Hey there. I got 6:00 PM on Wednesday, June 8th. Going to call this meeting of the Planning Commission to order.

1. Roll
I will start with a roll call. Before I do that, please remember to silence your cell phones. Turn them off, airplane mode, whatever your preference. Commissioner Collier.

Here.

Commissioner Tokarz-Krauss.

Here.

Commissioner Arthur.

Here.

Commissioner Aviles.

Here.

Commissioner Scherf.

Here.

Commissioner Heesacker. I'm here. Commissioners Coulter and Nelson are absent.

2. Introductions
Introductions, staff, any introductions for us tonight?

We have none.

And do we have anybody online?
I'll check [inaudible 00:00:56].

Thank you.

[inaudible 00:01:07].

Thank you, sir. Thanks for checking.

3. Public Comment
Public comment, item three on the agenda. This is an opportunity for the public to address the Commission on items not related to a public hearing or action item on the agenda. The intent is to provide information pertinent to the city's jurisdiction. Each speaker will be given three minutes to address the Commission as one body, not to individuals on the Commission. 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 that would like to speak?

Yeah.

And you're speaking on a matter not already on the agenda?

It's on the agenda.

Oh yeah. Please wait. We'll get to the public hearing.

Oh.

4. Approval of Minutes
a. May 25, 2022
Item 4A, minutes of May 25th. Do we have a motion to approve those? A motion to amend?

Motion to approve.

Commissioner Collier makes a motion to approve those minutes. Do we have a second?

Arthur, second.

Commissioner Arthur second. All those in favor. Oh, wait. Anybody want to discuss the minutes? All those in favor of the motion to approve those minutes, please signify by saying aye.

Aye.

Aye.

Anybody opposed? Anyone abstaining? Commissioner Tokarz-Krauss is abstaining.

MOTION/VOTE
Vice Chair Collier moved, and Commissioner Arthur seconded the motion to approve the minutes from May 25, 2022. The vote resulted as follows: “AYES”: Chair Heesacker, Vice
The motion passed.

5. Informational Items
Informational items number five. It says unanticipated. Are we still anticipating no informational item? Thank you very much.

6. Findings of Fact
   a. N/A
   Item six, Finding of Fact. We don't have any.

7. Public Hearing
   a. 302-00112-22 ~ 340 NW Manzanita Avenue, Change of Use from Single Dwelling Unit to Vacation Rental Dwelling ~ Minor Site Plan Approval ~ Appeal of Director’s Decision of Approval.
   Item 7A, Public Hearing, Project 302-00112-22, 430 Northwest Manzanita Avenue, change of use from single dwelling unit to vacation rental dwelling, minor site plan approval. This is an appeal of the director's decision to approve the vacation rental. The owner of the parcel is Dale Bentz. The main appellant I'm seeing here on my list is Joyce Cannon.
   So, at this time I'm going to go ahead and open the public hearing to consider the application. The appeal actually filed by Ms. Cannon. This application is for a vacation rental conversion of a single-family home to a vacation rental at 430 Northwest Manzanita. We will begin the hearing with the staff report followed by a presentation by the appellant. 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 this Commission to hear this matter? Nobody is indicating so. Conflicts of interest and abstentions, do any of the Commissioners wish to abstain from participating in this hearing or declare a potential conflict of interest? Nobody is so indicating. Are there any Commissioners who wish to disclose discussions, contacts, or other ex parte information they have received prior to this meeting regarding this application? No indications for that.
   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 the city manager and one will be provided. It is important to remember if you fail to raise an issue with enough detail to afford the Council and the parties an opportunity to respond to the issue, you will not be able to appeal to the land use [inaudible 00:04:54] or to Council based on that issue. The hearing will now proceed with a report from staff.

   All right, good evening, Commissioners. My name is Gabby Sinagra. I'm the Assistant Planner for the Community Development Department. And tonight, I'm going to be talking to you about an appeal that has been filed against the vacation rental dwelling application for 430 Northwest Manzanita Avenue. Just so everybody's on the same page, I'll be referring to the vacation rental dwelling as a VRD. So, let's begin. Maybe not. Hold on. Oh, and there we go. Alrighty.
So, a little bit of information pertaining to the appeal. The appellants are appealing the director's approval of an application for a minor site plan review for the proposed change of use of an existing structure from a single dwelling unit to a vacation rental dwelling. And the original application is filed under project number 207-0013-22. The project is located at 430 Northwest Manzanita Avenue in the R16 zoning district.

So, some information pertaining to the appeal application itself, the property owner of 430 Northwest Manzanita Avenue is Dale Bentz. The appellants tonight are Darrell and Linda Scott and Joyce Cannon. To reiterate, the zone is R16. The decision date for the original VRD application was April 29th, 2022. And the deadline to appeal the VRD application was May 11th, 2022. The appellant submittal date to the VRD application was May 6th, 2022. And in accordance with section 10.030 of the Grants Pass Development Code, the notice of tonight's June 8th, 2022, hearing was mailed out May 18th, 2022.

So, a few site details here on the subject property. It's a corner lot that fronts both Northwest Manzanita Avenue, a local collector, and Northwest Prospect Avenue, a local street. The subject property is currently developed with a five-bedroom single detached residence with two accessory structures and a swimming pool. The comprehensive plan designation of the parcel is moderate density, and the zoning is R16. Eight public comments were received by staff in opposition of the original VRD application, and many concerns were raised that are summarized below on the slide. I won't go through each bullet point itself, but some pertinent ones to mention for tonight's discussion are the presence of the Oxford House. And this is located at 1200 Northwest Prospect Avenue. This is directly west of the proposed VRD. Increased calls to the police and concerns regarding the number of guests that the vacation rental dwelling could support.

So, some background to the appeal. The applicant is seeking an appeal to the director's approval of the VRD application based on the provisions outlined in section 14.810 of the Grants Pass Development Code under subsections one and two, that outline applicability and purpose. Under subsection one, the language is to maintain the residential character of neighborhoods in both appearance and characteristic. In subsection two, the intent is to allow VRDs that are compatible with residential uses without infringing upon the right of neighboring properties to enjoy the peaceful occupancy of their homes.

In addition, the appeal also includes an appeal based on section 14.830 subsections two regarding maximum overnight occupancy, subsection three regarding maximum number of guests and daytime visitors, as well as subsection 5A, the required number of parking spaces. So once again, the subject property is a five-bedroom residence, and under the criteria outlined in article 14, this would allow for a total of 12 overnight guests, as well as 18 guests or what we coin daytime visitors from the hours of 7:00 AM and 10:00 PM. In addition, section 14.835A does require that no more than two vehicles are allowed in the driveway to serve the VRD at any time, and only one vehicle would be allowed on the street.

Some objections in the appeal include the presence of the Oxford House that is once again located directly west of the proposed VRD at 1200 Northwest Prospect Avenue. The appellants have reported ongoing negative impacts to the neighborhood due to the presence of the Oxford House, including noise and parties, increased traffic, parking conflicts, increased calls to the police, and concerns over personal safety. The appellants contend that the city must consider existing neighborhood issues to determine whether the addition of a VRD would comply with section 14.810. Another objection that was raised was the matter of increased parking complex. The appellants contend that with the approved capacity of those 18 daytime visitors between 7:00 AM
and 10:00 PM, as well as the VRD's capacity to support 12 overnight guests, that the parking requirements outlined in section 14.8105A are not sufficient to prevent parking conflicts and will exacerbate the current parking conflicts generated from the Oxford House.

For the Commission's reference, the applicant's full narrative is included in your packet. You can reference this on pages 53 to 55. In the matter of staff response, staff's review of the original application determined that the applicant of the proposed VRD, Dale Bentz, has demonstrated compliance with the seven criteria of approval as outlined in article 19 of the Grants Pass Development Code pertaining to minor site plan review. After hearing public comments, the Commission may want to focus on criterion five specifically, and this is remitting potential land use conflicts.

To note, there is language in the staff report for project 207001322 that is meant to ensure continued compliance with the article 14 criteria, and the language taken directly from the staff report is below. It states 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. For call to action in accordance with section 10.033, the Planning Commission may affirm, amend, or reverse the director's decision under appeal. Any questions?

Any questions of staff? Commissioner Tokarz-Krauss.

Do the same criteria, 14.81... Oh, I'm sorry. I didn't refer back first, apply also to the Oxford House and to the other rehabilitation home located further up on Manzanita?

No ma'am, and Brad, feel free to jump in if I say anything incorrect, but Oxford Houses are federally regulated, and they are not subject to local land use ordinances.

Okay. All right. That answers my question. Thank you.

You're welcome.

Other questions of staff? Commissioner Arthur.

I'm curious about the limitation of two cars in the driveway, because that sounds like it would be a typical house with a garage facing the front and a short driveway.

Correct.

And this one has a very long driveway and a whole parking lot in the back. And why would they be restricted to two spaces then?

Well, the way I understand it is the driveway comprises that first 20 feet. Anything beyond that, if he wants to use that as like a personal parking area, would we have any objection?

Yeah. I mean, we're sort of trying to project into the intent of whoever wrote this code several years ago in terms of why that is. I think one certainly potential reading of the purpose statement for vacation rental dwellings, it underscores in the purpose statement that they are to remain compatible with the area. And I think that setting the limit to two,
why they chose two I couldn't tell you since the code was already adopted, but I do think that's a reasonable reading as to why they would've set that particular limit. Okay. Even though there's several other parking spaces out of view in the back parking lot.

