 20, second paragraph. And basically, Commissioner Scherf prefaced the number that it's a big difference. He said I could have the numbers wrong. He left with a $30 million on Clint, but I did some research, it's $3 million. I don't know if we want to change it here. It's not a big deal. He said there was $3 million coming to public housing, and I think it had an impact on you. You said it was 30, but it's actually three.

I'll accept the correction.

Want to do it now, or do we have to go to the next minutes?

No, we'll consider that amendment. Commissioner Arthur, do you have one?

At the bottom of page 20, it says Commissioner Collier. And then it's actually Colter speaking that's getting the transplant. You didn't notice that?

Commissioner Nelson, you'll accept these as friendly amendments to your motion as seconded?

As I watch from here.

Seconded as amended. Okay, all those in favor of passing the minutes as amended, signify by saying aye.

Aye.

Anybody opposed? Any abstentions?

Abstain.

Commissioner Aviles abstains.

MOTION/VOTE
Commissioner Nelson moved, and Vice Chair Collier seconded the motion to approve the minutes from May 11, 2022, as amended. The vote resulted as follows: “AYES”: Chair Heesacker, Vice Chair Collier, Commissioners Arthur, Coulter, Nelson, Tokarz-Krauss and Scherf. “NAYS”: None. Abstain: Commissioner Aviles. Absent: None. The motion passed.

5. Informational Items:
Informational items. Do we have any of those?
No.

6. Findings of Fact:
   a. 104-00147-22 ~ Leson Subdivision 25-lot Residential Subdivision
      Item 6A, Findings of Fact, project 104-00147-22, the Leson Subdivision, 25-lot Residential Subdivision.
      Any motions for those findings of fact?
I'll move to approve. Collier.

Nelson. Second.

Move to approved by Collier. Seconded and by Commissioner Nelson. All those in favor, say aye.

Aye. Aye.

Anybody opposed? Anybody abstaining?

Abstain.

Commissioner Aviles abstains.

We on the phone?

No. [Inaudible 00:03:37]

**MOTION/VOTE**

Vice Chair Collier moved, and Commissioner Nelson seconded the motion to approve the Findings of Fact, project 104-00147-22, the Leson Subdivision, 25-lot Residential Subdivision. The vote resulted as follows: “AYES”: Chair Heesacker, Vice Chair Collier, Commissioners Arthur, Coulter, Nelson, Tokarz-Krauss and Scherf. “NAYS”: None. Abstain: Commissioner Aviles. Absent: None.

The motion passed.

b. 405-00129-22 ~ Development Code Text Amendment ~ Articles 2, 12, 13, 15, 17, 18, 19, 22, 25 & 30 ~Type IV

Item 6B, Findings of Fact for project 405-00129-22. The development code text amendment to articles, 2, 12, 13, 15, 17, 18, 19, 22, 25 and 30. Do we have a motion for those Findings of Fact?

I will move the Findings of Facts for our development code text amendments.

Second.

We have a motion to approve by Commissioner Nelson, seconded by Vice Chair Collier. Any discussion? All those in favor of accepting those Findings of Facts, signify by saying aye.

Aye.

Anybody opposed? Anybody abstaining?

Abstain.

Commissioner Aviles is abstaining.
MOTION/VOTE
Commissioner Nelson moved, and Vice Chair Collier seconded the motion to approve the Findings of Fact, for project 405-00129-22. The development code text amendment to articles, 2, 12, 13, 15, 17, 18, 19, 22, 25 and 30. The vote resulted as follows: “AYES”: Chair Heesacker, Vice Chair Collier, Commissioners Arthur, Coulter, Nelson, Tokarz-Krauss and Scherf. “NAYS”: None. Abstain: Commissioner Aviles. Absent: None. The motion passed.

7. Public Hearing
a. 302-00111-22 ~ 123 NE Steiger, Change of Use from Single Dwelling Unit to Adult Use Marijuana Business ~ Minor Site Plan Denial ~ Appeal of Staff’s Decision of Denial.
Item 7A, Public Hearing. At this time, I will open the public hearing to consider an application, which is an appeal filed by owners of a marijuana business at 123 Northeast Steiger.

Steiger. Thank you. Project number 302-00111-22. This application is an appeal of a director's decision regarding this marijuana business. We'll begin the hearing with 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 hear this matter? Nobody signifying so. Do any Commissioners wish to abstain from participating in this hearing or declare a potential conflict of interest? Nobody is indicating such. Are there any Commissioners who wish to disclose discussions, contacts, or other ex parte information they have received prior to this meeting, regarding the application? Nobody's indicating so. In this hearing, the decision of the Commission will be based upon specific criteria which are set forth in the development code. All testimony which apply in this case, are noted in the Staff report. If you would like a copy of the report, please write that on a note to Staff, and one will be provided. 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 will not be able to appeal to the Land Use Board of Appeals, based on that issue. This public hearing will now proceed with a report from Staff.

Chair Heesacker, for the record, I'm Ryan Nolan, a contract planner who provides assistance in Land Use Planning to the City of Grants Pass. As the Chair stated, we're looking at a minor site plan review at 123 Northeast Steiger Street. This is actually an appeal of a denial in a Type One decision by the Planning Director, or the Community Development Director. So as stated, the project is number 302-00111-22. The owner and applicant is here tonight, Joel Thompson. It's located at 123 Northeast Steiger Street, which is a general commercially zoned lot.
This is the property, it's in between Sixth and Seventh Street there. This whole area is zoned general commercial. You can see, if you look closely, there are two residential units, small individual houses on 123, and the property to the west. Over again, this is the general commercial zoning district. This is a relatively recent picture from the front, showing that it's a landscaped existing developed single-family home. This is an aerial view. You can see that there's a, it used to be a flower shop, it's the Veteran Center on
one side, there's an Evergreen Bank on the other. There is a neighboring residential
house in the commercial zone, the existing commercial house across the street. You
have again, commercial development. In your packet, you can see a site plan. So, this
was reviewed by all departments in the city, and the application fully meets all of the
criteria related to utilities, landscaping, parking, setbacks, all of those basic development
standards, and would have been approved as a Type One director's decision, barring
one key issue.
So, a Minor Site Plan Review for a change of use has seven criteria, it's outlined in
Section 19042. All of those were met, and those are discussed in the full application
review in your packet. However, the first criteria is not. And that says that the
development will comply with all applicable base development standards of the zoning
district. In this case, that has not been met in regards to one specific issue, which is the
marijuana business buffer. There are two sections, our municipal code and our
development code, sections 11.01.500 of the municipal code. And section 14.630 of the
development code that state that a marijuana business may not be allowed at a subject
site if it's within 1,000 feet of a state licensed daycare facility. So, this map shows a state
licensed daycare facility at 1368 Northwest Conklin, a straight line from the corner of that
property to the corner of the subject property, indicates a distance of 749.8 feet, which is
less than 1,000 feet. So, this shaded area shows a buffer around this daycare that would
at this time prohibit the City from approving a marijuana business.
Unfortunately, I'll look a little more into this. So, we have a city specific marijuana buffer
in our development code 14630, and also in the municipal code. And again, that's a
1,000-foot buffer for public schools. That's clarified in our code, public libraries, public
parks, there's a little clarification on that, recreation facilities, state licensed daycares,
and other marijuana retailers. So, there's a comprehensive list of buffer areas in our city
based on that. State statute does also include a 1,000-foot buffer. However, it's a
different standard. It involves public, private, parochial, elementary, and secondary
schools. And as defined in ORS, that is for students ages six to 18 or kindergarten
through 12th grade. So that would not include preschool or daycare type of situations.
Our specific city code does include that buffer.
To complicate this process, the applicant did their due diligence, and in their appeal in
your packet, point out that they completed a pre-application conference with the city on
April 21st, 2021. At that time, based on our existing GIS mapping, this area was not
shown to be in a marijuana business buffer. They did follow up conversations with staff,
ultimately bought the property, and then came in with an application for a change of use
to change it from a residential home to a marijuana business. At that point, staff
discovered that our GIS layer had been an error and there was a state licensed daycare
that was not on our list. The daycare has been licensed for two years, and somehow
was not incorporated because they did not get a city business license into our GIS layer.
So that's essentially the question today. Staff cannot recommend approving this,
because we now know that there is a daycare within 1,000 feet of this site. The
applicant's contention, and he can make that argument, is that he did his due diligence,
did his homework, bought the property, and applied based on our information with the
understanding that this property was not within a marijuana buffer.
So again, based on existing knowledge, Staff recommends that the Planning
Commission affirm the previous staff decision to deny this minor site plan, based on the
proximity of less than 1,000 feet from an existing state licensed daycare. Your choices
are to affirm the Staff decision, denying the application, or to reverse the Staff decision
and approve the minor site plan. Normally, this would've gotten to this point earlier, but
due to my challenges as a Staff member to identify that this was a state license daycare,
I still have not gotten any information back from the actual business owner.
I did end up talking to the Department of Education and got to the right office so that I could determine that they had a license. I have emailed, called, and physically visited this location on Conklin, but have not received confirmation that they are operating. They don't have a City business license, and their state business registry has expired. However, I have confirmed with the State Department of Education that their daycare license is active. So again, because of that time delay, we are facing a 120-day deadline of Friday, which means that before you tonight, we also have two draft Findings of Facts, so that our hope is you would make a choice, and then also approve a Findings of Facts. So, there's first in your packet of Findings, which approve the appeal, overturn the Staff decision, and would ultimately approve this site plan. And then, the next set of Findings will be if you decide to deny the appeal and uphold the Staff decision. This is somewhat complicated, but there's really one question put before you today. So, with that, Chair Heesacker, I would be happy to try to address any questions and remind you that the applicant is here to present and discuss also.

Thank you very much. Questions of staff before the applicant comes up. Commissioner Nelson.

So, I have a pharmacy license, and if I wanted to open a pharmacy in Grants Pass, I would typically find a site location. I would have to have a plan for the site. I would have to have an approval for that license for my business. And then I do have to submit that to the Board of Pharmacy for approval. Is that the same with these licenses, daycares?

Depends on the type of daycare and it depends on the number of attendees at the daycare. If you have less than 13 youth in a family daycare, it can essentially take place in any single-family home with relatively little extraneous work. They still should obtain a City business license. They can, however, obtain a family daycare approval from the state without any special review process by the City.

So, in essence, we don't even know if that daycare's there, because we have never had a business license for it.

That's correct.

So, you just said that one of their licenses is still valid.

They do. And I did discuss this with an employee at the Oregon Department of Education. They said, especially during COVID, there's several circumstances where daycares have temporarily closed. However, their license is valid, and they could decide to reopen. And they usually have a four-year window when that license is valid. So, if they had a family emergency, and temporarily closed, they could reopen under that same permit until the date of expiration. So even though they may not be active today, they are licensed by the state to be active for another almost two years.

Okay. That leads me to a second question. I understand that your GIS system is supposed to be great. And all the sudden, I just did a simple Google Map search and found that there's two daycares within 700, some odd feet. One of the daycares is, it's an adult daycare center. So, is that count within that criteria? I mean, I know I'm pushing the envelope here a little bit. I'm not trying to say that it is.

