



CITY OF EAGLE POINT

"Gateway to the Lakes"

OREGON

EAGLE POINT PLANNING COMMISSION
17 BUCHANAN AVE. SOUTH, EAGLE POINT, OREGON
REGULAR MEETING AGENDA
August 21, 2018

1. CALL TO ORDER - 6:00 p.m.
2. FLAG SALUTE.
3. AUDIENCE QUESTIONS/COMMENTS (Items not on the agenda).
4. CONSENT CALENDAR.
 - 4.1 Presentation of Regular Meeting Minutes of July 17, 2018.
5. CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR.
6. PUBLIC HEARING(S).
 - 6.1 Planning Application #18-13:CUP/VAR (Richardson Vet Service)
Request for approval of a veterinary clinic at 112 South Royal Avenue.
 - 6.2 Planning Application #18-01:CUP/BLA (Butte Creek Baptist)
Request for approval to expand the existing church use into the adjacent residential land use district.
7. UNFINISHED BUSINESS.
8. NEW BUSINESS.
9. REPORTS FROM PLANNING COMMISSION MEMBERS.
10. REPORTS FROM STAFF.
11. ADJOURNMENT.

AGENDA AND COMMISSION PACKETS ALSO AVAILABLE ON WEBSITE

www.cityofeaglepoint.org

If a physical accommodation is needed to participate in this meeting, please contact the City Recorder at 541-826-4212 ext. 106 or TTY/TDD 711 or 800-735-2900. Notification of at least 48 hours prior to the meeting will assist the City in providing reasonable accommodations. (28 CFR 35.102-35.104 ADA Title II).



CITY OF EAGLE POINT

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EAGLE POINT PLANNING COMMISSION

17 S BUCHANAN AVE. EAGLE POINT, OREGON

JULY 17, 2018

REGULAR MEETING MINUTES

1. CALL TO ORDER-6:00P.M.

Chair Collins called the meeting to order at 6:00P.M.

Commission Members Present: Suzi Collins, Dianne Mihocko, Kevin Walruff, Millie Wewerka and Councilor Kathy Sell.

Commission Members Absent: Ron Boughton and Bernard Grossman

Staff Members Present: Mike Upston, Planning Director and Rob Miller, Public Works Director

Audience Members and Guests: Travis Snyder, Snyder Creek Development and Todd Powell with Ausland Group. Jim Brown and Al Lepage.

2. FLAG SALUTE.

Commissioner Mihocko led the flag salute.

3. AUDIENCE QUESTIONS OR COMMENTS CONCERNING ITEMS NOT ON THE AGENDA.

There were no audience questions or comments.

4. CONSENT CALENDAR.

4.1 Presentation of Regular Meeting Minutes of April 17, 2018.

Chair Collins announced the Consent Calendar and asked for a motion. Commissioner Mihocko moved that the Consent Calendar be approved. Commissioner Wewerka made a second. There was no further discussion. The motion passed unanimously by the voting members present.

City of Eagle Point Planning Commission Meeting Minutes

July 17, 2018

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5. CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR.

None were heard.

6. PUBLIC HEARING(S).

6.1. Planning Application #18-09: ZCH/SUB (North Barton Subdivision-East)

Request for approval of a zone change and tentative subdivision to facilitate development of the property at Tax Assessors Map 351W34AC, Lot 7500 in the R-1 Single-Family Residential zoning district.