Correct. Yeah. I mean, from an enforcement standpoint, the police department, they're going to take a pretty black and white read on this. If in fact it is a vacation rental dwelling and they look to article 14 and it says no more than two, that's what would be enforced in the driveway.

Anything else, Commissioner Arthur? Commissioner Arthur, are you finished? Commissioner Collier.

But you just said that it's considered the first 20 feet. I've also looked at that driveway and I've looked at other driveways, a kitty corner to the property, which is huge. Would someone be looking beyond the 20-foot mark for cars? Is that what we're looking at?

You know, I might have misspoken Brad on the 20 feet. I mean, that was my interpretation of it. I know that we have different standards for things like architectural features that don't apply when it's out of view of the right of way. So, I'm not sure if this would follow a similar interpretation.

Yeah, I don't think so. I mean, I think there's room obviously for interpretation there, but I don't think that in this particular case for reading how specifically that is called out in article 14, that using the 20 foot would really be appropriate.

Other questions of staff? I have one. So just a clerical question. I'm reading this project number as 302- blah, blah, blah. Is that the appeal number?

Correct.

Okay. And the different number you had up here?

207? That pertains to the VRD.

Okay. Thank you very much.

You're welcome.

That's my only question. Anything else of staff? Okay. So, this one is a little wonky. This is an appeal based on comments from neighbors. So, we're going to start with the opposition to the approval, which is a little backwards from what we do. So, you people who came here to speak tonight, please do not come up to the microphone and read your letters into the record. We have that information, it's in the record, it would be our preference, I can't say requirement because you can come to the microphone and say whatever you want, but please know the comments that you wrote, the letters that you sent are in the record. There is no need for you to read those again into the record. If you have chosen one person to come up and speak for all of you, that's fine. If you all want time at the microphone, we'll limit you to three minutes each. I'll go by a show of hands. How many of you would still like to come up and speak? Okay. Ma'am, we'll start
with you here in the front. Go ahead. Come up to the microphone, state your name and your address, and you go right ahead.
My name is Linda Scott. My address is 1036 Northwest Prospect Avenue.

[inaudible 00:17:23].

Is that better? Okay. I'm one of several neighbors appealing the vacation rental permit for the property located at 430 Manzanita Avenue Grants Pass. I believe you have received copies of our letters in opposition, as well as our appeal form and accompanying statement. I would like to begin by reiterating for clarification that this permit allows 12 overnight guests, two guests per each of the five bedrooms, plus an additional two guests for a total of 12 overnight guests. This permit also allows for six additional guests between the hours of 7:00 AM and 10:00 PM for a total of 18 guests per day. 18 guests per day, that are required to arrive in only three vehicles.

Realistically, the people who will rent the property and be willing to pay its high rental fee will do so because they need this capacity for large group gatherings. The section of the city code pertaining to VRDs is woefully inadequate in regulating issues such as parking, allowed capacity and noise, particularly for large capacity VRDs, because it includes no regulatory enforcement structure that incentivizes landlord compliance or defines the criteria and process for revoking a VRD permit.

It states only that the,"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." Practically speaking, in the absence of an enforcement structure, neighbors will call the police to report violations and the Grants Pass Police Department will be placed in the position of acting indefinitely as a free property management agency for the out of state property owner until neighbors get fed up and demand that the city take action. This vague, open-ended process is in direct conflict with the city's stated policy objective of allowing VRDs, "Without infringing on the right of neighboring residents to enjoy the peaceful occupancy of their homes."

Other cities have adopted regulatory approaches, including a three strikes rule whereby a permit is automatically revoked for a number of years in the event the city receives three substantiated complaints about a property within a certain timeframe. Still others have adopted graduated fine structures that adequately incentivize vacation rental owners to comply with the adopted regulation and lead to revocation of permit for repeat offenders. Another regulation used by cities that would be particularly appropriate in this case is the requirement that absentee vacation rental owners list a 'local contact' that can be reached 24/7 to immediately take corrective action in the event any non-emergency issues are reported to police or to the city such as noise, trash, or parking problems.

If this vacation rental is approved, particularly without any guard rail compliance regulations, two disruptive high occupancy businesses catering to a transient population of dozens of people within yards of each other will unquestionably negatively impact the character, peace, and safety of our neighborhood. For those reasons, and all reasons detailed by neighbors, we respectfully request that you deny the vacation rental permit.

Thank you very much.

Thank you, ma'am. Sir in the back, you had your hand up, please come up to the microphone, state your name and address and go right ahead.
My name is Roy Lindsay. I live at 515 Northwest Manzanita Avenue. I live right across from the halfway house for men. It gets kind of noisy at times, and I know the city can't control that, but it is at times a problem. The other thing is parking. Manzanita is not the widest street in the city, and if you park on both sides of the street, it's kind of difficult to figure out that there's going to be enough room for two cars to pass each other in the middle. And that's a concern for me.

 Granted, there's a lot of driveways along that road, but there are areas where there is none. And part of the area on the house that is the subject matter is there is a stretch where there's plenty of room for more than one car. I'm a strong advocate for personal freedom and the rights of individuals to do what they want to do, but there's a line between doing what you want to do and what you're doing infringes on the rights of others, harms them in some way, disrupts their life, whatever.

This is obviously a sort of a fine line on this issue. It would be nice if there was only room for four or five guests, that would be easy, because then you could accomplish the two cars and one on the street, that would be fine, but 12 at night and 18 during the day? There is not enough parking area on the street to handle the number of cars. The maximum would be 18 cars, and the minimum would be well, who knows, who knows?

And the important thing to remember is that the comfort of the neighbors is vitally important. Just up the street from my house is an options house. It's far enough for away from me where we don't get any interference, but there has been interference up there. The police have responded. I've ridden along with the police several times and have noted that there is times and firemen had been called there because of one day one of the residents was trying to burn the building down.

That is a problem house, but it's under control, has been for quite some time. Across the street, the city has no control. It's on a four-corner lot, corner intersection. And coming down the hill that I live on, cars can go speeding. There is no stop sign coming down the hill, but I have seen cars coming down there, the speed limit is 25 and they were doing at least 40. And so that's a concern as well. So, if there's a lot of parked cars, it's a danger. And also, people coming in from Northwest Prospect on both sides is sometimes kind of hard to see what's coming down the hill, because it's a very short distance from the time they are at the top of the hill until they get to the bottom. It's only about 250 feet I would imagine. And if they're doing 30 or 40 miles an hour coming over that top of that hill and coming down, it poses a problem.

So, my real concern is the quality of the neighborhood. It's a quiet neighborhood, a lot of seniors, there are some children, and to exacerbate the parking as well as the traffic situation I think needs to be considered. I know that the agency that you are has a lot of tough decisions. When I was on the Council, yes, a lot of tough decisions. But remember that our job, my job when I was on the Council is to do what is right for the community. Following the law is important, but justice and fairness is even better. Thank you.

Thank you, sir. Yes ma'am, please come on up. Name and address. Please pull that microphone down right towards your mouth there. Thank you very much. Name and address please.

Joyce Cannon, 441 Northwest Manzanita Avenue.

Go right ahead. Thank you.

Okay. I'm here on behalf of all of my neighbors, and I have a lot of different reasons that I'm so upset about what he has proposed. One thing is a friend of mine and he's the
doctor that lives next door to this property, he said in his letter, and I need to read a part of that so that I get it right.

He said the property with a large residence and a large backyard with a swimming pool lends itself supremely to outdoor parties. For experience over the years, I can tell you that such parties have had a significant impact on what would have been an otherwise quiet weekend or a good night's sleep for the doctor. But he said because these parties have been an infrequent occurrence that he has certainly tolerated them without ill will, accepting them just as a normal part of the neighborhood.

He said, however, if this property was used for this kind of a house, a dwelling for all these people, that he himself who lives just across the creek from this property would be really, really affected. And this man has said that he has actually lost sleep and that's under normal conditions, but with a party house and many people coming into it, you know they're going to be spending a lot of time in that party house, in that pool right beside. There's the creek and his house and the property. And that's just one thing that he mentioned. And another thing that I'd like to mention is children and [inaudible 00:29:14] Park, not down too far from us, we have a lot of children coming, and it's only one block down. And that's the corner they come down, all those streets, parents, and kids on bicycles, on scooters and you name it, those little shooter things real fast, and it's dangerous, skateboards and all, as it is, it's really a problem.

Although I really have to admit we have the Oxford House there and we sure don't like it, we didn't even have a choice, but they are helping humanity. And there's something about that in my heart I can kind of bear it and accept it because I like to know that people are getting a chance at life all over again, but this is not that way, ladies, and men, this is a man who is already wealthy who's leaving the state. He's moving to Arizona, and he's leaving all these neighbors and friends of 20 years to deal with all of this. And all he has got to do from that is make more money. And it just seems like the neighbors aren't heard and thought of, and the kids, it's a beautiful, quiet, quiet, quiet neighborhood. And when we do each other have some neighbors around and all, we live with that and understand it and accept it. But this is just beyond anything that's acceptable in a quiet neighborhood like theirs.

We take the other place, the Oxford House, and accept that we had no choice, but this we do have a choice and we're trying to present to you for especially me, for my whole neighborhood. I just ask you to really seriously think this over before you make your decision. Thank you.

Thank you, ma'am. Yes, sir.

My name is Mike Cannon. I'm a resident here of Grants Pass. I work at the Grants Pass Health Clinic with Dr. Opal, who was mentioned by my mom, the neighbor of Dale's property and my mom's property. I just want to say a few things. I didn't expect to do this, but after hearing everything that was presented, I think it goes without saying that my mom has been misled by this property owner.