It's not a question that we've yet looked at, so it's not something planned-
It's just a simple Google Map search came up with two, one on each side. One was on Conklin and the other one says it's an adult daycare. I don't even want to argue that point, but simply a Google Map search came up with daycares, so I lead into the GIS-

So, since this issue, we have revised the GIS policy and there's a quarterly review of all lists of state certified daycares, but that currently is only looking at child daycare.

Yeah. So, I guess my question is, what else, as the City, are we doing to validate this daycare? I mean, I know you've searched, you've used emails and everything, but realistically, if the daycare's not an operation, then I can see that argument. But if it's a valid license, that's still operational first, X amount of months, years, or whatever. Is the City on the grounds of taking that as evidence, or is there more evidence that you're still trying to find?

I think as the Planning Staff, our answer has been, the code says a state license daycare. So, if they have a current state license from staff's point of view, that means there is a buffer area around that, and we couldn't as Staff, approve a marijuana business within a 1,000-

Perfect. And I'm not questioning you, I'm just getting clarification on your guys' stance. Thanks.

For the record, that was Commissioner Scherf asking the questions. Anyone else? Commissioner Nelson.

Yeah, I'd like to continue with my questioning. As a pharmacist, I'm licensed currently, but I have no state facility that I work at. Is that similar to this registry that you referred to?

Think it would be similar. So, you could have a valid license and not be practicing.

Right. And it's valid for two years.

Mm-hmm.

The registry then is for the site?

Correct.

Is that correct?

It is not for an individual. It is a site registration.

And that has expired, you said.

Their state business registry is expired, their State Oregon Department of Education-

Yeah. Tell me the difference.

So, if you're a pharmacy and you are incorporated, you would have a state registration as a business, which is through the Attorney General's office.
Okay.

You also have through Department of Pharmacy or Ag or whoever the supervisor is, a pharmacy license. Those are two separate tracking systems. So, daycare license through the Oregon Department of Education is valid, but their business registry with the Attorney General's office has expired. So, I just researched that, trying to identify if there is a business there, and that was expired, which makes it more confusing.

Okay.

Commissioner Aviles.

Thank you. So again, just to-

Is it on?

Yeah, it's on. If their license is valid, but they don't have a business registry, and for all intents and purposes they're not open, say because of COVID or whatever, I guess I'm just wondering which comes first. So, if this were to move forward and then they're like, "Oh, we're opening next month." What happens then?

So, the buffer only works one way.

Okay.

A daycare would buffer a marijuana business. However, a marijuana business would not buffer or prohibit a new park or a new daycare or a new school.

Okay. Thank you.

Mr. Collier.

So, what happens with a guy who's oh for two, he's oh for one with the City. He decided he didn't want to register in the City. He didn't want to keep his budget registry with the state, he let that go. What if he goes out of business, and then Mr. Thompson comes into play, and then the other guy goes back and says, "Well, now I want to do it again." You said it only works one way. Are you saying that the daycare could come back into play and then he would lose it? That's what it sounds like.

No.

All right.

Preexisting businesses, it only affects approval of a new marijuana business. There's an existing marijuana business and a daycare opens next door; we would not prohibit the daycare. But an existing daycare where people are already taking their child, would not allow a new daycare within 1,000 feet. That's the way it's been structured.

So just to clarify, if the marijuana business was there for a week, and a daycare opens the following week, the marijuana business does not have to close, it has precedence.
Correct.

Okay. Thank you. Commissioner Scherf.

I was reading the applicant's letter, Exhibit four, page 87. My question is going to revolve around the code of definition for a marijuana business. The letter, Exhibit four, page 87 from the applicant, insinuates that they're not pursuing retail sales of the marijuana, but production of the marijuana. So, I guess my question is, is there a definition within our code that says, is there a difference between a retail marijuana versus a production marijuana? You understand what I'm asking?

There is. My understanding what it would be partially retail, and a small portion production.

Yeah, Mr. Chair, I would recommend, I mean yeah, let the applicants speak first before we do too much-

Yeah. My question was about the code.

Just about the code? Okay.

Yeah. Yeah. Specifically, about the code so that, within our code, the definition of marijuana business is...

Marijuana business includes production, retail, includes anything related to marijuana.

Perfect. That's what I want to know.

Yeah.

Other questions? Staff, I will have another question for you at the end of the hearing.

Okay.

Applicant, would you have something you want to say? Please come up to the... You can use that microphone. State your name and address and do your presentation.

He's going to have a presentation, so I'm going to try to get that loaded here. Need to change, need to swap the... How do I swap the screen again? I can't [inaudible 00:24:27]. Well, put on the other screen, it's mostly there. Yeah. Sorry.

Yeah, we can just make it happen. Okay. Yeah. My name's Joel Thompson. And yeah, thank you for giving me the time to provide some further context. What we're considering here, is the appeal of the Staff's decision of the denial for our proposed use, and or ask for either reversal of that decision or a special variance, making an exception for our request. So, I'll be providing some color on who we are. My business partners are intended use of the property, and the due diligence that we went through to make sure that we were in the proper zoning before moving forward with the purchase, and the effects that we would feel if we continued with the Staff's decision. So, our business, my business partners and parents, my parents and I founded a cannabis edibles company. We're licensed with the OLCC since 2018. We make CBD...
dominant and THC dominant products in the Oregon rec market. My parents are listening in, but they had a COVID exposure, so they're not here tonight. We've had no outside funding; we're fully operated ourselves. We've been operating out of a shared space facility in Portland and have been vigorously seeking a home to bring in our license full time. And our tools for doing that, whether it's in Portland or Multnomah County, Josephine, and any county we've been looking at, is to use tools much like the GIS tool that shows us the buffer zoning to find out where an applicable facility might be located. So, this property, why we chose it, we again, had been looking over the last three years, and cannabis properties finding in that perfect buffer zone tend to have a premium, and cost is definitely a factor.

So over time, I've been working in Grants Pass for some years with another business, also in the industry. And we found that this property was within the proper zoning, and by the GIS tools that were provided to us. And so, we moved forward with drawing out our plans to utilize this as a shared space facility, which would have a retail element producing branded merchandise and selling that merchandise as well as cannabis processing, using a water-based processing to make raw inputs, raw hash, that would then be sent offsite to be turned into edibles, that we have a partner that's in Eugene that actually makes the finished goods.

So, before we found this property, we checked the City provided tools, that it was in the proper zoning. We then met with Ryan and other members of the City officials to ensure that as we were interpreting, the maps were correct, was this in the proper zoning? Would we get the luck [inaudible 00:28:23] approved for our proposed use? We were very clear that the only reason we would purchase this property that had been on the market for over 120 days at that point, the only use that we would have at it, would be for this express use of using it as a home for our business.

Once the Land Use Compatibility Statement was approved and we got approval on the pre-application, we did move forward with purchasing the property. We were told that it was approved at that time, but there was a bit of urgency, because should a business, as we've just now reviewed, should a daycare or a school open within that zone before we were able to close on the property, we would then not be able to use the business for the proposed use. So, we moved quickly. We did our best to get it through ESCO [inaudible 00:29:22] as soon as possible, and we moved forward. Then we moved forward with our contractors, trying to do everything above board. So, we worked with ZCS, a local engineering firm to draw our plans. We had cameras installed and steel doors to ensure that we were meeting the base level for transferring our OLCC license. And in the final hour of that, we're then informed by Ryan and his team that there was an oversight, and there was this state registered business that is inactive with the state but registered with the State Daycare System. So, we were given that same technicality and then told that this denial would be issued. The context again, of this pre-app approval, and the property purchase that I'd like to touch on, is that this one sole oversight was the standalone reason why this was denied. And this oversight will cause irreparable and potentially existential damage to our business, just with the property that we're going to certainly be in underwater on. And the investments that we've put into paying the 30 plus thousand dollars in engineering plans to see this project through. Again, the property was on the market for over 100 days due to its poor investment opportunity as a residence, or a traditional retail space to the low foot traffic.

And the property itself was in rather derelict shape. This is a quick picture. I just snapped half of the side yard, and just the work that we had to do to clean it up. The pre-app approval again, was based on the City provided mappings. So, although, yes, we can Google what's in the area, we just thought, and I've always felt to, in any place we're looking for a viable place for a facility, go to the covering agency, the organization that
would be the City, that's going to give us that final approval to see if we're in the right zone. So us relying on that tool, this does raise some concern and there is an attached letter from a real estate agent on behalf of the local real estate community, of utilizing these tools and not being able to act in good faith to give good counsel to make a quarter million dollar investment on a property that then might not truly be an approved use, because the tools provided weren't accurate to us personally, as well as with the real estate community.

It also does raise a bit of maybe concern to look into the actual City code language, which we have looked into, in that it references the state registered business rather than a City registered, in that this business was not registered with the City, and that's where we're having to go to find approval for the business. And the business itself registered with the state, was inactive and is inactive since, I believe, April of last year.

So, another point I want to touch on, is just the location and the proximity of the business. Ryan provided the map, and I believe some of my figures might be off, 750 feet from this business as the crow flies. And we've made multiple attempts to try to contact this business and see if they are still active, and we've not been able to do that. But from getting from that business to our proposed site, any attending minors would have to cross 6th Avenue, a major City road, and four subsequent streets, much further than 750 feet as you would have to travel, not crossing over backyards and other properties.

The homebased business, daycare in question, is also in close proximity to other types of adult use businesses, given that it likely came in after the liquor store, gun store and cannabis dispensary were already there in that vicinity. And then just the property itself is outfitted with steel doors and 20 security cameras. So, it's again, to be a secure access point that not daycare students, not anyone is going to have the access, to access to the facility. And so, in that, in our view, in the spirit of the law, there is no clear and direct access concern posed by the proximity of the business to this daycare.

And just a note on the nature of our business. There are no mounted building signs to be present at the business to give an outside appearance that there are any water-based processing activities taking place from the outside or looking into the facility. It would appear as you're looking at a retail showroom front on a home-based business, and the backside where the processing activity would take place, is fully gated, and again, further protected by the security of the OLCC required cameras and steel doors.

The work that we've done so far, just my dad and I, we've cleaned up and otherwise the helic site. We've added value to the neighborhood just in that alone by improving the safety. And we've cleared out two dumpsters of debris of a home that's sat for 15 plus years, and we received many thanks just from our local neighbors, just for helping clean up. And we've gotten nothing from support from our direct neighbors, with our intended plan and use of the property. Per the OLCC requirement, just another note in terms of the proximity, the site will be fully secured with the automatic locking doors, security cameras in compliance with OLCC. And those are in place.

So with that said, our request is that the need for a special variance or reversal of this decision, we plan to be nothing but responsible operators, as we feel we've demonstrated with our due diligence and good faith that we've put forth in every stage, leading up to the purchase of this property and our follow through to make sure everything is done to the fullest degree of compliance. Beyond that, we want to make contributions to the City of Grants Pass. I've been participating in this community for some years, and we want to continue to do that. And we have that full well intention to be a participatory and vibrant partner in the community.