Planning Director Mike Upston presented the report to the commission noting that the proposed subdivision will expand the previously approved North Barton Subdivision by the same developer Travis Snyder with Snyder Creek Development. The development will consist of 22 single-family one-story dwellings and the only significant change is to rezone the land from R-1-8 to R-1-6 to allow for smaller lots to maximize density within the road limitations on Barton Rd. Todd Powell, Director of Engineering for the Ausland Group introduced himself and offered to answer any questions. Commissioner Wewerka asked if the proposed storm water detention provided in North Barton would be complete prior to developing North Barton East and Mr. Powell confirmed that the installation of storm water detention and bio-swales would be in place prior to dwellings being built in this subdivision. Commissioner Wewerka also expressed a desire to see variation in the architectural design of the homes. Councilor Sell asked if on street parking would be provided in the development and Mr. Powell confirmed that streets were being developed according to the City's Class B Standards that would provide parking on both sides of the street. Public Works Director, Rob Miller requested the commission strike the word "south side" from page 10 of the Agenda Statement under Utilities. This statement indicated that all but the existing Pacific Power utilities on the south side would be underground. The correction is that all but existing Pacific Power utilities would be placed underground. Audience member Jim Brown requested a time frame for construction and Mr. Snyder indicated it would likely be fall of 2019 before houses would be built in Phase 2 (North Barton East). Audience Member Al Lepage inquired if an existing light pole located at 674 Sheffield could be relocated during construction to give him access to his RV parking. Mr. Miller indicated the relocation of the light pole would not be a condition the city would apply to the developer since it was not located within the proposed development. Mr. Miller indicated he would provide a cost associated with the relocation of the said pole and provide it to Mr. Lepage. Chair Collins called for a motion to close the public hearing. Commissioner Wewerka made a motion to close the public hearing. Commissioner Mihocko seconded the motion and the motion passed unanimously amongst voting members present. Chair Collins called for a motion on the application before the commission. Commissioner Walruff offered a motion to adopt the findings and approve the Site Plan Review and recommend to the Council the rezone and tentative subdivision with corrections to condition # 15 and the recommended conditions of approval. Commissioner Mihocko made a second. The motion passed unanimously by the voting members present.

7. UNFINISHED BUSINESS.

None were heard.

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8. NEW BUSINESS.

None were heard.

9. REPORTS FROM COMMISSIONER MEMBERS.

None were heard.

10. REPORTS FROM STAFF.

Mr. Upston updated the commissioner's on the upcoming meetings.

11. ADJOURN.

April Strouse, Meeting Secretary

ATTEST:

Suzi Collins, Chair

**BUSINESS OF THE PLANNING COMMISSION
EAGLE POINT, OREGON**

AGENDA STATEMENT

Item Number: 6.1

Meeting Date: August 21, 2018

ITEM TITLE: Planning Action #18-13:CUP/VAR (Richardson Veterinary Service).
Request for approval of a veterinary clinic at 112 South Royal Avenue.

Applicant: Amy Gunter, Rogue Planning & Development
Property Owner: Randy and Kathy Sell
Submitted By: Mike Upston, Planning Director (541) 826-4212, ext 111

I. PROPOSAL, BACKGROUND & PROPERTY OVERVIEW

This proposal is to operate a veterinary clinic in the building currently occupied by Valley Feed & Pet at 112 South Royal Avenue, corner of Royal Avenue and Loto Street downtown.

Richardson Vet Service is a mobile veterinary clinic that is now looking to establish a home base at this location. The building's interior would be modified to accommodate the business, which primarily serves household pets, as depicted in the floor plan below. The clinic may also be used for surgeries for small ruminants such as goats and sheep that cannot be handled through the mobile service.



Exterior modifications will include removal of the canopy, addition of a rear loading door, new sign, parking, landscaping and other necessary updates for code compliance.

The owners are expecting to have up to three veterinarians and five employees, with hours of operation to be 8am – 7pm Monday – Friday, and Saturday 9am – 2pm.

II. LAND USE APPROVAL REQUIREMENTS

Conditional Use Permit

Eagle Point Municipal Code (EPMC) chapter 17.28 establishes permitted buildings and uses within the C-1 Retail Commercial zoning district, and EPMC 17.28.030 provides Planning Commission authority to consider a Conditional Use Permit for certain buildings or uses, including veterinary clinics, which are not permitted outright within the C-1 Retail Commercial zoning district.

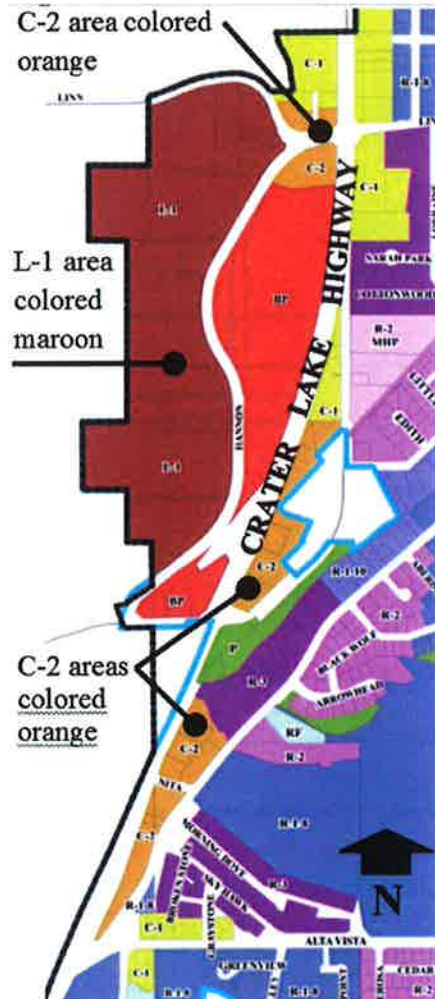
Note that veterinary clinics are permitted outright within areas zoned C-2 Heavy Commercial and L-1 Limited Industrial shown on the map at right. Those areas include the Eagle Landing and Creekside commercial centers on the east side of Highway 62, the HanSen Center and adjacent C-2 zoned area on the west side of Highway 62, and all of the property zoned L-1 on the west side of Hannon Road.