I've known Dale since I moved here in 2013, I considered him a pretty good neighbor of my mom's. At my mom's age, it's nice to have neighbors that would have my phone number and be able to call me if need be. I still think that he has my number, but ever since this has happened it's caused a great divide between my mom and Dale, who she thought had a really good neighbor that had her back and was looking out for her. She did confront Dale when this whole thing was presented, and Dale was evasive to say the least. My mom confronted him and said, "You've always promised that you would keep this a residential property and keep my home peaceful for me and for my
family, and now you're doing the opposite of that." And he didn't have anything to say to my mom when she talked to him about this.

So there's a few things that my mom didn't mention, maybe is in a letter that she wrote, but I lost my oldest brother two years ago, and there's one other brother that I have out of state that both of us would like to think that if anything were to happen to my mom, that we have my mom's and my dad's hard work over their lifetime of buying this home, that my brother and I could live there. And it's pretty sad to think that before anything like that were to happen, that these kind of decisions are being made in the community and not really thought out thoroughly. So, all that I ask is that you not only understand the rules and the guidelines that you have to follow but understand the impact of what this means to the residents directly across the street from this property.

I'm a social worker. My concern in life is to help everybody that needs help. And I respect your positions. And I just ask that you understand that this would be a great inconvenience for my mom and for the neighbors. And I totally disagree with what Dale has decided to do, especially with him being out of town. He's appointed the neighbor to my mom's right next-door neighbor to oversee and watch the house when these people come and go, which they plan on doing. Summer months, I would imagine it's just going to be crazy there. Winter, I don't know, but it's a huge property, big pool, two different divisions of the house where you could bring in tons of people, and who's going to regulate that? So, I just ask once again that you understand, I disagree with this a hundred percent. It's really caused a divide between Dale and my mom and myself. And I would hope that you think this through and not allow this to happen. Thank you.

Thank you, sir. Anybody else want to speak in favor of the appeal? Anybody here would like to speak in opposition to the appeal? Please come up to the microphone, state your name and address please.

My name's Dale Bentz. I live at 430 Northwest Manzanita. I'm not sure what Mike's talking about on divide. I was mowing my lawn a couple months ago and Joyce walked over and said, "I got a letter that you're thinking about doing an Airbnb." I said, "Joyce, I'm sorry. Yes." But I would like to know where I'm moving to. I own several homes in town. I own a house in Arizona. As Mr. Lindsay pointed out in the letter, I was an absentee and had moved from the neighborhood and didn't live there anymore. I will be very close by. The winter months I spend in Arizona. I bought a place there a couple years ago. This great divide, I don't quite understand when I said to Joyce, "I'm sorry. These people are going to be vetted. It's a professional company that I'm hiring to handle it."

What he just made up about the neighbors, Vicky and Carrie overseeing while I'm gone, that's news to me, I have never approached them, nor have I asked them to oversee. I have family very close by that will help me at my home that are very familiar with my home and my 12,000-gallon pool, which he is claiming is a very large pool. It's three and a half feet deep at the shallow, and little over four feet deep at the deep end. And as far as the parking goes, I love my neighborhood. I'm not trying to hurt anybody. I'm upset with the Oxford House, just like they are. But if you notice my driveway goes to just about where... I guess it's the carport and beyond, and the city approved that area back there, you'll see it in the site map, I can put I think eight cars comfortably back there. Hey, I don't want 18 people at my house either. I love my neighborhood. I love my home. I love my city. I moved here in 1989 and bought that house in '92. I love that neighborhood. I thought Joyce and I were close. She came over and insisted that I move. She would rather me move, she said. She was coming over, I'm mowing the lawn,
I had surgery about seven and a half months ago, and she says, "Dale, quit mowing the lawn or quit working in the yard. You need to get off that foot." I thought that's what she was coming over to say. But she was angry that the letter that she had received, I didn't know was going out. I said, "Joyce, I'm sorry. Geez. What would be wrong with that?"

I kick around that house all by myself now that Sarah and I have split up, I'm there by myself. The pools, Dr. Marcus is my friend. We have get-togethers on 4th of July with family and friends and that's about it. There are no constant parties. These people are not coming to Daytona Beach. I'm not going to treat [inaudible 00:37:59]-

Please speak to the Commission, sir.

[inaudible 00:38:00] some kind of a great big party house. It's not a fraternity. Gosh, I'm sorry to be angry. But the city approved that back part 14 to 1600 square feet of parking. I can get eight cars in there comfortably. And a basketball court beyond that, which I parked my boats that are broken down, I could put three more back there if I wanted to, but I don't want 12 people or 18 people running around my house all day.

I mean, I care about my neighborhood. I'm upset about the Oxford House too, but I'm not trying to harm anybody or hurt anybody. I mean, if you look on your site map that the driveway goes back probably 40... I think I measured it to 49 feet from the street. And then it goes another 50 or 60 feet. It's approximately 1400 square feet that was approved. That's a parking area, not a driveway, city approved. You know, I'm not trying to hurt my neighborhood. But getting back to this falsities that he just said something about Mike said that there's a rift between Joyce and I, she won't speak to me anymore. I told her, I said, "Joyce, I'm sorry, I'm going to hire a company, I'm going to do this right, they're going to vet everybody. It's going to be done first class and done properly."

I care about my neighborhood, you know? And then I even called her, she got so mad at me I thought she was coming over to say, "Get off that darn foot, Dale." No. And the people next door that she says, or Mike said that I've contacted to look over my property, she's now not speaking to them because something about a hot tub? I've never asked any of my neighbors to look at that place. And you know, [inaudible 00:39:45]-

One minute, one minute.

Oh, I'm sorry. I don't know. But Mr. Lindsay, I mean, I know the regulations state, my neighbors within a hundred feet of my property line, he's far beyond that hundred feet. I'm not a lawyer, but I would think his comments should be scratched. I mean, he is outside the city regulations that letters go to people within 100 feet of my property. He is far beyond that.

Dr. Marcus, he's never come to me and complained about anything. I mean, I feel like they want me to pay the price for that Oxford House that we all got side swiped by last year.

30 seconds.

Oh, I'm sorry. Well, the city approved that back part as a 1400 square foot parking area in addition to the driveway. I'm not trying to harm anybody, but I feel like I am being harmed. Anyway, thank you. I brought the owner and founder of the company that I have hired to take this on, and I have plenty, I have my sister, who's very familiar with the property. My niece lives at my other house a quarter mile away at 1049 Hillside. She's there often. She could be there in two seconds. She could be there and throw on her
clothes if she had to, she could be there in less than five minutes. My sister can be there and they're both willing to do anything necessary if there's any problems. I don't want to hurt my neighborhood, man, but this is just really unfair. I'm paying the price because Oxford House went in.

Thank you, sir, for your time. Sir, did you want to speak?

Yes.

Name and address please?

Sure. Daniel Perry, I speak loudly, I'm sorry. Daniel Perry with Book Stay Hop. I am at 731 North Main Street in Ashland, which is where Book Stay Hop is located. I'd like to say this is my first City Council meeting, but it's not. This happens quite often. I think one of the things that often happens is in the media vacation rentals are sometimes painted in a particular way. People absorb that, and meetings like this happen.

So, Dale chose us for a particular reason. There are many companies that are based here in Oregon that don't do a very good job with vacation rentals. That's not who we are. So just a little bit about us. We're based in Ashland. We have almost 150 properties in Jackson and Josephine County. Our staff is based in Jackson and Josephine County. In the six years that we've been in business, prior to that I was with another company that did vacation rentals. I now own this company. We've done over 60,000 reservations in both Jackson and Josephine County. Our reservations also bring money into the local areas. For every dollar spent in reservations, two more dollars are spent in shopping and restaurants. Conservatively in Jackson and Josephine County we brought in over $30 million last year. It's a lot of money being spent in tourism.

We've had over 9,000 reviews in the six years we've been in business, and our average rating is 4.85 out of five stars. We're not a normal vacation rental company. We are Airbnbs, we use Airbnb and also different companies. We were number one rated in the state of Oregon. As of six months ago we're number one rated in the Pacific Northwest. It's a big deal. For VRBO, which is one of the other drivers that brings guests to us, we're their number one premier property in the Pacific Northwest. We run a very top caliber company in what we do.

[inaudible 00:43:38] named us Greeter Business of the Year, the last time they did that was 2019, 2020 before COVID. I'm the committee chair for the Ashland Independence Day Parade. If it wasn't for Book Stay Hop, there would be no parade this year in Ashland. And I'm your board member. I'm your board member for Travel Southern Oregon. So, I represent both Jackson and Josephine County as a board member. There were a couple things that were addressed in this in the public comments, and I just wanted to mention how Book Stay Hop deals with these things. One was increased traffic. Our average booking, even in large properties is six guests, and we have stats that go back for six years. Yes, a property like Dale's property can hold many guests. It's not what we typically see. It doesn't mean that there won't be a maximum of 18, but that's not going to be the norm. The norm is a family coming with kids or sometimes coming with grandparents. They're usually traveling, coming from Portland, or coming from Seattle and heading down to San Francisco. And this is a stop where they're coming over from the coast and they're coming back through this way.

Book Stay Hop can limit the vehicles in accordance with the conformance applicable criteria. So that's not an issue. All of our guests sign a rental document that's very well enforced. It was also mentioned about noises and parties, Book Stay Hop guests strictly
abide by what's called a good neighbor policy. Other cities have that in place, Grants Pass doesn't, but we enact it as if it were already there.

One minute left, sir.

What's that?

One minute left.