And our simple ask is that our business is not penalized for the oversight of City employees and a tool that was provided to us by a non-cooperative home-based
business. And with that, we feel that issuing a special variance and, or reversing this decision to allow the proposed use is a fair and just exception. And that's the space here today, that you can see it's been cleaned up.

Hang on one second. You said your parents are online?

They should be. They got the ability to call in. So, they called in on this-

After we know if they're the only people that are online.

Yes.

Okay. Do you have questions of this app? Do your parents want to say anything, do you know?

They don't, they've yeah, me to handle it.

Okay. Questions to the applicant, anybody? I have one. You said, and I understand the crow fly buffer length. You said that these students would have to walk like this to get to your business if they were headed there for gummies after school or whatever. Do you know the distance that this is if they have to walk the streets? Did anyone measure that?

I don't want to give a wrong answer. I did look at it. I did map it, walking.

Staff. This was going to be the question I was going to ask you at the end of the hearing. Do we know the walking distance?

It's null and void, because the buffers are radius.

Okay. All right. Thanks.

They're not travel.

Okay. Other questions to the applicant? Thank you very much for your presentation, it was great. Anyone here want to speak in favor of this appeal? Yes, ma'am, go right ahead. If you want to do any presenting or power pointing, you can go there, or you can go right there. Is the red light on at the base of that microphone?

Yeah.

Could you push the button and turn that red light on? There you go. Name and address please.

Hi, I'm Molly Nichols, and I live in Grants Pass. Do you need my street address? No.

No.

Saying no. Okay. All right. So, I just wanted to speak on behalf of Joel. I am his real estate agent. I have been specializing in cannabis real estate for the last six years of legalization. I have helped Diamond Cannabis get their location. I've helped Redwood Cannabis get their location, and I've opened multiple farms processing and wholesale
around Josephine and Jackson and Multnomah County. I've always used the GIS, always. In fact, in 2018, I proposed this exact same site for a retail facility, and it was approved through Alexa as well, even though, at that time, this daycare was an operation as well. So there seems to be a glitch with the City where they said, state licensed, in their code, but all they searched was the City registration. And because this business was never a good operator in the City, they never got a business license through the City, and therefore it was never known to the City or any of us. So, it would've been impossible, even with a Google search, it's not my job to go in Google search and question the City and the GIS mapping. My job is to make sure that I find the places that work for zoning, and using that map in the buffer zone, and that I then bring my clients to the City and set them up with a good relationship with the planners there, to move forward with the correct planning, code enforcement, all of that, which Joel has done to the enth degree. He spent tens of thousands of dollars on engineering. He bought a house that was missing the back corner of its foundation, knowing that he was going to put this in, believing that he had found a permanent home for his business after three years of really exorbitant rents that made him non-profitable up in Portland, and pushed through all of that to get down here. I would've never proposed this, had there been any question. And there was no question. It was if a facility opened in the meantime, not if a facility was already open. So, on that thread, I bring more than cannabis to this community. I bring housing developers, I bring investors and I rely completely on the City's expertise, their mapping, their zoning, their staff. I currently have someone who's purchasing a potential development property based on the fact that they can annex, based on the fact that they can go from an R18 to an R2 based on Staff conversations, based on some precedent. If I don't have any real assurance that these conversations and that these tools are valid, how do I continue in good faith to bring people here to help further develop our community? So, I think, I mean, that's about it. I want to make sure that I bring good community members here, but I also want to make sure that our community is good to those people.

Thank you very much. Anyone questions to this young lady? Anyone else want to speak in favor? Anybody want to speak in opposition? Yes, sir?

An answer to your question [inaudible 00:42:19].

Thank you very much for that. I think I read in the report this is all water-based, no solvents. I believe I also read no odors will be emitted. Is that correct?

Yes.

Okay. Any other questions of the applicant? Any other questions of staff?

Yes. Who issues the Luxe? Where does it come from?

For this type of business, the application form comes from the Oregon Liquor Control Commission, Liquor and Cannabis Control Commission. And then they're reviewed and approved by planning staff.

The state gave him a Luxe?
State gave him the application form. He brought it to the City. A previous potential business brought it to the City, and some other planning staff approved that one. I specifically approved this Luxe based on our GIS mapping.

You approved the Luxe?

Correct.

Okay.

Other questions to Staff? I am getting ready to close the public hearing. Thank you, Staff, public hearing is closed. Further discussion will require a motion. Commissioner Nelson?

[inaudible 00:43:35].

Sorry. I moved to reverse the Staff decision and approve the site plan, approving the appeal, not denying the appeal. Reversing Staff decision.

Moving to approving.

Do we have a second for that?

I'll second that.

Commissioners call your seconds. Do we have discussion on this motion? Go ahead, Commissioner Arthur.

I think we've had quite a few problems with the whole situation with the 1,000-foot distances, time and again, on different kinds of things. There are a couple of areas that I feel we should address in our codes to refine how we use this. And basically, we have this central business district or commercial area that is less than a half a mile wide and mile long maybe and having to have to be 1,000 feet from a whole list of special uses, and 1,000 feet apart from each other, does not leave a lot of area to operate in that district. And I realize we don't want to have a whole town full of marijuana businesses in every block, but still, it makes having the business really difficult in meeting all the criteria. I think that we should consider recommending along with this or following this whichever way we vote that we also recommend to City Council that they look into refining our codes, and specifically the definitions of the daycare level. We ran into this, and I can't bring to mind right now, a few months ago with the preschool daycare, and had quite a discussion that nobody coming to the preschool daycare was coming on their own and would be able to go down the street, a distance without adult supervision. They're being picked up and dropped off at that daycare facility by an adult. And we also ran into it with the application over in the industrial district with the youth facility, the youth jail, and the fact that they were going to not allow the business, because that school that's associated with a jail, was a school, but obviously the people can't get outside the fence and go near this facility. So even though it's a school, it's a kind that should not be included in the exclusion list. And I think the correct wording should be, if you include daycare, should not be the preschool infant preschool. And it should be closer to what the state definition was that Ryan showed, which I can't
remember all the details of, but it made more sense. It would be people who might be walking themselves back and forth past it.

You did say that the distance was radius. And I don’t know if that’s an absolute requirement of the state. That’s a question for later, but it clearly, in this particular location, there’s no way you can walk from Steiger to Conklin directly. You have to either go down to Savage and back up, or up to Hillcrest and back down to get to anything on Conklin. And that almost certainly would make it more than 1,000 feet or at least close to it. It’s not really an adjacent or nearby use, but you did show that the state requirement was 1,000 feet.

But if we changed our definition so that it did not include preschool daycare, infant and preschool, that would also do that. But at this point we don’t have that definition, so we can’t really justify it on that. But we have had so many instances where very practically, the people found a good location and it fit almost all of the criteria, but not quite. And the criteria didn’t fit, were not very reasonable exclusionary reasons, given what those circumstances were. Anyway, that’s why I would be in favor of approving the appeal and accompanying it probably separately with a recommendation to Council to refine our code a little bit more so that these kinds of things don’t happen, if possible.

Commissioner Collier, you had a follow-up question?

[inaudible 00:49:21].

Commissioner, sure.

I’m going to preface this as I am 1000% in favor of bringing new business to Grants Pass. I have no issues with medical or recreational marijuana businesses, but we are a judicial board. We have a set of code and regulations that we are supposed to abide by. There is proof that there is an operational license that is in play and is valid. It is within the prescribed buffer zone that's outlined in our code. So, if we reverse the decision, which we do have that ability to, I would caution you just for the fact that it basically does open up on the back end that we've gone against our code, and there could be neighborhood pushback that could come, and they would have grounds for an appeal. So basically, that's all I would have to say is, we are supposed to govern underneath the code that is in place. And if we had a letter from the owner operator of blah, blah, blah, Conklin Avenue, that said that they're not operational anymore, then I would feel 1000% to vote for this, but I do caution that we are voting against our code.

Commissioner Collier.

When I looked at this and I knew the personalities, I knew right away that there would be clarification. And I knew Commissioner Scherf would hold a certain. And it's my goal and hope, it's my hope, that we would come to one consecutive concurrent. And I think we're really close, because I sense you, and I think you're absolutely right. I don't feel a lot of sympathy for this code nonsense. I think it's garbage with a capital G. I think if we were to pull up that picture where you had the overview, you not only got the veteran center next door, but you got a gun shop right across the street. So, you know the requirements and you know what's just happened in Texas and all that other stuff.

So, you're talking about a cannabis business that's all-in cannabis by definition. There's nothing on the exterior of the building that see signs or promotes any cannabis whatsoever. You wouldn't know it. There's no signage whatsoever that I saw. It's solventless, so it's not escaping the building. It's not going to have high traffic flow. This
whole thing about being one way, just absolutely makes me gag that someone, it can be stopped from putting it in and all this other nonsense, and the fact that, that daycare center, if you let your state business registry expire, you're saying, "I'm not really here. I'm not playing. And I'm also not playing, because I don't register with the City. I don't play by the rules. I don't answer the door. I'm really not there." Basically, they're locking that thing down, holding a client hostage. That's what I feel. And I'm sorry, I'm addressing to Clint.

They're basically holding him hostage for the length of the extent of the expiration period for whatever, who cares what. If they're not there, they're not there. So, I would hope that we are of one mind, and I do look to reverse this thing, and I hope he goes forward with the caveat that I would find it most beneficial to the applicant to be camped out there, to find out, are you in business, even by the license out, just to get it to go away. You're solving for X, get it to go away. So that's my thoughts. So anyway, I'll get off my soapbox.

Commissioner Nelson.

I was just going to say ditto to Commissioner Collier. I have already spoken about pharmacy and what things we go through as a profession to do licensing and due diligence. I'm not really inclined to support a daycare that never got licensed or is licensed with the state registry, other than for the daycare itself as a facility. So, I think that we have plenty of grounds to stand on, to help a business get their start in our community. And I'm more than happy to support these small businesses, which are going to be helping our community with tax dollars that we know will come in.

Other discussion? Commissioner Arthur.

I'm clear on what happens on the 120-day rule if it's an original application that comes to the Planning Commission and it doesn't get a final resolution. I am not clear what happens on an appeal. Can somebody clarify that?

The 120-day clock starts the day that we deem the application complete, and all appeals have to be complete within that 120 days. So, the clock is still ticking, and we really have until Friday to have a final decision.

Yeah, that's what I thought.

But what happens if we don't approve the appeal if we don't act on it? Well, what happens?

The applicant would have a right to go to Circuit Court and request a writ of mandamus, forcing the City basically to approve it as he requested. That takes quite a while in today's Circuit Court process, but that's the option that the applicant has, a Circuit Court would mandate the decision.

And that's not the motion.

So, it would basically be the same as if it were the original application that had come to us rather than to-
The Circuit Court Judge will not have any conditions. They won't condition a requirement to put inside. That's my experience, that they won't condition any City standards, they would approve it as applied for. And that's, in my opinion, not in the interest of the City to ever let a decision go to that point.