EPMC chapter 17.84 establishes the review and decision-making process for Conditional Use Permits, the purpose of which is to determine whether or not a proposed use is or could be compatible with the existing or permissible uses on surrounding land. An additional purpose is to stipulate conditions to ensure that a proposed use will be compatible with the surrounding uses. EPMC 17.84.050 establishes the findings of fact that must be met in order to approve a Conditional Use Permit, and those are discussed under Section III of this report.

Variance

A Variance is required to allow the use within 100 feet of neighboring residential property (EPMC 17.52.030). Single family homes exist to the immediate southwest on the opposite side of the alley, and an apartment complex is on the other side of Loto Street.

As with the Conditional Use Permit, the quasi-judicial decision for the Variance request will be by the Planning Commission in a public hearing, with no further action required by the City Council unless an appeal of the Planning Commission's decision has been filed. EPMC 17.88.040 establishes the findings of fact that must be met in order to approve a Variance, and those are discussed under Section IV of this report.



III. DECISION CRITERIA FOR CONDITIONAL USE PERMIT APPROVAL

A. That the conditional use is in conformance with the letter and intent of the Comprehensive Plan and Zoning Ordinance. (EPZO 17.84.050.A)

1. **Comprehensive Plan.** The proposal conforms with the following Eagle Point Comprehensive Plan goals and policies:

Chapter III – Land Use Element: To provide a long-range guide for the physical development of the City that maximizes the community's livability.

FINDING: The Land Use Element of the Comprehensive Plan provides the framework for the Zoning Districts that have been adopted by the City. The subject property has a land use designation of Commercial on the Comprehensive Plan Map, which is intended to implement the Comprehensive Plan's vision for this property as a neighborhood-serving business node. The proposed veterinary service is consistent with this vision and generally compatible within its context of downtown commercial and residential uses. Additionally, the proposed use will be a continuation of sorts of the current animal-related use.

Chapter XIII – Citizen Involvement Element: To provide opportunities for citizen involvement throughout the City's planning process.

Policy 3: The City shall continue to emphasize the public hearing process during land use decision making. All hearings shall be well advertised and open to all affected citizens.

Policy 4: The City shall continue to maintain public availability of planning related proposals and reports.

Policy 5: The City shall continue to notice affected agencies and organizations of specific planning related activities, proposals and reports.

Policy 6: The City shall coordinate land use actions with affected agencies.

FINDING: The City of Eagle Point has an adopted citizen involvement program based upon the policies noted above. The program includes complete and open public information and involvement based on state requirements and locally-adopted public notice procedures and public hearings. This development application is being processed consistent with that program, and is consistent with the goals and policies of this Element. Public notices for this proposal were mailed to nearby property owners, published in the local newspaper and posted on the City's website. As of the date this agenda statement was written, no written public comments were received.

2. Zoning Regulations. The proposal conforms to the following requirements of Eagle Point's zoning regulations:

Legal Notifications. All notifications and advertisements have been made in satisfaction of the legal requirements to hold public hearings on this application.

Development Standards. All applicable development standards in Eagle Point's zoning regulations will be met prior to issuance of construction permits.

FINDING: The proposed development complies with all legal notification and applicable development requirements of Eagle Point's zoning regulations.