Okay. That means guests have to work within hours between 10:00 PM and 8:00 AM for us where they can't make any high-level noise outside. The guests agree to that policy, and they also have to sign it. As far as safety, guests present a valid and verified ID prior to booking. All guests have to present a credit card that matches the ID. All guests are charged in full for their reservation at the time of booking, they sign that rental contract, and that includes a huge amount of possible additional fees if they break that. Guests anymore are rated. So, guests rate the property, but we also rate the guests. Guests aren't about to lose their rating by doing something poorly at a property, because it will affect them at the next property they go to. So, the vetting that we do with our guests is extremely high in order to be able to keep the properties we have at a particular level. And if I were allowed to say the names of the owners that we have in this area in Jackson County, you'd recognize probably the first dozen that I would mention. And we've not lost a single client in those high-end properties. And this would be one of those properties. So, thank you for letting me talk.

Thank you, sir, very much.

Mr. Perry, could you state the name of your company again? I missed it totally.

Sure. It's Book Stay Hop.

Book Stay what?


Okay.

[inaudible 00:46:37].

You people who filed the appeal, you get the last word. One of you can come back up to the microphone and speak. If you so desire, you don't have to. And please speak to the Commission. Thank you very much.

Chair, am I still able to ask Mr. Perry a question, or no? Okay. Sorry.

Just we'll wait. Okay. Go right ahead, ma'am.

One of the things that I didn't hear mentioned tonight, that is probably in the letters. When we talk about traffic and parking, it's important to realize that this is a neighborhood with no sidewalks. It's a neighborhood primarily of older folks. It's a neighborhood that has a lot of cars parked in the street from Oxford House. They
reportedly have 13 people living there and unlimited guests at any time of the day or night, any time of the week. That's not something that can be controlled. There are a lot of folks. There are a lot of cars. Add to that more vehicles, folks will have to be walking in the middle of our narrow streets. There are no sidewalks and it's not possible to walk anywhere else.

We have tremendous foot traffic in our neighborhood, not just older folks, but middle-aged folks, kids, a lot of foot traffic. And it creates an extremely dangerous situation to not be able to walk down the street next to the curb, particularly on our blind corners, in what would be a very dense area. That's all I wanted to mention. That and the rental company gentleman stated that the rental document requirements are enforced, and I'm wondering who that enforcement person or people are who will immediately respond to a problem at the house. If that company has that capability, I don't know what enforced means. Just as I don't know what the city means by enforce because there's no structure in place at all that spells that out. Thank you very much.

Thank you, ma'am. Commissioner Tokarz-Krauss.

Am I correct, this is directed to you, it was Mr. Perry? Okay. It would appear to me that you deal with primarily luxury rentals. Or unique and apparently expensive from what I can see. Is that primarily your market, in other words, you have a great deal vested in maintaining your clientele's expensive or unique properties?

Our portfolio is split into two different areas. [inaudible 00:50:15].

Mr. Chair, he's going to have to-

Yeah, please come up to the microphone and state your response. Thank you, staff.

You are correct. Our portfolio is split. So, we have high end vacation rentals in Oregon, California, down in Baja, Mexico as well, but we also do commercial work. So, we have the Green Springs. We have the cabins at Hyatt Lake, the Peerless Hotel, Road River Resort [inaudible 00:50:46] over on the coast. So, it's a combination of different things, both commercial and residential.

Okay. And would you say then your reputation depends on upholding the quality of clientele and representation that you provide?

Absolutely.

All right. I would think that would be of comfort to some people. Anyway, thank you.

You bet.

Any other questions? Staff, would you please come back up to the microphone? Any questions of staff before I close the public hearing? Commissioner Arthur.

I understand the problem with Oxford House because we've dealt with it before in terms of not having to come for approval ahead of time. But what I'm unclear on, statements keep being made that nothing can be done about noise in the middle of the night and
that kind of thing. And I don't think that's true. I mean, local municipal ordinances should apply on that kind of thing. Anyway, could you clarify that?

To my knowledge, yes. The municipal ordinances still do apply. I believe our quiet hours are after 10:00 PM. So, if a noise complaint is filed after that timeframe, then action can be made. Brad, if you have anything else to add.

Yeah, no, Gabby's right. I mean, it's a Fair Housing Act issue. So, in terms of the disability of the tenants that allows them to be there, that's regulated through the federal rules of fair housing, but none of the other local rules are exempted from the property.

The same would be true for this.

Correct.

And specifically parking on the streets.

Right, well, of course parking on the streets is, I mean, you can park on the public streets unless they're signed no parking. So that's kind of a different issue. The regulation for VRDs is specific to the two being onsite, not offsite, but there's still hours of parking and other things that the police would respond to that are in the municipal code.

Anything else for staff? Could you please speak to something I thought I heard in your presentation about revocation of this permit if certain conditions aren't met? Did I misinterpret?

You did not, sir. Here it is. I can read it again, if you-

Please.

All right. The language is 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. I'd like to add that really what that's referencing is that if there are code enforcement issues, meaning that if there's a violation in parking or guest capacity, that would then be a matter of code enforcement unless, okay.

And it would be code enforcement that would revoke the permit or that would go back to Planning?

I believe that would go back to Planning. We usually work in conjunction with one another.

Thank you very much. Any other questions of staff? Commissioner Aviles.

Thank you. Can we go back to the slide that demonstrates the, how do you say, appellants? The portion of the code that they're appealing based on.
Oh, so there's a couple, there's the ones pertaining to the criteria in the occupancy. Is that what you're referring to?

[inaudible 00:54:32].

Okay, perfect. Read it off again?

If we can maybe leave that up while when we go into discussion.

Yes, absolutely.

Other questions of staff? Okay. I'm going to go ahead and close the public hearing. Thanks staff. Does anybody want to say anything before I ask for a motion? Does anyone have a motion? Commissioner Collier.

Yes. Just because we know that in order to discuss it, we have to have a motion.

Correct.

So, because the staff has approved this, this is appeal of staff's work which was satisfied, I make a motion to deny the appeal.

We have a motion to deny the appeal from Commissioner Collier. Do we have a second?

I will second, Commissioner Tokarz-Krauss.

Commissioner Tokarz-Krauss seconds the denial of the appeal. Discussion of the motion, please. Commissioner Scherf.

I haven't seen or understood or... I just don't see where the criteria for approval of a VRB would not be met, and I don't see an applicable grounds for an appeal. And the characteristics of the neighborhood I completely understand. I'm fairly confident in the presentation by the first applicant of the VRB that it's not haphazardly and that there is consideration of the neighborhood taken in effect of the fact that he's lived there for so many years in his approach to go forward with this. So, I guess that's the only thing, I just can't see, it hasn't been pointed out to me yet just the judicial grounds that we could actually prove an appeal on this. So, I'm just not seeing it.

Thank you for that. Anyone else want to contribute to the discussion? Commissioner Collier.

So, I found this appeal pretty interesting. I did go by the residence, I looked them all up on Zillow. I looked at information on the Oxford House. I looked at each letter and pointed them out on a map and go, okay, where's the situation, and all of the questions and all their points, parking noise, driveways, the Oxford House in itself. And there's many things that stand out in this. One that jumps off the chart is that we're not supposed to use the Oxford House as a characteristic to deny the applicant. The whole Oxford discussion goes away. It's not his fault or his changing of the characteristic of the neighborhood based on the Oxford House. So, you can't use the Oxford House as a
reason to deny him when he's already met what's required to get approved. And so, we've already got that.

The other thing is about the parking. He stated that he's got parking approval that goes well back into his backyard. I've seen it, looked into his backyard, and I go, "There's tons of parking back there." So how that can be used as anything I can't understand. The big part that we didn't have here, and I've read this thing about three times now just because I found it so interesting was the testimony of the property manager. And if you've got a 4.85 rating and you got 60,000 reviews and you're number one rated on VRBO, I know you can trash VRBO, you can take a unit and not like one little thing and you can harm it. So, if he's number one rated in all these things, and I will take a look into this, but I don't think he came up here to lie to us, and I've seen the property. And although Zillow doesn't point out the total dollar value of the property, I'm pretty sure that nobody who owns the property wants to see it trashed.

So, I think he got the top guy when he did this. That's the only information that I got that's new that wasn't in here, and I'm confident that it's not all the negative things that are going to happen. The parking, I drove by it twice, two or three times I found one vehicle in the street. I rolled down all the windows, sat there and waited and I didn't hear a peep. At two different times, three days in a row. I was like, okay, I don't see it. So that's what I saw.

Any other discussion?

I would like to point out that I think most of the information, having read all of the letters, I understand living in a neighborhood that's undergoing perceived change. Change you didn't ask for, change you didn't want. And there's a lot of fear-based rhetoric. Some of this may come true. I doubt it. I understand your fear, but that is mostly what I'm seeing here is fear and that's not codified. I would think it would give you comfort to know that the clients, at least in his marketing materials and from my experience as a real estate agent for over 20 years, I think you should feel somewhat comfortable or have some comfort in knowing that this is a good company. And that home, which most of us have admired, at least I have during my residency in Grants Pass, which is lifelong, I can't imagine somebody owning it and deliberately trashing it. And by his employing this individual and his company, I would think that should give you some sort of comfort. Yes, things will change. No doubt about it. That's going to happen. That you're participating in the process, and that is important. It seems more out of frustration that you couldn't control the Oxford House though than out of what's going on here. That's all I have to say.

Thank you. Commissioner Aviles? No, you're good. Commissioner Arthur? All right. So, we have a motion on the floor to deny the appeal. I'm going to do a roll call vote and a yes vote will be, yes, we will deny the appeal, which means we're upholding the director's decision to approve. All right. Commissioner Collier?