Other discussion, Commissioners? Commissioner Scherf.

I'm going to deem it a discussion, but I'm just asking you a direct question. You have already stated that you guys did due diligence on reaching out to see if this business was operational. Is that documented?

I do have emails and I do have emails with the state. The other were phone call and in-person. I didn't send any certified mails, so I think email is the only documentation that I have.

I just would feel more comfortable if we did have documentation that the City did their due diligence to try to see if this place was in operation. And then, I'd feel more comfortable that we have a solid ground to stand on, that nobody can come in the appeal from the outside, because we did something against this. And again, I have to remind that we are still operating under state jurisdiction for marijuana, not federal. So, there is always that open door on the back end, that if some wackos want to come and burn us down for it, they can do it. So, I love the spirited conversation, and I think we've done our job here. And I basically feel comfortable that I pointed out some issues, and I think we are of one mind when we're done with this. So, thank you.

For sure. Arthur?

I'm still not quite clear. My preference for future recommendation would be that it would be a 1,000 feet by the shortest accessible route that you could get from one place to the other, that's under dispute, but it's not clear to me whether that's something that would be possible to justify, or whether it's just absolutely bird fly only, which is ridiculous if you had a river in between or something.

Any more discussion? All right, I'm going to do a roll call vote. Commissioner okay, a yes vote, means we are upholding the applicant's appeal and reversing Staff decision.

Commissioner Arthur?

Yes.

Commissioner Aviles?

Yes.

Commissioner Nelson?

Yes.

Commissioner Collier?

Yes.
Commissioner Scherf?

Make sure we have the documentation. Yes.

Geez. And I’m voting, yes. The decision is unanimous to reverse Staff decision, uphold the applicant's appeal.

**MOTION/VOTE**

Commissioner Nelson moved, and Vice Chair Collier seconded the motion to reverse the Staff decision and approve the site plan of change in Single Dwelling Unit to Adult Use Marijuana business. The vote resulted as follows: “AYES”: Chair Heesacker, Vice Chair Collier, Commissioners Arthur, Aviles, Coulter, Nelson, Tokarz-Krauss and Scherf. “NAYS”: None. Abstain: None. Absent: None.

The motion passed.

Mr. Chair.

Yes?

I believe we have to approve the Findings of Facts.

Correct.

So, I would move to approve the Findings of Facts on this site plan.

We have a second?

Second. Collier.

So, we have a motion to approve the Findings of Fact, that's been seconded by Commissioner Collier. All those in favor, say aye.

Aye.

Anybody opposed? Any abstentions? Findings of Fact are adopted.

**MOTION/VOTE**

Commissioner Nelson moved, and Vice Chair Collier seconded the motion to approve The Findings of Fact for 302-00111-22 ~ 123 NE Steiger, Change of Use from Single Dwelling Unit to Adult Use Marijuana Business ~ Minor Site Plan Denial ~ Appeal of Staff’s Decision of Denial. The vote resulted as follows: “AYES”: Chair Heesacker, Vice Chair Collier, Commissioners Arthur, Aviles, Coulter, Nelson, Tokarz-Krauss and Scherf. “NAYS”: None. Abstain: None. Absent: None.

The motion passed.

8. Matters from Commission Members and Staff

a. Planning related projects in American Rescue Plan Act (ARPA) as adopted by City Council. All right. Item eight; Matters from Commission Members and Staff. 8A, I'm going to put my glasses on, sorry. Planning related projects in American Rescue Plan Act, ARPA, as adopted by City Council.
Yeah Commissioners, I just wanted to bring you up to speed. As you know, the American Rescue Plan Act allocated $9.3 million to the City. We are a little behind, if you will, some of our colleagues around the state, but our Council did pass a resolution that had an allocation for how that $9.3 million would be done, would be spent. All of this information, of course, you have fully accessible to, you can go in and watch all the workshops, but I just try to bring to you some highlights of things that happened at the Council. So, there was about a dozen different projects that, that $9.3 million-

[inaudible 01:00:05] Pam Leonard is now exiting.

The first decision they made, which was many, many months ago, was to have $3 million of it go toward the Water Treatment Plant, in particular to help to buy down the future increase in rates for our ratepayers. But in terms of the planning related things, they're really mostly housing. So, they did allocate $2 million to affordable housing projects. And I thought the one that triggered putting it on your agenda was, they put $1.6 million to basically front load new development in areas of town where there have been historically challenged situations with water and sewer. There's $1.6 million towards that.

So again, it's infrastructure only. This isn't to housing, this isn't to any other thing, it's just to put in sewer and water. So where exactly those areas are, I think will potentially be something we ask you for some feedback on. So, you can maybe give that some thought, but they're the enclaves or pockets around the area, urban growth boundary that maybe just have not seen the potential of development that they could, because of the distance that it takes to get sewer and water to those areas.

Just a quick question on that. The allocation that you're talking about, is that allocation of a grant funding that's available to developers, or is that for our personal capital improvement of infrastructure?

Yeah, it's a good question. And they've talked about both. It would most likely be that the City would just go in and do it, but we've also hesitated on that, because we can't really out guess the market. We don't know where all the developers are, and who's ripe and who's ready to go. And so, the last conversation was maybe, we just put out even like an RFP and say, "Hey, the City's willing to partner and we have this ARPA money. If you're ready, we can potentially work with you." So, it opens it up a little bit.

That's awesome, because that's where my line of question was going, is to push that in that direction, and that's enlightening that you're-

Okay. Well, we'll definitely pass that along. The main other planning one, was the Portland Loo at Baker Park, which is more of a Parks management kind of thing. But currently, there is a brick-and-mortar restroom at Baker Park, which is on the parkway, between riverside and the parkway. It's in the 100-year flood plan. It's in pretty bad shape, and so, they're proposing to put about a quarter million dollars towards a new toilet facility there at that park. Anyway, that's just some highlights of what is happening with the ARPA funding.

Thank you very much. Anything else for Commission, Staff? Anything from Commissioners for the good of the order? Commissioner Arthur.
Sorry to slow you down again. I have a concern about our general procedures recently, and it goes way back to, I don't know, about the time we recalled the City Council on things. And at that time, we had discussions both at the Council level and the Planning Commission level, where we agreed informally that procedurally, we would always have some significant discussion between the close of a public hearing and the vote being taken. And in that discussion, we would hopefully mention criteria that either did or did not fit the situation, why we would approve or not approve something. Which criteria were critical to that decision, why we were voting that way. And it wasn't necessarily every person having to do it, but maybe the person making the motion, or at least one person having some discussion. And recently, there have been a couple situations where that hasn't happened exactly.

And particularly when there's been a continuation. A continuation is the same hearing, you didn't close it and reopen it, you just continued with the same thing. But if you look at page eight in today's minutes, the one that was up the hill by Cathedral Hills, you close the public hearing, motion was made, and in closing the hearing, you said, "The public hearing is closed. We have before us; we'll have a motion and then go ahead into discussion of the motion." So, we go into making the motion, and the next thing that happens is, everybody votes. No discussion showing in the record. We've been really lucky, and especially after we started that process of always including the criteria and having substantive discussion before the vote. I think we had one remand maybe in the last decade. And that was one where the City Council voted contrary to our recommendation, and they got remanded, and they went back and ours stood.

Were you prohibited from saying something between the time that the motion's made, and the second. Were you prohibited from saying something? Or were looking for someone to draw some discussion from you? I don't understand this. We seem...

Well, I'm just saying that procedurally-

Well, there is a procedure.

One of us... No, I wasn't prohibited in that one.

Okay, so you could have discussed?

Huh?

You could have discussed then. Unless you're prohibited from discussing, I don't understand this.

But we're not doing it. That's the point. And the other example-

Not to interrupt, but you're basically talking about these minutes, and it says right in the minutes that you're discussing, what about discussion? There's no discussion, so let's go to vote.

I see that, it's obvious, yeah. But it's not good procedure to do that.

Okay. I understand.
And the other example, let me finish. The other one was back when I was the sole voice on that one, the Credit Union one, where we had the discussion about the entrances and exits to the street, and that was the focus of the conversation. But because it was a variance and we disapproved the variance, we never discussed the actual site plan itself. And when it came back the next time, and I was trying to discuss the site plan itself, which I still think they didn't even look at, but they looked only at the street entrances and exits.

And I basically got cut off by someone saying, "Well, the experts handled it." Well, maybe they did and maybe they didn't, but we never discussed the site plan. And we did the same thing. We went ahead and voted, and I did bring up my concerns about it that time. I didn't on this one. I forgot probably on this one or I missed it, so long we spent on it. But my point is, if we don't say something on the record and anybody appeals, we don't have much to stand on if we didn't give good reasons why we did or did not approve it.

Hang on one second. So, you think I'm committing some procedural error here, in not doing what you're suggesting? Am I correct?

No. Not you.

Well, I'm running the meeting, so the fault is mine. Okay. That's all, I just wanted to clarify.

Yeah, I know. I think we need to speak up. And I think part of the problem in these recent ones is that they were continuations, and we had discussed some things earlier, but in two of those cases, we didn't actually discuss at the end, after resolving a couple of things. The record doesn't show, doesn't stand for itself.

Okay. Thank you for that. If I'm blowing a procedurally, I need to know. Commissioner Nelson, go right ahead.

So, when we approve these plans and there's no discussion, what we are doing is accepting what the staff has submitted in the plans. And that is the information that only can be appealed, whether I say, "I agree with the staff and I think this is an important plan that we should support." That's irrelevant to the courts. It's whether or not we not approve or disagree, then like tonight, we needed to talk about what we thought was right and what was not right, based on what we know. And that's what we did. You don't have to speak to each of the items, criteria, and stuff in there. If you have a problem with something in a plan, and you want to speak to, certainly do so, but it doesn't require one to make a motion and then speak to the motion.

Commissioner Collier?

Yeah. I appreciate your input, and I rely on your input, Loree, but I don't think anyone has been prohibited from discussing. And furthermore, I don't think anyone can be forced to discuss something. We all weigh the minutes. We all weigh this thing. The applicant read basically his application tonight. I think we did discuss the thing over there, the bank over there, on whatever street it was. Union. I think we discussed it. We talked about parking flow. We talked about this way and that way, should we come this way, we had them come back this way. I felt I discussed the site plan, and I'm with Ward,
we're discussing Staff. We approve that, and we have our discussion here. If there's not enough of it, I don't get it.

So, as you did with the minutes from the last meeting, I remember you looking up at me and saying, "Well, what about discussion?" Because the motion was made, it was seconded. And I said, "Okay, let's vote, I blew it." You said, "What about discussion?" And I said, "Here in the minutes, I'm sorry." I realized I had blown it. So, I guess what I'm saying is, if there's a procedural error that I'm committing as Chair of the meeting, I need to know about it so that I can correct it. If you feel that I'm rushing ahead and getting ahead of you, and you want to discuss something, please, like you did at the last meeting, push your button, and say, "Dude, we got to discuss this." And then I'll know. And of course, we're not here to silence you. Please, yes, speak up. If there's something that you want to say, and I'm rushing ahead and I'm forgetting something, please let me know.

It's not necessarily, I don't think it's a procedural error on your part, I'm saying that, but there's also a huge public relations aspect of it. And this whole line of discussion all began back with the Council recall in 2008, where what was happening was, they were discussing things, including our issues that we had sent forward in the Monday workshops. And then having them come to the Wednesday evening things, which the public saw at that time, and not talking about it much. So, it didn't look like they were even thinking about it or discussing it, because it had all happened at an invisible meeting. And so, there was a lot of uproar about that, and why you should make some substantive statements on the subject at that time. And I felt that way about the Leson thing, and it was my fault. I didn't get my thoughts together. I'm the, have to analyze everything nine times, person. But at the end of the meeting, when I said that we should acknowledge the work that, that subdivision did and that those people thought about, and the good recommendations they did make, we didn't even give them a little crumb to approve of their effort and input on the issue. It's several aspects.

I appreciate you speaking up like you did the last meeting because you're right. I was rushing in; I didn't allow for that discussion. When and if you have something to say, slow me down, I have no problem with that. And if anyone knows of me making any procedural errors, please let me know about those too.

I'll let you know later when I get you behind the building, beat you up.

You're one of those guys.

I understand what you're saying, Loree. I think what I rely on is, if it is a continuance, I've discussed 90% of it already, and it's continuous, and I'm really only looking, focusing on those last two crumbs that are there. So, I guess if we have a running list of questions and concerns from the start of the project to us approving it, even if there is a continuance, each one of us needs to speak up. But in the situations that you're describing being a continuance, like I say, I've already digested 90% of it, I'm done with that. I'm just focusing on those last two items. So, I think it's just abundant upon us to have our running list of questions and concerns and keep addressing them as we go along. It should be up to us.
Thank you for that. Any other Commissioners have anything for the Commission itself? Anybody else want to say anything?

9. Adjourn
Okay, let me get my glasses and moving onto the next item. Oh, we're adjourned. Next meeting, June 8th. [inaudible 01:15:05] No. Is that over in the park of the...

Yeah.

Just a question. Is anyone going to the volunteer dinner? The volunteer dinner, and you're not going? You're going?

Yeah.

We have to let them know by June 8th.

We have to let them know by that date that we're going?

____________________________________  ___________________
Eric Heesacker, Chair                 Date
Urban Area Planning Commissioner
I. PROPOSAL:

The applicant is appealing the Director’s decision to approve the Minor Site Plan for the proposed change of use of an existing structure from a single dwelling Unit to a Vacation Rental Dwelling (Project Number 207-00013-22). (See Exhibit 3 for a copy of the original Minor Site Plan application.) The project is located at 340 NW Manzanita Avenue in the R-1-6 zoning district. Following the Director’s approval, an appeal was filed on May 6, 2022 (see Exhibit 5).

II. AUTHORITY & CRITERIA:

Section 10.031 of the Grants Pass Development Code authorizes the Planning Commission to consider the appeal. Section 10.033 describes the potential actions the Commission can take to affirm, amend, or reverse the final action of the Director.
III. APPEAL PROCEDURE:

Section 10.050 of the GPDC, provides the procedure for an appeal of the Urban Area Planning Commission’s decision to the City Council. An appeal must be filed with the Director within 12 calendar days from the date the written notice of the decision is mailed. The decision will not become final until the period for filing a local appeal has expired.

IV. BACKGROUND:

A. Characteristics of the Property:

1. Land Use Designation:
   a. Comprehensive Plan: Moderate Density
   b. Zone District: R-1-6
2. Special Purpose District: Special Flood Hazard Area (Gilbert Creek)
3. Size: .72 acres
4. Frontage: NW Manzanita Ave (Local Collector)
   NW Prospect Ave (Local)
5. Access: NW Manzanita Ave (Local Collector)
   NW Prospect Ave (Local)
6. Existing Public Utilities:
   a. Water: 8-inch main in NW Manzanita Ave.
      12-inch main in NW Prospect Ave.
   b. Sewer: 8-inch main in NW Manzanita Ave.
      8-inch main in NW Prospect Ave.
   c. Storm: 12-inch in NW Manzanita Ave.
      Curb-gutter in NW Manzanita Ave.
      Curb-gutter in NW Prospect Ave.
7. Topography: Relatively flat
8. Natural Hazards: NA
9. Natural Resources: N/A
10. Existing Land Use:
    a. Subject Parcel: Residential
    b. Surrounding: Residential
B. Background:

The applicant is requesting approval of a Minor Site Plan Review to allow a change in use from single family residential to a Vacation Rental Dwelling. The property is located at 340 NW Manzanita Ave, in the R-1-6 zoning district. The property is developed with a single-family home, two (2) accessory structures used as a garage and gym, and a swimming pool.

Access to the property is provided via an existing driveway off of NW Manzanita Avenue. The subject parcel is currently connected to all city services, and the street frontage is partially developed with curb, gutter. No frontage improvements were required as part of the Vacation Rental Dwelling application.

The use of the site as a detached dwelling is listed as a permitted use in Schedule 12-2 of the Code.

A portion of the property is located within the Special Flood Hazard Area; however, none of the current development is within the boundary of the SFHA.

Eight (8) public comments were received by staff (Exhibit 4) in opposition of the proposed Vacation Rental Dwelling. Many concerns were brought up that are summarized below:

- Parking
- The presence of an Oxford House located across from the proposed VRD at 1200 NW Prospect Avenue
- Increased traffic
- Noise/Parties
- Safety
- Increased calls to the police
- The number of guests the VRD could support

V. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

[Note: Below are the Findings that formed the basis of the Type I-C Decision made by the Director to approve the original Vacation Rental Dwelling application (Exhibit 3). The Commission should consider these review criteria along with all public testimony and the Appeal application when reviewing the Appeal request.]

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

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

Staff Response: Satisfied. The subject parcel is 0.72 acres (31,363 sq. ft.) and was platted as part of the Lincoln Park Addition Subdivision in 1910. A Property Line Vacation occurred in 2019 between what was three (3) tax parcels, creating one single
parcel that is the current configuration today. The property complies with all development and zoning standards.

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

**Staff Response:** Satisfied. Access to the lot is from an existing paved approach from NW Manzanita Avenue. No new vehicular approaches are being proposed for the VRD. Public utility services are currently available to and serve the property. Based on a review of the application, no new, or modified, Public Work’s improvements appear to be proposed or required in order to satisfy the City’s criteria for approval.

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

**Staff Response:** Satisfied. The property is currently adequately connected to and served by all basic urban services, including public water and sewer.

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

**Staff Response:** Satisfied. The property is currently in conformance with all other provisions of the Development Code related to the existing use as a single-family dwelling unit. The change in use to allow Vacation Rental Dwelling will require the compliance with Sections 14.800 through 14.840. In allowing Vacation Rental Dwelling uses in residentially zoned neighborhoods it is the intent of the City to maintain the residential character of neighborhoods in both appearance and characteristics. It is also a goal of the City to avoid infringing upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. Preserving and protecting adequate public utility services and transportation facilities is also a key issue when allowing this type of commercial activity in residential zones. As described by the applicant in Exhibit 3, there is no evidence that the subject property cannot be operated to conform with the City’s minimum standards for a short-term rental property. Some of the key provisions that the applicant will have to comply with related to Vacation Rental Dwelling use are:

- **Maximum Overnight Occupancy:** Maximum overnight occupancy for vacation rentals shall be up to a maximum of two (2) persons per sleeping room plus two (2) additional persons per property.

- **Maximum Number of Guests and Daytime Visitors:** The maximum number of total guests and visitors allowed at any time in a single vacation rental shall not exceed the maximum overnight occupancy plus six (6) additional persons per property during the daytime, excluding children under three (3) years of age. Daytime visitors shall not be on the property during quiet hours (10:00 pm to 7:00 am).

- **Length of Stay:** Guest may not stay more than 27 days in any 30-day period.

- **Parking:** Off-street parking will be provided for the Vacation Rental Dwelling. No more than two (2) vehicles are allowed in the driveways (that means a total of two allowed, not four), and only one (1) vehicle is allowed on the street. Recreational vehicles are allowed onsite; however, they are strictly prohibited from being parked on the street.
• Guest Register: An accurate and up-to-date guest register must be maintained and available for review by the City’s Finance Director.

• Solid Waste: The owner must provide securable receptacles of sufficient size for the deposit of solid waste generated by the Vacation Rental Dwelling use and subscribe to a solid waste collection service for service sufficient for the Vacation Rental Dwelling during all months the dwelling is used for vacation rental. No dumpsters are allowed.

• Signs: Any signs must be in compliance with Title 9, Chapter 9.21, Sign Standards of the City of Grants Pass Municipal Code, which states that free-standing signs are not permitted for a Vacation Rental Dwelling in a single-family dwelling unit.

• Lodging Tax: The owner shall comply with Title 4, Chapter 4.05, Lodging Tax, of the City of Grants Pass Municipal Code.

• Business Tax Certificate: Prior to making a Vacation Rental Dwelling available for use, including advertising by any means or otherwise offering the unit for use, the owner shall obtain a valid Vacation Rental Dwelling License as provided in Title 4, Chapter 4.08 of the City of Grants Pass Municipal Code.

The Gilbert Creek flood hazard area located along the eastern edge of the lot is not found to change as a result of the proposed VRD. No structures can be located within the flood hazard zone and none are proposed.

CRITERION (5): Potential land use conflicts have been mitigated through specific conditions of development as required by this Code.

Staff Response: Satisfied. The criteria in Section 14.800 through 14.840 related to Vacation Rental Dwellings, if met, is expected to mitigate potential conflicts in the residential area.

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

Staff Response: Not applicable. The site is residential. Internal circulation requirements do not apply.

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

Staff Response: Satisfied. There are no known existing nonconforming uses or development on the subject property.

VI. RECOMMENDATION:

Staff’s recommendation is to AFFIRM the Director’s decision to approve the Minor Site Plan with the following conditions:

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

1. Maintain an accurate, up-to-date register of guests, starting from the date of approval. The register must be available for review by the City Finance Director.

2. Provide secureable receptacles of sufficient size for the deposit of solid waste generated by the Vacation Rental Dwelling use and subscribe to a solid waste collection service for the Vacation Rental Dwelling during all months the dwelling is used.

3. Per Section 23.050 of the Development Code, maintain all landscaping on the property, including replacement of any dead or dying trees and/or shrubs.

4. Register for the Transient Lodging Tax with the City of Grants Pass Finance Department. You can call the City of Grants Pass Finance Department at 541-450-6036 to complete registration.

5. Submit and pay the Application & Renewal for Business & Occupation Tax form to the Grants Pass Finance Department for your VRD License.


7. It is recommended that applicant follow Standard Safety Best Management Practices and install and maintain safety equipment.

8. Inspection of VRD by member of planning staff to confirm compliance. Please call 541-450-6060 and ask to speak with the Assigned Planner identified on the cover sheet of this decision.