Yes.

Commissioner Tokarz-Krauss.

Yes.
Commissioner Arthur.

Yes.

One more time in the microphone.

Yes.

Thank you very much. Commissioner Aviles.

Yes.

Commissioner Scherf.

Yes.

And I'm voting yes. Okay. The appeal is denied.

**MOTION/VOTE**

Vice Chair Collier moved, and Commissioner Tokarz-Krauss seconded the motion to deny the Change of Use from Single Dwelling Unit to Vacation Rental Dwelling Appeal of Director's Decision of Approval. The vote resulted as follows: “AYES”: Chair Heesacker, Vice Chair Collier, Commissioners Arthur, Aviles, Tokarz-Krauss, and Scherf. “NAYS”: None. Abstain: None. Absent: Commissioners Coulter and Nelson.

The motion passed.

Thank you very much for coming and presenting us with testimony. Appreciate that. Mr. Perry, would you like your cards back? Okay.

8. Matters from Commission Members and Staff

Item eight, matters from Commission members and staff. Staff, you have nothing for us tonight. Staff, are you okay? Commissioner Scherf, anything for the group?

Yeah. I would like to say, I mean, the outpour of community that came out today to discuss this appeal that we went through, I think they should walk away with the fact that, which I actually did not know, was educated on, is that the Oxford House that they have so much problem with is underneath municipal code jurisdiction for the local enforcement of noise and parking. So, if they have a problem, they need to start calling, and they start complaining that Oxford House is only untouchable by our Planning Commission for the fact that it was put there, but it still has to go underneath all the rules and regulations of the rest of the code. So, I encourage those people to call. I encourage those people to complain. That's all I have.

Thank you, sir.

I'll second that, because you look at it under background, you look at every one of those, parking, the Oxford House, traffic, noise, safety, calls for police, and number of guests. You're absolutely right. So, you're reading through this thing and you're going, what?

If the community wants to keep their local neighborhood safe, then they need to step up and speak up. I think a lot of our communities nowadays are not doing that and they need to do it because we need to utilize the resources that can come and help us.
Mr. Collier, anything else for the group? [inaudible 01:03:40] Tokarz-Krauss. Nothing?
Commissioner Arthur.

I still think this parking thing is something that maybe should be reconsidered, or some wording
added that probably came from some standard someplace else.
I have a hunch and some feedback here. I don't know how long ago this code was written, but
my guess is it was written at a time when there wasn't very many places in town with such a
long driveway and such a big parking area in the back. I'm thinking whoever wrote this code
looked at our very short driveways, two car garages and spaces for two cars in the driveway,
and they didn't want cars parking on the front lawn, so they came up with that count of two, just
to guess.

Well, I'm concerned, I have a stake in that because my house was built in 1948 with 10 concrete
parking spaces in front, right on the street, which is ridiculous. I mean, it's like a hundred-foot
curb cut.

You don't have nine classic cars that you keep track of?

We have 11 cars at the moment. Some people have more than one, but they stack 'em, you
know? But I mean, there are other circumstances and some places with really big lots, I have an
acre and a half and that's a big lot, would have off street parking that wouldn't bother anybody
and would be easily maneuverable and that kind of thing.

Commissioner Aviles, do you have anything?

No.

Okay. So, I just have one thing. I always say this about you guys. I think we have a great
Commission here. I think we're a good team. We all have different ideas. I think when it's time, I
think we all make the right decisions. Tonight, there was no exception. I didn't see anything the
neighbors presented that would cause us to uphold their appeal. Staff, you did a good job with
this one. I know it stings a little bit when people appeal things, but you did a good job.

Oh, it's fine. You get thick skin in this industry, but hopefully you all, and I think you did, but
when you hear testimony that starts to move into the personal and away from the land use,
factual, you I do think chair would... Not that it was necessary particularly tonight, but I think you
do have the authority as chair to interrupt.

I tried.

And say that's not relevant testimony, because you really do have a pretty focused mission. I
mean, I think it's easy for some people who don't do this all the time to come and think you're
here to hear the full expanse of all issues when in fact you really don't.

Thanks for that.

Yeah. Hopefully from our standpoint, we make our recommendations from staff, but you do
have a little more latitude than we do. So never feel like if there's an issue with what we are
recommending, if you take issue with it, we actually want to hear that because it makes the
process more robust.
Case in point, that was two weeks ago what we did. Remember?

I don't remember two weeks ago.

It was the cannabis reversal.

Well, I do remember the case, but I don't remember interrupting anybody.

Well, no, not the interrupting. But that we do have the right to, and then we come to the right decision, here we did affirm staff. And then last week we did do something that was different, and we were unanimous. That's what I loved. I go, shit, I hope we're not split on this.

Yeah, no, because that's one discussion I had about that cannabis topic was we would be going against what regulation was and since we are a judicial board, I tried to remind us of that, but I was still in favor of it.

Good job tonight, guys. Anything else? We are adjourned. Who did you tell likes to talk?

Dale?

Oh.

He got me a couple times for like 30 minutes.
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 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 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
430 NW MANZANITA AVE
36-05-07-DD, TL 901

EXHIBIT 2

Legend

- Local Tax Parcels
- Subject Parcel
- Water Mains
- Sewer Gravity Mains
- Stormwater Mains

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

<<CNEALON 5/6/22>>
#2

## PLANNING APPLICATION FORM

**Property Address:** 430 NW Manzanita Ave
Grants Pass, OR 97526

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

**Zoning:** Residential R-1-4

**City:** [X] UGB: [ ]

**Project Type:** (Please check all applicable) [X] 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.):** 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:

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

**Property Owner:** Dale Bentz

**Address:** 430 NW Manzanita Ave
Grants Pass, OR 97526

**Phone:** 541 460-2916

**Email:** dbentz7@yahoo.com

**Applicant:** Dale Bentz

**Address:** 430 NW Manzanita Ave
Grants Pass, OR 97526

**Phone:** 541 460-2916

**Email:** dbentz7@yahoo.com

**Authorized Representative** (if different from applicant):
Dawn Parkhurst

**Address:** PO Box 1860 Grants Pass, OR 97528

**Phone:** 541 469-7019

**Email:** dcparkhurst13@hotmail.com

**Surveyor or Engineer** (if applicable):
N/A

**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 (attached).

**Signature of owner or Attorney-in-Fact**

**Date**

**Signature of owner or Attorney-in-Fact**

**Date**

**Date Application Received:** 4-1-22

**Date Application Complete:** 4-4-22

**Pre-App required?** Y

**Pre-App #**

**Fees Paid:** $815.11

**Initials:** CN

**File Number(s):** 207-00013-22

T:\CD\PLANNING\FORMS\Planning Application Forms\Planning Application Form updated 4-29-19.doc
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/Ineligible applications cannot be processed and will be returned.

<table>
<thead>
<tr>
<th>IF NO LONGER IN BUSINESS OR INACTIVE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STATUS OF BUSINESS:</th>
<th>DATE LAST WORKED IN CITY:</th>
<th>SIGNATURE:</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>NAME OF BUSINESS:</th>
<th>Bentz Properties, LLC</th>
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<table>
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<tr>
<th>DBA (DOING BUSINESS AS):</th>
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</table>

<table>
<thead>
<tr>
<th>NAME OF OWNER(S):</th>
<th>Dale Bentz</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>DATE OPENED:</th>
<th>5-1-22</th>
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<tr>
<th>SQUARE FOOTAGE:</th>
<th>3832</th>
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<table>
<thead>
<tr>
<th>TYPE OF BUSINESS:</th>
<th>Vacation rental dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMERCIAL PROPERTY</td>
<td></td>
</tr>
<tr>
<td>RESIDENTIAL PROPERTY</td>
<td>X</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PHYSICAL ADDRESS*:</th>
<th>430 NW Magnarita Ave</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Home based businesses may be required to file a Minor/Major Home Occupation Permit with Parks &amp; Community Development, Room 202. Please contact them at (541) 450-6060</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CITY, STATE, ZIP:</th>
<th>Grants Pass, OR 97526</th>
</tr>
</thead>
<tbody>
<tr>
<td>RECEIVED</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MAILING ADDRESS (if different):</th>
<th>PO Box 1840</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>CITY, STATE, ZIP:</th>
<th>Grants Pass, OR 97526</th>
</tr>
</thead>
<tbody>
<tr>
<td>APR 01 2022</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BUSINESS PHONE:</th>
<th>541-660-2916</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>SECONDARY PHONE:</th>
<th></th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>EMAIL ADDRESS:</th>
<th><a href="mailto:dbentz7@yahoo.com">dbentz7@yahoo.com</a></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>CONTRACTORS ONLY:</th>
<th>Please provide your Construction Contractors Board (CCB) licensing information</th>
</tr>
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</table>

<table>
<thead>
<tr>
<th>CONTRACTOR CCB#:</th>
<th>CCB EXPIRATION DATE*:</th>
</tr>
</thead>
<tbody>
<tr>
<td>*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.</td>
<td></td>
</tr>
</tbody>
</table>

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
   1

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)
   0

   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
   1

4. Enter your tax fee here*
   Please refer to the schedule of tax fees on the right
   (Non-Profit: ZERO fees due with IRS proof of Non-Profit Status)
   $50.

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
   0

6. Change of business information including address change, etc.
   Please include a $5.00 processing fee*
   *No fee applicable when renewing
   $50.