NOTE: Per Section 14.810 of the Development Code, this license may be suspended, terminated, or revoked if the standards for Vacation Rental Dwelling in Article 14 or the conditions of approval are not met.

VII. PLANNING COMMISSION ACTION:

A. Affirm the Director’s decision of approval; or

B. Amend the Director’s decision of approval; or

C. Reverse the Director’s decision and deny the Minor Site Plan

D. Continue Item (Note: 120-day time expires August 2, 2022)
2. To a date and time certain.

VIII. INDEX TO EXHIBITS:
1. Vicinity Map
2. Aerial Map
3. Original Application
4. Public Comment for Project 207-00013-22
5. Appeal Application
Property Address: 430 NW Manzanita Ave
Grants Pass, OR 97526

Assessor's Map & Tax Lot:
36 - 05 - 07 - 00 Tax Lot(s) 901
--- --- --- Tax Lot(s)

Zoning: Residential R-1-4
City: X UGB: 

Property Owner: Dale Bentz
Address: 430 NW Manzanita Ave
Grants Pass, OR 97526
Phone: 541-660-2910
Email: dbentz7@yahoo.com
Applicant: Dale Bentz
Address: 430 NW Manzanita Ave
Grants Pass, OR 97526
Phone: 541-660-2910
Email: dbentz7@yahoo.com

Authorized Representative
Address: 80 BOX 13640 Grants Pass, OR 97528
Phone: 541-659-7019
Email: dparkhurst13@msn.com

Surveyor or Engineer (if applicable):
N/A

Size of Project (# of units, lots, sq. ft., etc.):
1 unit

Attachments:
- (8) Folded Maps/Site Plan to scale
- (1) 8 1/2 x 11 reduced copy of site plan
- Electronic copy
- Written Narrative/Response to Criteria
- Power of Attorney
- Service Agreement
- Architectural Features
- Other:

Vacation rental dwelling

Description of Request (include name of project and proposed uses):
Vacation rental working with local vacation rental/rental company

CERTIFICATION: I hereby certify that the information on this application is correct and that I own the property, or the owner has executed a Power of Attorney authorizing me to pursue this application (attached).

(Signature of owner or Attorney-in-Fact) Date

(For Office Use)
Date Application Received: 4-1-22
Date Application Complete: 4-4-22
Pre-App required? Y No Pre-App #
Fees Paid: 815,11 Initials: CW
File Number(s): 207-00013-22
PLEASE ALLOW AT LEAST 10 BUSINESS DAYS TO PROCESS

Make check payable to:
CITY OF GRANTS PASS
101 NW A ST
GRANTS PASS, OR 97526-2091
(541) 450-6039 FINANCE

APPLICATION & RENEWAL FOR BUSINESS & OCCUPATION TAX

It is unlawful for a person to transact any business in the City of Grants Pass without first having obtained a Business and Occupation Tax Certificate. Evidence of doing business includes the use of signs, circulars, business cards, telephone book listings, newspapers, or other forms of advertisement. No licensee who has paid the tax required under this ordinance shall be entitled to any refund. This includes a business who pays the tax prior to receiving all other required approvals.

Please print clearly and complete ALL fields to avoid any delay in processing. Incomplete/Illegible applications cannot be processed and will be returned.

IF NO LONGER IN BUSINESS OR INACTIVE:
If your business has CLOSED, is INACTIVE, or has RELOCATED outside the City limits please sign and date this section indicating when you last worked in the City. Be aware that you will need to reapply when you plan to work in the City again.

STATUS OF BUSINESS: ___________________________ DATE LAST WORKED IN CITY: ___________________________ SIGNATURE: ___________________________

NAME OF BUSINESS: Bentz Properties, LLC

DBA (DOING BUSINESS AS):

NAME OF OWNER(S): Dale Bentz

DATE OPENED: 5-1-22

SQUARE FOOTAGE: 3832

TYPE OF BUSINESS: Vacation rental dwelling

COMMERCIAL PROPERTY

RESIDENTIAL PROPERTY

PHYSICAL ADDRESS*: 430 NW Manzanita Ave

*Cities based businesses may be required to file a Minor/Major Home Occupation Permit with Parks & Community Development, Room 202. Please contact them at (541) 450-6060

CITY, STATE, ZIP: Grants Pass, OR 97526

MAILING ADDRESS (if different): PO Box 1840

CITY, STATE, ZIP: Grants Pass, OR 97526

BUSINESS PHONE: 541-660-2916

SECONDARY PHONE:

EMAIL ADDRESS: dbentz7@yahoo.com

CONTRACTORS ONLY: Please provide your Construction Contractors Board (CCB) licensing information

CONTRACTOR CCB#: ___________________________ CCB EXPIRATION DATE*: ___________________________

*If your CCB license is not current, the City will process your application as a non-compliant contractor, and you will not be eligible for issuance of building permits.

The certificate application will be denied where the activity to be taxed would not comply with City ordinance, state, or federal law.

OWNERS OF RENTAL UNITS: The word “business” shall include the ownership and operation of three or more rental units, or a single complex with three or more units, by the same owner(s) located within City limits. If you do not own at least three units, please state this on the enclosed application. Sign and date the application and return to the City Finance office for cancelation.

TWO SIDED TURN OVER TO COMPLETE
CALCULATION OF BUSINESS TAX FEE

1. Number of owners engaged in business in Grants Pass
   Include owners, proprietors, and partners

2. Number of individuals employed on a regular or part-time basis*
   *Do not include any persons reported on Line 1
   *Employees who work less than 20 hours per week can be counted 2 for 1
   (Random verifications of this count will be performed by the City)

Beauty Salons: report the number of stations on the business premises whether utilized or not
Real Estate Brokers: include independent associates and salespersons associated with the reality
Flea Markets or any business with booths/stalls: report the number of booths/stalls available for rent

3. Total individuals to report – Line 1 plus Line 2

4. Enter your tax here*
   Please refer to the schedule of tax fees on the right
   (Non-Profit: ZERO fees due with IRS proof of Non-Profit Status)

5. Late fees (For renewals only. If not renewing, skip to Line 7)

Occupation taxes paid after the expiration date printed on certificate are considered delinquent and are subject to
late fees. Late fees are calculated at 10% per month late

6. Change of business information including address change, etc.
   Please include a $5.00 processing fee*
   *No fee applicable when renewing

7. Total Tax – Add Line 4 through Line 6

I HEREBY AGREE TO ABIDE BY ALL THE TERMS OF THE BUSINESS TAX ORDINANCE
AND TO FURNISH SUCH INFORMATION AS THE CITY OF GRANTS PASS MAY REQUIRE
WITH RESPECT TO THE NUMBER OF EMPLOYEES EMPLOYED BY THE BUSINESS.
I UNDERSTAND THIS TAX IS NOT TRANSFERABLE BETWEEN BUSINESSES AND IS
VALID AT THE ABOVE REPORTED ADDRESS ONLY.

SIGNATURE OF APPLICANT REQUIRED

DATE

IN EXCESS OF 30
ADD $2.40 PER
INDIVIDUAL

THIS DOCUMENT IS A PUBLIC RECORD. ALL INFORMATION PROVIDED
MAY BE PUBLISHED ON THE CITY OF GRANTS PASS WEBSITE AND IS
SUBJECT TO DISCLOSURE UPON REQUEST.

OFFICE USE ONLY

DATE PAID:

RECEIPT NUMBER:

RECEIPTED BY:

RECEIVED

APR 01 2022

CITY OF GRANTS PASS
## COMBINE PAYMENT

**LODGING TAX RETURN**

**CONFIDENTIAL**

**CITY OF GRANTS PASS**

---

### Tax computation for the quarter ending:

<table>
<thead>
<tr>
<th>Description</th>
<th>Month 1</th>
<th>Month 2</th>
<th>Month 3</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Gross Rent – Including online travel companies (OTC’s)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Deductions: Rent for more than 27 days</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Deductions: Rent from online travel companies (OTC’s)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Deductions: Federal Government Exemption</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Adjusted Gross Rent (line 1 minus lines 2, 3 and 4)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Tax On Adjusted Gross Rent (12% of line 5)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Operator Administration (5% of line 6)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Current Tax Due (line 6 minus line 7)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Penalties For Late Payment (10% of line 8)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Interest For Late Payment (1% of tax per month late)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Tax Overpayment – Prior Quarter</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Tax Underpayment – Prior Quarter</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. <strong>Total Amount Due</strong> (add lines 8, 9,10 and 12, minus line 11)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Please answer the following questions:

1. Total calendar days during quarter
2. Number of rooms/suites in your establishment
3. Total rooms/suites available (line 2 multiplied by line 1)
4. Total rooms/suites rented during the quarter excluding OTC*-booked (include all regular/exempt rooms booked, exclude OTCs*)
5. Total rooms/suites rented during the quarter from OTCs* (include all regular rooms and exempt rooms booked through third party OTCs*)

To the best of my knowledge, I declare the information supplied herein to be correct and true.

---

**Signature**

3.25.22

**Owner**

541 660 2914

**Title**

**Date**

**Phone Number**

---

If the business is disposed of or suspended a closing return must be filed immediately, and tax due must be paid. No change in ownership can be recorded until this is done. For questions, please call Carl Kutschke at 541-450-6039.

Remit payments to City of Grants Pass, 101 NW A St., Grants Pass, OR 97526. *OTC = Online Travel Company
## City of Grants Pass
### Lodging Tax Form (OTC) Detail

<table>
<thead>
<tr>
<th>Online Travel Company (OTC) Name</th>
<th>Amount Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expedia</td>
<td></td>
</tr>
<tr>
<td>Hotel Tonight</td>
<td></td>
</tr>
<tr>
<td>Priceline</td>
<td></td>
</tr>
<tr>
<td>Other OTCs</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*This line should equal the amount on "Line 3" on page one. This form can be substituted.*

**Total**

RECEIPT #____________ DATE:_____________ INITIALS:_____________
CITY OF GRANTS PASS

LODGING TAX REGISTRATION FORM

PLEASE PRINT CLEARLY

Date opened or acquired: 5-1-22

Business Name: Bentz Properties, LLC

Business Telephone: 541 660-2916

Business Address: 430 NW Manganese Ave Grants Pass, OR 97526

Mailing Address: PO Box 1860

Grants Pass, OR 97528

Number of Rooms Available: 5

Name of Manager*: Dale Bentz

Email Address: dbentz7@yahoo.com

Names of Owners, Partners, or Corporation Officers:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dale Bentz</td>
<td>Owner</td>
<td>430 NW Manganese Ave.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Grants Pass, OR 97526</td>
</tr>
</tbody>
</table>

By my signature I assert I have obtained all site approvals and registered for City of Grants Pass Business Tax.

Signature

Printed Name Dale Bentz

Title Owner

Date 5-25-22

*Note this is the person who will receive all correspondence from the City.
441 NW Manzanita Ave
Grants pass OR 97526

Director of Community Development
City of Grants Pass
101 NW A St.
Grants Pass Oregon 97526

Att: Gabby Sinagra
Re: PROJECT NUMBER 207-0 0013-22

Dear Ms. Sinagra,

I am writing in response to Notice of Public Comment Period I received concerning the proposed change of the dwelling located at 430 North West Manzanita Ave., Grants Pass, project number above.

I have lived across the street from this address for over 20 years and enjoyed a lovely peaceful life, that is until the Oxford house and unsupervised house for men who are not ready to be released back into society. We were never even informed or given a chance to express their opinion. It is across from the said property at 430 NW. Manzanita Ave. and kitty corner from my house 441 Northwest Manzanita Avenue. To have a large capacity Airbnb on one corner and an Oxford house on the other it's just too much for one small residential neighborhood to bear! There's already constant turnover of men, some with their children, as well as visiting relatives on weekends, motorcycles, noisy vehicles, loud voices, and arguing! In fact that's why the owner of property proposed for Airbnb decided to move, Proclaiming “the neighborhood is already ruined far as I'm concerned.”

I know my property values have already gone down and it would be a sad thing for me if they were to get worse because I have taken care of my property all these years and intend to leave it as an inheritance to my sons .... It's all I have to leave them and I am 87 year old widow now so I think about such things. After all who would want buy a house with such neighbors?

Please Council consider these concerns my neighbors and I have. I do care about what happens to my neighborhood. I could go on with more details but I know some of my neighbors have written in detail the hardships that would be added to what we already now endure and that would simply be too much more.

Sincerely,

[Signature]

RECEIVED

APR 11 2022

CITY OF GRANTS PASS
Oxford House. Airbnb?
TO DIRECTOR OF COMMUNITY DEVELOPMENT, City of Grants Pass

Reference Project Number: 207-00013-22

Responding to "Notice of Public Comment Comment Period" regarding property at 430 NW Manzanita

We, residents of 515 NW Manzanita Avenue join others in wanting to help preserve the peace, quiet, and safety of our neighborhood.

We have NO confidence that the present owner of 430 NW Manzanita, once having moved out of the area, would take ANY responsibility for the integrity of this property—which would AFFECT all of us who love and cherish our neighborhood. Present owner likely has good intentions but we have NO confidence in his integrity.

The 430 NW Manzanita property is beautiful and needs to be sold to folks who would join the rest of us in maintaining the beauty, grace and integrity of our wonderful neighborhood.

We believe that ALL the items listed as to how this requested change would affect our neighborhood need to be avoided by denying present owner's request.

We have a good neighborhood and it's the neighborhood's responsibility to "speak up" and we strongly request that the present owner's request of property at 430 NW Manzanita be FIRMLY DENIED.

SINCERE THANKS FOR WHAT THE CITY DOES TO MAKE IT THE PLACE WE CONTINUE TO BE PROUD OF AND GRATEFUL TO CALL HOME.

CAMILLE AND ROY LINDSAY
515 NW Manzanita Ave
GP. 97526-1158
roy@rcl-ventures.com
camille@rcl-ventures.com

RECEIVED
APR 11 2013
CITY OF GRANTS PASS
EXHIBIT 4

Gabby Sinagra

From: Windy Tatom <windytatom@gmail.com>
Sent: Tuesday, April 19, 2022 4:31 PM
To: Gabby Sinagra
Subject: Re: Project number 207-00012-22
Attachments: image001.jpg

[NOTICE: This message originated outside the City of Grants Pass -- DO NOT CLICK on links or open attachments unless you are sure content is safe.]

To whom it may concern regarding the application to change a residential property to a vacation rental.
I honestly think that allowing this change would have a devastating effect on our quiet neighborhood. Our small neighborhood has one road in and out allowing for a very safe place for children to play. Adding more traffic adds the potential for accidents to happen. Our street consists of mostly owner occupied houses and we all work hard for our little slice of the American dream. Increasing traffic and possibly crime as well would be a definite reason to consider moving. Having new neighbors can create stress let alone having new people come and go every few days will definitely cause problems. Vacation rental could bring with it noise and lots of parties.
I ask that you please consider denying this request so that our neighborhood can remain quiet for our families.
Thank you so much for your time and consideration.
Sincerely,
Concerned neighbor

On Mon, Apr 18, 2022, 9:52 AM Gabby Sinagra <GSinagra@grantspassoregon.gov> wrote:

Good Morning Windy,

You may absolutely email me your public comment.

Let me know if you have any further questions.

Best,

Gabby Sinagra
Assistant Planner
Community Development Department
Office: 541-450-6080
Dear Director Clark,

Thank you for the opportunity to comment on this project. As a longtime neighbor of the owner of the property at 430 NW Manzanita, just across Gilbert Creek, I have no desire to deny him the opportunity to use his property for financial gain; at the same time, I have to be concerned about adverse effects on the neighborhood.

I expect that use of this property as a vacation rental dwelling with a 10 person guest capacity will not comply with section 14.810 (1) and (2) of the City of Grants Pass development code, in that such use will significantly alter the characteristics of a quiet residential neighborhood, and will infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes.

The property with a large residence, and a large backyard with a swimming pool lends itself supremely to outdoor parties. From experience over the years I can tell you that such parties have a significant impact on what otherwise would have been a quiet weekend, or a good night’s sleep during the week. Given that such parties have been an infrequent occurrence, I have certainly tolerated them without ill will, accepting them as a normal part of life in the neighborhood.

However, if the use of the property as a vacation rental dwelling for up to 10 persons is allowed, then it is to be expected that outdoor gatherings and parties will be a weekly or several times weekly occurrence during the late spring, summer, and early fall. It can hardly be expected that guests will refrain from such outdoor activities, regardless whether they are allowed or not.

I expect that the use of the property as a vacation rental will ruin the quality of life that other close neighbors and myself have been enjoying in this quiet neighborhood with established heritage vegetation along Gilbert Creek, both by the expected noise as well as disturbance of the significant amounts of wildlife that uses the area on a regular basis.

An additional concern is compliance with section 14.830 (S), which allows a maximum of 2 vehicles in the driveway and 1 vehicle on the street. It cannot be expected that the landlord will have control over the number of vehicles in which 10 occupants arrive. It can reasonably be expected that the allowed maximum of vehicles will routinely be exceeded. This would not only be a code violation, but also directly impact neighbors across the street negatively.
It cannot be that economic activity in the form of a vacation rental is allowed at the expense of the quality of life, and ultimately also value of the homes of neighbors. While permission of a vacation rental would deprive neighbors of their right to a quiet neighborhood, denial of a vacation rental would not deprive the applicant of the opportunity to use his property for financial gain, as the property can be rented out to a steady renter, or sold on the market.

In the interest of preserving the quiet, peaceful characteristics of the neighborhood, I regrettably must therefore request that the application be denied.

Sincerely, Markus Opel

RECEIVED
APR 18 2022
CITY OF GRANTS PASS
Director of Community Development
City of Grants Pass
Re: Project Number 207-00013-22

I’m writing this letter in response to a Notice of Public Comment Period, regarding a request by the property owner of 430 NW Manzanita Ave to change the use of this property from a residential single family dwelling unit to a Vacation Rental Dwelling.

I oppose this change for a variety of reasons. I bought my property on Manzanita Ave. because I enjoy the quiet atmosphere and the charm of a friendly neighborhood. Since I’ve moved in there has been a single-family home converted into transitional housing multiple residents by Options of Southern Oregon, transitional housing for Oxford house which can reportedly house up to 13 people with addiction issues and house on the corner of Manzanita and Hawthorne that is apparently a vacation rental already.

Enough is enough, these changes are having a negative effect on the tranquility and character of the neighborhood. There have been multiple complaints of noise and behavior at both the Options and Oxford houses. I would note that there is what appears to be an abandoned van parked alongside the Oxford house for the last month and can only assume has some relation to that address. This generates more beat up or dead cars to clutter our streets and blight our neighborhood.

The rental on Manzanita and Hawthorne have increased traffic and parking on the street and the neighborhood is starting to feel more like a commercial zone than a neighborhood.

Now a change for 430 NW Manzanita Ave to become a vacation rental, with up to 10 people will only add to the noise, parking, and traffic in our neighborhood. I also understand that the owner of the property is moving out of the area and as such won’t be available if there are complaints regarding noise or other problems. This and the other changes that have happened make myself and others concerned that not only may we be faced with more problems, but it could also affect our property values.

Furthermore, in these times of such hard-to-get housing in the area, turning a single-family residence into a vacation residence doesn’t help our city at all.

Please deny the requested change and help us keep the character of our neighborhood.

Kevin Johnson
514 NW Manzanita Ave

RECEIVED
APR 20 2022
CITY OF GRANTS PASS
April 11, 2022

Director of Community Development  
City of Grants Pass  
101 NW A Street  
Grants Pass, OR 97526

Reference Project Number 207-00013-22

To whom it may concern:

The property at 430 NW Manzanita Ave is not suitable for a vacation rental in our neighborhood and greater community for many reasons.

We already have the Oxford House across the street from this property and there have been many negative effects including increased traffic, noise, and parking issues on the street. If 430 Manzanita Ave also becomes a commercial property, allowing a 10-person guest capacity, it adds further traffic, noise, increased trash and increased number of cars parked on the street. These commercial properties will destroy the quiet nature of our neighborhood. And with an absentee owner how will these issues be addressed - most likely through increased calls to the police.

As a senior citizen safety is a major concern and there is great comfort in knowing your neighbors and watching out for one another. With an influx of people in the neighborhood that safety is at risk.

In addition, there is a shortage of rentals in our area and the hotels in Grants Pass have suffered financially through the pandemic - as a vacation rental this property would take away business from the local hotels and take away another option for stable longterm housing.

For the 50 years I have lived and raised my family here, our neighborhood has been a lovely quiet residential area - conducive to walking, bicycling and children playing. This family friendly neighborhood will be changed significantly by adding another commercial property.

Please preserve the quiet, safe neighborhood by NOT granting a vacation rental permit for 430 NW Manzanita Ave.

Sincerely yours,

Lola Daugherty  
1025 NW Prospect Ave  
Grants Pass, OR 97526

RECEIVED  
APR 11 2022  
CITY OF GRANTS PASS
Director of Community Development  
City of Grants Pass  
101 NW A Street  
Grants Pass, OR 97526

Attn: Gabby Sinagra  
Re: PROJECT NUMBER 207-00013-22

Dear Ms. Sinagra:

We are writing in response to a Notice of Public Comment Period we received concerning the proposed change of use of the dwelling located at 430 NW Manzanita Avenue, Grants Pass, project number above.

The NW Manzanita/NW Prospect area is a quiet, older neighborhood consisting primarily of senior residents. This neighborhood has been negatively impacted in recent months by the establishment of Oxford House, an unsupervised residential home for men experiencing drug and alcohol addiction, located directly across the street from the above dwelling seeking change of use to Vacation Rental Dwelling.