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]
   3-25-22

   SIGNATURE OF APPLICANT REQUIRED
   DATE

   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:

   SCHEDULE OF OCCUPATIONAL TAX FEES

   TOTAL OF TAX
   LINE 3 FEES
   1 OR 2 $50.00
   3 $72.00
   4 $96.00
   5 $120.00
   6 $132.00
   7 $144.00
   8 $156.00
   9 $168.00
   10 $180.00
   11 $186.00
   12 $192.00
   13 $198.00
   14 $204.00
   15 $210.00
   16 $216.00
   17 $222.00
   18 $228.00
   19 $234.00
   20 $240.00
   21 $246.00
   22 $252.00
   23 $258.00
   24 $264.00
   25 $270.00
   26 $276.00
   27 $282.00
   28 $288.00
   29 $294.00
   30 $300.00

   IN EXCESS OF 30
   ADD $2.40 PER INDIVIDUAL

   RECEIVED
   APR 01 2022
   CITY OF GRANTS PASS

   EXHIBIT 3
## COMBINE PAYMENT
### Lodging Tax Return
### Confidential

**City of Grants Pass**

---

**RECEIVED**

- **APR 01 2022**

---

**Tax computation for the quarter ending:**

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

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<tbody>
<tr>
<td>1. Total calendar days during quarter</td>
<td></td>
<td></td>
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<tr>
<td>2. Number of rooms/suites in your establishment</td>
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<td>3. Total rooms/suites available (line 2 multiplied by line 1)</td>
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<td>4. Total rooms/suites rented during the quarter excluding OTC*-booked (include all regular/exempt rooms booked, exclude OTCs*)</td>
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<tr>
<td>5. Total rooms/suites rented during the quarter from OTCs* (include all regular rooms and exempt rooms booked through third party OTCs*)</td>
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**To the best of my knowledge, I declare the information supplied herein to be correct and true.**

---

**Signature:**

[Signature]

**Date:**

3-25-22

**Owner:**

[Owner]

**Title:**

[Title]

**Phone Number:**

541-640-2914

---

**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>
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<tr>
<td>Priceline</td>
<td></td>
</tr>
<tr>
<td>Other OTCs</td>
<td></td>
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</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 Manganita 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><strong>430 NW Manganita Ave</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Grants Pass, OR 97526</strong></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: **[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

Attn: 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, loud 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
Joyce Cannon
cannonj@charter.net
541-660-4822

Oxford House. Airbnb?

RECEIVED
APR 11 2022
CITY OF GRANTS PASS
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
CITY OF GRANTS PASS
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
Markus Opel, 422 NW Manzanita Ave.                                      4/18/22  
Grants Pass Oregon, 97526  

To the Director of Community Development Bradley Clark  
City of Grants Pass, 101 NW "A" Street  
Grants Pass, OR 97526  

Reference: Project number 207-00013-22  

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 (5), 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
1036 NW Prospect Avenue  
Grants Pass, OR 97526

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,

[Signature]

Darryl L. Scott

Linda J. Scott

scottli@charter.net
541 373-7243

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APR 08 2022
CITY OF GRANTS PASS
Director of Community Development  
City of Grants Pass  
101 NW A Street  
Grants Pass, OR 97526

April 11, 2022

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
Property Address: 430 NW Manzanita Ave

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

Zoning: R-1-6

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) Folded Maps/Site Plan to scale
- (1) 8 1/2x 11" 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

Property Owner:

Address:

Phone:

Email:

Applicant: Joyce Cannon

Address: 441 W W Manzanita Ave

Phone: 541-660-4822

Email: cannonjecharter.net

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 (attached).

(Applicant's signature) 9/6/22

(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? Y Pre-App #
Fees Paid: $487.50 Initials: CW
File Number(s): 302-00112-22
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 insureing 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.
I. PROPOSAL:

The proposal is an ordinance submitted by a private party (Don Hayes) amending Article 14 (Certain Uses) of the Grants Pass Development Code. The proposal would also result in amendments to Title 11 of the Grants Pass Municipal Code that address marijuana businesses. (See Exhibit 1 for the mark-up version of the proposed text amendment). If approved, the amendment would reduce the minimum buffer distance between adult businesses and schools, public libraries and public parks.

II. AUTHORITY AND CRITERIA:

Section 4.102 of the City of Grants Pass Development Code provides that the Director, Planning Commission, City Council, or a property owner or resident within the Urban Growth Boundary (UGB) may initiate a text amendment application. These amendments have been initiated by a property owner in the UGB.

Section 2.062 authorizes the Planning Commission to make a recommendation to the City Council and authorizes the City Council to make a final decision on an application for a Development Code Text Amendment, pursuant to the requirements of a Type IV procedure.
The text of the Development Code may be recommended for amendment and amended provided the criteria in Section 4.103 of the Development Code are met.

III. APPEAL PROCEDURE:

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

IV. BACKGROUND AND DISCUSSION:

Timeline:

- A pre-application conference was held between the applicant and staff in February 2022. Although the pre-application focused on a specific property (306 NW 6th Street), staff informed the applicant that a text amendment must apply to multiple properties and cannot pertain to a site-specific lot.
- A formal text amendment application was submitted in April 2022 proposing to amend the adult business section of Article 14.
- To date, public notification of the potential text amendment has only occurred through the standard notification process of land use hearing. No public comment has been received by staff at the time of this staff report.

Proposed Development Code Amendments:

Section 14.630(2)(c): The adult business has less than 10,000 square feet of covered and enclosed building space open to the public, and the adult business is located more than 1,000 feet from all of the following facilities (measured in a straight line from the entrance of the facility closest property line on which the adult business is located to the entrance of the following facilities to the closest edge of the property line on which the facility is located):

Section 14.680: No drive-up or drive through service shall be permitted for Marijuana Businesses.

Proposed Municipal Code Amendments:

Title 11.01.500: Marijuana Businesses may not be located within 1,000 feet from all of the following facilities (measured in a straight line from the closest property line entrance door on of which the Adult Business is located to the closest edge of to the entrance door of the property line on which the facility is located):

Title 11.01.800: No drive-up or drive through service shall be permitted for Marijuana Businesses.

The effect of the proposed amendment will be to reduce the number of buildings impacted by the Adult Use Buffer restrictions. If the Adult Use Buffer distance is reduced from 1,000 feet to 300 feet it will allow more Adult Use Businesses, including Marijuana Businesses, to operate within the jurisdiction of Grants Pass. Additionally, changing how the adult use buffer is measured by using a property line versus using an entrance door
also has the effect of reducing the distance between disparate uses since buildings are situated inside property lines. Note that the proposed Municipal Code amendment (Title 11) pertains only to marijuana businesses while the Development Code section (Article 14) pertains to all adult businesses (which includes marijuana businesses). The application does not discuss or differentiate between these two codes so the applicant will need to clarify his intent during the Planning Commission public hearing. Specifically, changing the buffer to include all adult businesses (as proposed in Article 14) has a much broader impact and affects more business owners than keeping the amendment narrowly focused on only marijuana businesses.

V. APPLICABLE CRITERIA:

The text of the Development Code may be amended provided all of the criteria of Section 4.103 of the Development Code are satisfied.

The applicant has provided responses to the criterion below, see Exhibit 3.

SECTION 4.103:

CRITERION 1: The proposed amendment is consistent with the purpose of the subject sections and articles.

Staff Response: Undetermined. The proposed amendment affects Article 14 of the Grants Pass Development Code. Section 14.600, Adult Businesses, does not include a purpose statement so it is not possible to determine consistency with that specific section of Article 14 (since there is no clear purpose). Article 1 (Sect. 1.020) states the purpose of the entire Development Code is to implement the policies of the Grants Pass Comprehensive Community Development Plan, and to coordinate City regulations governing the development and use of land. The Comprehensive Plan contains numerous policies but none which specifically address buffers between adult businesses and sensitive land uses such as schools or parks.

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

Staff Response: To be determined by Planning Commission. Staff finds that the general purposes of the Code could remain intact with reduced land use buffers but it would vary on a site-by-site basis. In some locations, reducing the buffer from 1,000 feet to 300 feet would not result in any higher level of proximity than what exists today. However, in other locations, the reduced buffer would allow some adult businesses to be closer to parks, schools or libraries. The proposed amendment reflects the revisions that will assist in protecting the rights of property owners to use and enjoy their real property. The Planning Commission should determine if other standards in the Municipal Code that are enforced through Public Safety are adequate to protect the health, safety and welfare of the community in conjunction with this proposed amendment.
CRITERION 3: The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and most effectively carry out those goals and policies of all alternatives considered.

Staff Response: To be determined by Planning Commission. The proposed amendment can be found to be consistent with Element 8, Economy, Element 13, Land Use, and Element 14, Urbanization, of the Comprehensive Plan. Specifically, Policy #8.1 states the City “shall endeavor to improve, expand, diversify and stabilize the economic base of the community.” The proposed amendment assures the Development Code and Comprehensive Plan are in agreement and consistent. Alternatively, Element 7, Recreation, Parks and Open Space, states that a goal is to ensure the availability of sufficient open spaces for all areas of the UGB and meet recreational needs of all age groups and types of recreation activities. By locating some adult businesses in closer proximity to public open spaces, it may be argued that the availability of those open spaces is diminished since some citizens may choose not to recreate at those locations.

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

Staff Response: Not Applicable. The proposed amendment does not affect the functions, capacities, or performance standards of transportation facilities identified in the Transportation System Plan (TSP).

VI. RECOMMENDATION:

Staff recommends the Planning Commission dutifully review all relevant material, review all public input, give consideration to potential amendments proposed, and use their full subjective judgement to determine an appropriate recommendation to the City Council based on the best interest of the City of Grants Pass as a whole.

VII. PLANNING COMMISSION ACTION:

A. Recommend the City Council approve the request:
   1. As submitted,
   2. With revisions recommended by the Planning Commission (list):

B. Recommend the City Council deny the request for the following reasons (list):

C. Postponement: Continue item
   1. Indefinitely; or,
2. To a certain time.

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

**VIII. INDEX TO EXHIBITS**

1. Proposed mark-up text for Article 14 of the Grants Pass Development Code
3. Applicant's Proposal
4. Map showing reduced buffer areas
(2) A copy of the application and supporting documentation for State licensing of the facility.

14.522 Development Standards

(1) Off Street Parking.

   (a) Parking shall be provided at the rate of one space per attendant.

   (b) Design.

       (i) An on-site turn-around must be provided when the review body determines there is a risk to public safety.

       (ii) Up to two vehicles may be stacked end to end.

(2) The facility shall meet all requirements that would be required of a new single-family dwelling on the same lot, except that non-conforming buildings need not meet setback requirements.

(3) The review body may require landscaping or site obscuring fencing when necessary to mitigate conflicts with adjacent properties.

14.523 Criteria for Approval.

(1) The facility is licensed according to State statute, or application has been made for licensing. Proof of licensing must be provided prior to occupancy of the site.

(2) The development standards found in Section 14.522 of this Code are met.

14.600 Adult Businesses

14.610 Applicability. Sections 14.600-14.650, apply to any “adult business” and “adult use” as those terms are defined in Article 30 and establishes an overlay area where adult businesses are not permitted, notwithstanding any other Development Code provision to the contrary.

14.620 Permit Required.

(1) An adult business shall be required to obtain a development permit as outlined in this section and shall be processed according to the provisions of Article 12.

(2) Subject to the restrictions of Sections 14.600-14.650 and Article 12, an adult business is a permitted use in any zone where the activity would be a permitted use if the activity was not restricted to any persons under 21 years of age.
(3) In addition to the adult business restrictions of Sections 14.600-14.650, an adult business must comply with all Development Code requirements which would be applicable to the activity as if it were not restricted to any persons under 21 years of age.

14.630 Additional Criteria for Permit Approval. A development permit for an adult business shall also comply with all of the following criteria:

(1) (a) The adult business is located in a Riverfront Tourist Commercial Zone and has 10,000 or more square feet of covered and enclosed building space open to the public; or

(b) The adult business is located more than 200 feet from any R-1, R-2, R-3, or R-4 residential zones (measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of property in the residential zone); and

(2) (a) The adult business is located in a Riverfront Tourist Commercial Zone and has 10,000 or more square feet of covered and enclosed building space open to the public; or

(b) The adult business has 10,000 or more square feet of covered and enclosed building space open to the public, and contains restaurant accommodations that are not restricted at any time by age and which restaurant accommodations have a floor area equal to or greater in size than the portion of the premises where any persons younger than 21 years of age are prohibited; or

(c) The adult business has less than 10,000 square feet of covered and enclosed building space open to the public, and the adult business is located more than 300 feet from all of the following facilities (measured in a straight line from the entrance of the facility closest to the entrance of the following facilities to the closest edge of the property line on which the facility is located):

(i) A “school, public” as defined by Article 30, with an average weekday attendance (during any continuous 3-month period during the preceding 12 months) of not less than 50 children who are under 21 years of age.

(A) Exception: Marijuana producers or processors may not be located within 500 feet from a school located in an Industrial Zone.

(ii) A public library.

(iii) A public park which covers an area of not less than 20,000 square feet and has facilities such as a playground, baseball
field, football field, soccer field, tennis court, basketball court, or volleyball court.

(iv) A commercial or residential recreational facility, as defined in Article 30, which serves children under 21 years of age, and has a total area for indoor and outdoor recreation (not including parking) of not less than 20,000 square feet.

(v) A daycare facility licensed by the State of Oregon, unless such daycare facility is established after the Marijuana Business has received all regulatory licensing and approvals, in which case the Marijuana Business shall be permitted to remain in that location, unless the State of Oregon revokes the license for the Marijuana Business.

Additionally, Marijuana retailers may not be located within 1,000 feet of other Marijuana retailers.

14.635 **Hours of Operation.** Medical marijuana dispensaries and marijuana retailers shall not be permitted to operate outside the hours of 9 a.m. to 7 p.m.

14.640 **Modification of an Adult Use in a Non-conforming Adult Business.** An adult business which, at the time of adoption of 14.600-14.650, does not conform to the criteria contained therein, shall be governed by the provisions of Article 15 of the Development Code except that the current adult use may not be expanded to include other types of uses which by law are not accessible by persons of any age group under 21 years of age. Any such modification of the adult use shall result in automatic loss of the rights under Article 15 and shall cause the adult business to be in violation of Article 14.

14.650 **Modification of a Structure Housing a Non-conforming Adult Business.** Any modification to a structure or surrounding properties utilized by an adult business shall be governed by the provisions of Article 15 of the Development Code.

14.660 **Colocation.** No more than one Marijuana Business may be located on the same property, parcel, address or tax lot.

14.670 **Odor Control.** Medical marijuana dispensaries and marijuana retailers shall be equipped with an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana-related odors within the facility rather than allowing the odors to escape to the exterior.

A building used for marijuana production, processing, wholesaling, or storage shall be equipped with a carbon filtration system for odor control. The odor control system shall consist of one or more fans and filters. The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e. one CFM per square foot of building floor space). An alternative odor control system shall be permitted if the applicant submits a report by an Oregon registered
professional mechanical engineer that demonstrates that the alternative system will control odor as well or better than the system otherwise required.

14.680 Drive-up. Drive-up or drive through service shall be permitted for Marijuana Businesses.

14.690 Compliance with Laws. Marijuana Businesses shall comply with all state and local laws, including, but not limited to, holding the applicable license in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission.

14.700 Self-Storage in General Commercial and Residential Zones

The review procedure for Self-Storage shall be as provided in Schedule 12-2.

14.710 Development Standards for Self-Storage in General Commercial Zones

(1) An approved primary use or uses must exist on the same property between the Self-Storage and all street frontages.

(2) The approved primary use(s) must be in a building or buildings totaling at least 2,500 square feet in area.

(3) The building(s) containing the approved primary use(s) shall be oriented to obscure view of the Self-Storage from all rights-of-way to the greatest extent practical.

(4) All buildings containing the approved primary uses(s) must meet the Architectural Standards in Section 20.400-20.495.

(5) The development of the site must meet Article 23 Landscaping and Buffering Development Standards.

(6) The development must meet all other applicable provisions of this Code.

14.720 Development Standards for Self-Storage in Residential Zones

(1) Self-Storage in residential zones shall only be made available for use by residents of the residential development (for example: multi-family complex, residential subdivision, PUD) containing the Self-Storage facility. At no time is the Self-Storage facility permitted to serve non-residents.

(2) Self-Storage in residential zones shall be maintained and operated by the owner of the complex in the case of multi-family developments held in common ownership, and by a legally formed homeowners association in the case of residential developments held in separate ownership (for example: residential subdivision, PUD, condominium).
MARIJUANA BUSINESSES

Chapters:

11.01.100 Marijuana Defined
11.01.200 Marijuana and Marijuana Businesses Defined
11.01.300 Access Restrictions
11.01.400 Hours of Operation
11.01.500 Buffers
11.01.600 Colocation
11.01.700 Odor Control
11.01.800 Drive-Up
11.01.900 Compliance with Laws
11.01.100 Marijuana Defined

“Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

11.01.200 Marijuana and Marijuana Businesses Defined

“Marijuana Business” shall mean any of the following:

1. Marijuana processing sites; or
2. Medical marijuana dispensaries; or
3. Marijuana producers; or
4. Marijuana processors; or
5. Marijuana wholesalers; or
6. Marijuana retailers.

11.01.300 Access Restrictions

Persons under 21 years of age may not enter a Marijuana Business, unless state law otherwise expressly permits entry.

11.01.400 Hours of Operation

Medical marijuana dispensaries and marijuana retailers shall not be permitted to operate outside the hours of 9 a.m. to 7 p.m.

11.01.500 Buffers

Marijuana Businesses may not be located within 200 feet of any R-1, R-2, R-3, R-4 or other residential zone (measured in a straight line from the closest edge of the property line on which the Marijuana Business is located to the closest edge of property in the residential zone).

Marijuana Businesses may not be located within 1000 feet from all of the following facilities (measured in a straight line from the entrance door on of which the Adult Business is located to the closest edge of to the entrance door property line on which the facility is located) of the following facilities:

1. A “school, public” as defined by Article 30, with an average weekday attendance (during any continuous 3 month period during the preceding 12 months) of not less than 50 children who are under 18 years of age;
   a. Exception: Marijuana producers or processors may not be located within 500 feet from a school located in an Industrial Zone.
2. A public library; or
City of Grants Pass Municipal Code

3. A public park which covers an area of not less than 20,000 square feet and has facilities such as a playground, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court; or

4. A commercial or residential recreational facility, as defined in Article 30, which serves children under 18 years of age, and has a total area for indoor and outdoor recreation (not including parking) of not less than 20,000 square feet; or

5. A daycare facility licensed by the State of Oregon, unless such daycare facility is established after the Marijuana Business has received all regulatory licensing and approvals, in which case the Marijuana Business shall be permitted to remain in that location, unless the State of Oregon revokes the license for the Marijuana Business.