The addition of Oxford House to this neighborhood has brought disruption in the form of frequent instances of loud late night outdoor disturbances including arguments and street fights, trash in neighbors’ yards, and several instances of issues concerning Oxford House residents and guests blocking neighboring driveways. Some of these incidents have been reported to police, others have not, as residents have been intimidated with the threat of bodily harm by Oxford House residents and their guests, and are fearful of reporting incidents.

Oxford House residents have stated that the house is growing toward a 13-person occupancy level. That parcel has only 3 off-street parking spaces, with street parking in front of the house somewhat limited by a stop sign on the east, and a fire hydrant on the west side of the house. At present, with the house not yet at capacity, Oxford House residents and guests frequently park in front of neighboring houses including along the entire west side of 430 NW Manzanita Avenue, the subject of the change of use request. When Oxford House reaches capacity, on-street parking will become even more of a problem in the area.

Permitting the use of a Vacation Rental Dwelling directly across the street from Oxford House will only exacerbate the parking problem. It will also require senior residents, many who walk every day, to walk out in the street around parked vehicles, creating a safety hazard, as there are no sidewalks in this area.

Having relocated to Grants Pass from Napa, CA, we are well aware of the impacts to neighborhoods and to the city resulting from the presence of vacation rental homes in residential areas. That city, in fact, has reduced the number of vacation home permits allowed, in order to better manage the problems, which typically include:
- Parking issues for neighbors;
- Noise disturbances, trash, loud music, and late-night partying on weeknights as well as weekends;
- Absentee owners unavailable to manage tenants or respond to complaints (which would be the case in this situation, with the property owner relocating to Arizona);
- Increased police calls to respond to complaints.

We in this neighborhood already deal with those problems due to the presence of Oxford House.

With the addition of a revolving door 10-guest Vacation Rental Dwelling across the street, a situation of two high occupancy homes with tenants who have no stake in or concern for the neighborhood will be created. The cumulative effect will negatively impact the peace and safety of our neighborhood.

For these reasons, we request that you deny the change of use of the property at 430 NW Manzanita Avenue.

Sincerely,

Darryl L. Scott  Linda J. Scott

scottli@charter.net
541 373-7243

RECEIVED
APR 08 2022
CITY OF GRANTS PASS
April 11, 2022

Director of Community Development
City of Grants Pass
101 NW A Street
Grants Pass, OR 97526

Dear Sir:

REF: Proj No. 207-00013-22

I have received information that the owner of 430 Manzanita Avenue intends to convert his property to a vacation rental with a 10 person capacity. I have concerns I believe should be considered in the approval process.

1. There is an Oxford house across the street with 13 residents. This is an unsupervised home for recovering addiction males. This could mean up to 23 people in these two adjacent houses in a single family residential neighborhood. This raises concerns about additional individual and vehicular traffic, particularly at the intersection of Manzanita and Prospect.

2. That the request is for a potential of 10 guest without a residential owner or manager present is concerning. This means there will be no responsible person immediately available to address any issues that might arise. Also, this house has a swimming pool and I believe safety should be considered.

3. Neither the Oxford house nor this vacation rental help to alleviate the housing shortage in Grants Pass and they certainly will not increase the long-term value of surrounding properties.

Thank you for your consideration.

Edward Risser
1004 NW Prospect Ave
Grants Pass, OR 97526

RECEIVED
APR 11 2022
CITY OF GRANTS PASS
PLANNING APPLICATION FORM

Property Address: 430 NW Manzanita Ave

Assessor’s Map & Tax Lot:
36-05-07-00 Tax Lot(s) 901

Zoning: R-1-4

City: ☑ UGB: ☐

Project Type: (Please check all applicable)
☑ Site Plan
☐ Standard Architectural Review
☐ Discretionary Arch. Review
☐ Special Concept Plan
☐ Partition
☐ Property Line Adjustment
☐ Property Line vacation
☐ Planned Unit Development
☐ Subdivision
☐ Final Subdivision or PUD Plat
☐ Variance
☐ Comp Plan/Zone Map Amendment
☐ Text Amendment
☐ Pre-Application
☑ Appeal / Sign Code Appeal
☐ Other: ____________________________

Size of Project (# of units, lots, sq. ft., etc):

Attachments:
☑ 8 (8) Folded Maps/Site Plan to scale
☐ 1 (1) 8 1/2x11” reduced copy of site plan
☐ Electronic copy
☐ Written Narrative/Response to Criteria
☐ Power of Attorney
☐ Service Agreement
☐ Architectural Features
☐ Other: ____________________________

Description of Request
(include name of project and proposed uses):
Appeal of proposed VRD

Authorized Representative (if different from applicant):

Address: ____________________________

Phone: ____________________________

Email: ____________________________

Surveyor or Engineer (if applicable):

Address: ____________________________

Phone: ____________________________

Email: ____________________________

CERTIFICATION: I hereby certify that the information on this application is correct and that I own the property or the owner has executed a Power of Attorney authorizing me to pursue this application

______________________________
(Signature of owner or Attorney-in-Fact) Date

______________________________
(Signature of owner or Attorney-in-Fact) Date

(For Office Use)

Date Application Received: 5-6-22

Date Application Complete: 5-9-22

Pre-App required? ☑ Pre-App #

Fees Paid: $487.50 Initials: CWW

File Number(s): 302-00112-22

EXHIBIT 5
Appeal of Approved Application for Change of Use of 430 NW Manzanita Avenue, Grants Pass, OR from Residential Single Dwelling Unit to Vacation Rental Dwelling, dated April 29, 2022

Appellants:
Darryl and Linda Scott
1036 NW Prospect Ave
Grants Pass OR 97526
541 373-7243

Joyce Cannon
411 NW Manzanita Avenue
Grants Pass OR 97526
541 660-4822

From the Development Code
Article 14-Certain Uses
14.800 Vacation Rental Dwelling:

The purpose of this Section is to regulate Vacation Rental Dwellings consistent with the following goals:

(1) To maintain the residential character of neighborhoods in both appearance and characteristics.

The NW Manzanita Ave/NW Prospect Ave neighborhood is characterized by older single-family homes of varying architecture set back along tree-lined streets, narrow in some places and absent of sidewalks for the most part. This neighborhood is comprised primarily of older residents and retirees, with few young families or children.

The neighborhood has been, until fairly recently, very quiet and friendly, until the establishment of an unsupervised rental house for 13 recovering drug/alcohol addicts and their guests, the Oxford House facility, located at 1200 NW Prospect Avenue, directly across the street from the dwelling at 430 NW Manzanita Ave., the subject of this hearing.

The ongoing negative impacts to the neighborhood caused by the Oxford House include frequent loud, profane outdoor gatherings to the extent that nearby neighbors report no longer being able to entertain guests in their backyards, loud late-night arguments, screaming, and fights in the yard or street in front of the house, trash scattered in the street and on nearby properties, and numerous parking incidents involving Oxford House residents or guests blocking neighbors’ driveways. Residents who have objected to these incidents have in some cases been intimidated and threatened with bodily harm by Oxford House residents and their guests, and police intervention has been required in some instances.
Why is the presence of the Oxford House facility relevant in considering the application for a Vacation Rental Dwelling across the street from that facility? It is relevant because in attaining the City’s goal of maintaining the residential character of the neighborhood, the City must consider existing neighborhood issues to determine whether the addition of a VRD would exacerbate those issues and degrade the character of the neighborhood.

Oxford House, a chain of over 500 such homes across the nation, relies heavily on the designation of drug or alcohol addicts as disabled persons with protected status under the Fair Housing Act to successfully avoid attempts by many cities to regulate the homes through their land use and zoning ordinances regarding traffic, house population density, location, parking, neighborhood character, and residential safety. These homes do not seek approval of zoning regulations prior to moving into neighborhoods, nor do they comply with them once established. Practically speaking, the City of Grants Pass has authority to require Oxford House to cut down tall weeds in their yard, but no authority to prevent any number of people from occupying the home, as that would be considered discriminatory under FHA, regardless of the harm it causes to the character of the neighborhood.

By approving a high-occupancy vacation rental business at 430 NW Manzanita Avenue which caters to a transient population of renters and their guests who have no investment in the neighborhood, just yards from another high-occupancy rental business also catering to a transient population of renters and their guests who likewise have no investment in the neighborhood, the City is failing to consider the foreseeable cumulative negative impacts to the residential character of this single-family home neighborhood.

2) To allow VRDs compatible with residential uses without infringing upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

The presence of the Oxford House facility in the NW Manzanita/NW Prospect neighborhood already infringes upon the right of neighboring residents to enjoy the peaceful occupancy of our homes. Add to this the fact that it has been well documented across the nation that high occupancy vacation rental homes which accommodate large groups often create similar problems for neighbors as we currently experience with the presence of Oxford House - noise disturbances, loud, daytime and nighttime parties throughout the week, trash, parking and traffic problems, and a constant stream of strangers coming in and out of the neighborhood, the latter being a very real cause of fear for seniors, in particular, in this neighborhood. All of these issues erode the character of the neighborhood and infringe on the right of residents to enjoy the peaceful occupancy of their homes.

With regard to parking specifically, off-street and on-street parking availability is inadequate to accommodate the concentration of renters and guests of the two businesses at the intersection of NW Manzanita Ave. and NW Prospect Ave.; Oxford House with 13 residents plus unlimited guests and this proposed VRD with 18 guests between the hours of 7:00am and 10:00pm and 12 overnight guests.
Section 14.830 (5) (a) Required Number of Spaces, states in part, "No more than two vehicles are allowed in the driveway and only one vehicle will be allowed on the street." With an approved capacity of 18 guests between 7:00am and 10:00pm and 12 overnight guests, it is illogical and unrealistic to assume that this parking requirement will be adequate to mitigate on-street parking problems caused by large groups of guests occupying the proposed VRD. Groups gather together at vacation destinations from different locations at different times in different vehicles. A large group of 18 allowed guests will obviously require more than 3 parking spaces and like Oxford House residents and guests, will park up and down the street in front of neighboring homes.

In contrast to this inadequate parking requirement for VRD's, the City requires "one off-street parking space for each guest room" for bed and breakfast inns (14.430(3)(a), which are essentially the same type of tourist lodging businesses as VRD's. The inconsistency in off-street parking requirements between the two makes no sense. The VRD parking requirements increase negative impacts on the neighborhood while bed and breakfast parking requirements reduce them.

Approval of this change of use will, in reality, mean that the owner of the vacation rental dwelling will not, as a resident of another state, be taking responsibility to enforce the requirements of the permit. He will not be here if capacity regulations or parking regulations or noise regulations are violated. He will not be here to break up pool parties that keep neighbors awake into the night or referee fights between his guests and Oxford House residents over parking spaces in front of neighbors’ homes. The responsibility for insuring this VRD complies with City regulations will fall squarely, unavoidably on neighborhood residents, which will most certainly infringe on our right to enjoy the peaceful occupancy of our homes.

For all of the reasons stated above, we respectfully request that a vacation rental dwelling permit for 430 NW Manzanita Avenue, Grants Pass, be denied.

RECEIVED
MAY 06, 2022
CITY OF GRANTS PASS