Additionally, Marijuana retailers may not be located within 1,000 feet of other Marijuana retailers.

11.01.600 Colocation

No more than one Marijuana Business may be located on the same property, parcel, address, or tax lot.

11.01.700 Odor Control

Medical marijuana dispensaries and marijuana retailers shall be equipped with an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana-related odors within the facility rather than allowing the odors to escape to the exterior.

A building used for marijuana production, processing, wholesaling, or storage shall be equipped with a carbon filtration system for odor control. The odor control system shall consist of one or more fans and filters. The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e. one CFM per square foot of building floor space). An alternative odor control system shall be permitted if the applicant submits a report by an Oregon registered professional mechanical engineer that demonstrates that the alternative system will control odor as well or better than the system otherwise required.

11.01.800 Drive-Up

No drive-up or drive through service shall be permitted for Marijuana Businesses.

11.01.900 Compliance with Laws

Marijuana Businesses shall comply with all state and local laws, including, but not limited to, holding the applicable license in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission.
PLANNING APPLICATION FORM

Property Address: 110 NW 5th St
(not exclusive to this address)

Assessor's Map & Tax Lot:
- - - - Tax Lot(s) _____________
- - - - Tax Lot(s) _____________

Zoning: ______________________
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) 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: ____________________

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

Change in Code relating
to minimum distances from
containing uses

Property Owner: Scooter Redwood LLC
Address: ______________________

Phone: 405-417-5263
Email: hayesbrokerage@gmail.com

Applicant: DON L. HAYES
Address: ______________________

Phone: ______________________
Email: ______________________

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 (attached).

Signature of owner or Attorney-in-Fact: ____________________ Date: 04/14/2022

Signature of owner or Attorney-in-Fact: ____________________ Date: ____________________

(For Office Use)
Date Application Received: 405-00130-22
Date Application Complete: ____________________
Pre-App required? ☑ N Pre-App # 001-00 404-22
Fees Paid: $471.59 Initials: CN
File Number(s): 405-00130-22
(3) In addition to the adult business restrictions of Sections 14.600-14.650, an adult business must comply with all Development Code requirements which would be applicable to the activity as if it were not restricted to any persons under 21 years of age.

14.630 Additional Criteria for Permit Approval. A development permit for an adult business shall also comply with all of the following criteria:

(1) (a) The adult business is located in a Riverfront Tourist Commercial Zone and has 10,000 or more square feet of covered and enclosed building space open to the public; or

(b) The adult business is located more than 200 feet from any R-1, R-2, R-3, or R-4 residential zones (measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of property in the residential zone); and

(2) (a) The adult business is located in a Riverfront Tourist Commercial Zone and has 10,000 or more square feet of covered and enclosed building space open to the public; or

(b) The adult business has 10,000 or more square feet of covered and enclosed building space open to the public, and contains restaurant accommodations that are not restricted at any time by age and which restaurant accommodations have a floor area equal to or greater in size than the portion of the premises where any persons younger than 21 years of age are prohibited; or

(c) The adult business has less than 10,000 square feet of covered and enclosed building space open to the public, and the adult business is located more 300 feet from all of the following facilities (measured in a straight line from the entrance of the facility closest to the property line on which the adult business is located to the entrance of the following facilities) closest edge of the property line on which the facility is located):

(i) A "school, public" as defined by Article 30, with an average weekday attendance (during any continuous 3-month period during the preceding 12 months) of not less than 50 children who are under 21 years of age.

(A) Exception: Marijuana producers or processors may not be located within 500 feet from a school located in an Industrial Zone.

(ii) A public library.

(iii) A public park which covers an area of not less than 20,000 square feet and has facilities such as a playground, baseball
professional mechanical engineer that demonstrates that the alternative system will control odor as well or better than the system otherwise required.

14.680 Drive-up. No drive-up or drive through service shall be permitted for Marijuana Businesses.

14.690 Compliance with Laws. Marijuana Businesses shall comply with all state and local laws, including, but not limited to, holding the applicable license in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission.

14.700 Self-StORAGE in General Commercial and Residential Zones

The review procedure for Self-StORAGE shall be as provided in Schedule 12-2.

14.710 Development Standards for Self-StORAGE in General Commercial Zones

(1) An approved primary use or uses must exist on the same property between the Self-StORAGE and all street frontages.

(2) The approved primary use(s) must be in a building or buildings totaling at least 2,500 square feet in area.

(3) The building(s) containing the approved primary use(s) shall be oriented to obscure view of the Self-StORAGE from all rights-of-way to the greatest extent practical.

(4) All buildings containing the approved primary uses(s) must meet the Architectural Standards in Section 20.400-20.495.

(5) The development of the site must meet Article 23 Landscaping and Buffering Development Standards.

(6) The development must meet all other applicable provisions of this Code.

14.720 Development Standards for Self-StORAGE in Residential Zones

(1) Self-StORAGE in residential zones shall only be made available for use by residents of the residential development (for example: multi-family complex, residential subdivision, PUD) containing the Self-StORAGE facility. At no time is the Self-StORAGE facility permitted to serve non-residents.

(2) Self-StORAGE in residential zones shall be maintained and operated by the owner of the complex in the case of multi-family developments held in common ownership, and by a legally formed homeowners association in the case of residential developments held in separate ownership (for example: residential subdivision, PUD, condominium).
City of Grants Pass Municipal Code

11.01.100 Marijuana Defined

"Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

11.01.200 Marijuana and Marijuana Businesses Defined

"Marijuana Business" shall mean any of the following:
1. Marijuana processing sites; or
2. Medical Marijuana dispensaries or
3. Marijuana producers; or
4. Marijuana processors; or
5. Marijuana wholesalers; or

11.01.300 Access Restrictions

Persons under 21 years of age may not enter a Marijuana Business, unless state law otherwise expressly permits entry.

11.01.400 Hours of Operation

Medical marijuana dispensaries and marijuana retailers shall not be permitted to operate outside the hours of 9 a.m. to 7 p.m.

11.01.500 Buffers

Marijuana Businesses may not be located within 200 feet of any R-1, R-2, R-3, R-4 or other residential zone (measured in a straight line from the closest edge of the property line on which the Marijuana Business is located to the closest edge of property in the residential zone).

Marijuana Businesses may not be located within 4000 feet from all of the following facilities (measured in a straight line from the closest property line entrance door of which the Adult Business is located to the closest edge of to the entrance door of the property line on which the of the following facilities facility is located):

1. A "school, public" as defined by Article 30, with an average weekday attendance (during any continuous 3 month period during the preceding 12 months) of not less than 50 children who are under 18 years of age;
   a. Exception: Marijuana producers or processors may not be located within...500 feet from a school located in an Industrial Zone.
2. A public library; or

Title 11: Marijuana Businesses  Page 2 of 3
a. Exception: Marijuana producers or processors may not be located within 500 feet from a school located in an Industrial Zone.
2. A public library; or
3. A public park which covers an area of not less than 20,000 square feet and has facilities such as a playground, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court; or
4. A commercial or residential recreational facility, as defined in Article 30, which serves children under 18 years of age, and has a total area for indoor and outdoor recreation (not including parking) of not less than 20,000 square feet; or
5. A daycare facility licensed by the State of Oregon, unless such daycare facility is established after the Marijuana Business has received all regulatory licensing and approvals, in which case the Marijuana Business shall be permitted to remain in that location, unless the State of Oregon revokes the license for the Marijuana Business.

Additionally, Marijuana retailers may not be located within 1,000 feet of other Marijuana retailers.

11.01.600 Colocation

No more than one Marijuana Business may be located on the same property, parcel, address, or tax lot.

11.01.700 Odor Control

Medical marijuana dispensaries and marijuana retailers shall be equipped with an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana-related odors within the facility rather than allowing the odors to escape to the exterior.

A building used for marijuana production, processing, wholesaling, or storage shall be equipped with a carbon filtration system for odor control. The odor control system shall consist of one or more fans and filters. The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e. one CFM per square foot of building floor space). An alternative odor control system shall be permitted if the applicant submits a report by an Oregon registered professional mechanical engineer that demonstrates that the alternative system will control odor as well or better than the system otherwise required.

11.01.800 Drive-Up

No drive-up or drive through service shall be permitted for Marijuana Businesses.
4.100 Development Code Text Amendments

4.101 Purpose. The purpose of amending the text of the Development Code is as follows:

(1) To ensure that the Development Code changes as the Comprehensive Plan changes.

(2) To implement the Comprehensive Plan goals and policies more fully.

(3) To amend development criteria and standards as community attitudes change and new technologies are acceptable, insofar as the public health, safety and welfare permit.

(4) To eliminate prior error or contradiction.

4.102 Procedures for Initiation of Development Code Text Amendment.

(1) An amendment of the text of this Code may be initiated by the following:

(a) A resident of the Urban Growth Boundary, submitting a complete application as provided in Section 3.050.

(b) An owner of property within the Urban Growth Boundary, submitting a complete application as provided in Section 3.050.

(c) The Director.

(d) The Planning Commission.

(e) The City Council.

(2) A pre-application conference is required when the amendment is initiated by a resident of the Urban Growth Boundary or an owner of property within the Urban Growth Boundary.

(3) The procedure type for amending the text of this Code shall be in accordance with Schedule 2-1.

4.103 Criteria for Amendment. The text of this Code may be recommended for amendment and amended provided that all the following criteria are met:

(1) The proposed amendment is consistent with the purpose of the subject section and article.

(2) The proposed amendment is consistent with other provisions of this Code.
The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, and most effectively carries out those goals and policies of all alternatives considered.

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

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