B. That the potential positive impacts outweigh the negative impacts of the conditional use as it relates to the public health, safety and general welfare of the area. (EPZO 17.84.050.B)

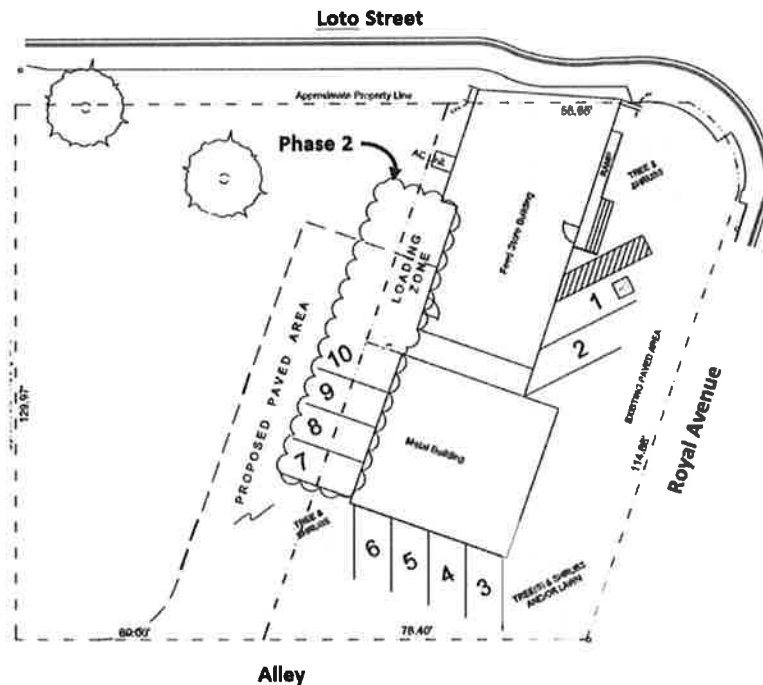
FINDING: This use will benefit the community since the nearest existing veterinary clinics are several miles to the north and south of the city. However, the sound of barking is often anticipated as an issue for vet clinics. To mitigate this issue, all activities associated with the clinic will be indoors. Overnight holding will only be provided for seriously ill animals and those recovering from surgery, and no outside runs, kennels, or overnight boarding will occur here. This approach will minimize noise which could be a nuisance to the current and future residents and businesses.



- C. That the conditional use property and buildings are adequate in size and shape to accommodate said use, and all yard spaces, walls and fences, parking, loading, landscaping and other features are to standards required by this Ordinance. (EPZO 17.84.050.C)

FINDING: The main building is adequate in size for clinic operations, and the shed building will be used as storage for the associated mobile veterinary service vehicles and clinic supplies. In addition, there is enough room on the property to provide all required parking, loading and landscaping. The proposed site plan depicts the existing building, with proposed access to occur from the alley off South Royal Avenue, along with handicap parking near the front entrance and directly accessible from the street. The parking standards contained within the city's zoning regulations do not address veterinary clinics, but because the use is similar to medical offices, those rates were applied in the parking calculation.

The existing site does not comply with current parking and circulation regulations. Therefore, the site plan below was drafted to show how the required parking and loading will be provided with the new use. Two parking stalls are proposed at the front adjacent to the customer entrance, and four additional stalls are proposed off the alley. No additional parking is proposed for the portions of the metal building to remain since it will be utilized for storage, clinic vehicle and large animal off-loading when necessary for emergency services that cannot be accomplished in the field.



These site improvements are proposed as Phase 1. Phase 2 includes additional paving, parking, loading and landscaping at the back side of the building. Since the Phase 2 facilities may not be provided at the beginning, a condition of approval is included in section VIII allowing the city to review the use every three years to determine if they will be required at that time.

- D. That the conditional use relates to streets and highways adequate to width and pavement type to carry the quantity and kind of traffic generated by the proposed use. (EPZO 17.84.050.D)**

FINDING: The project site is accessed from South Royal Avenue, an arterial roadway of adequate width and pavement type to accommodate access to the proposed development. Additionally, most clients will arrive by passenger vehicle, reducing the amount of trailer traffic occurring with the present use.

IV. DECISION CRITERIA FOR VARIANCE APPROVAL

- A. That exceptional or extraordinary conditions apply to the property that do not apply generally to other properties or class of use in the same zone or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control. (EPZO 17.88.040.A)**

FINDING: The proposed use is similar to the previous uses on the property. There are no other veterinary clinics in Eagle Point, and all other clinics are many miles north and south of town. The use provides an essential service similar to the previous use which did not require geographical separation. The exceptional condition is that there are no facilities currently available for lease or purchase in the zoning districts which allow for the requested use.

- B. That the granting of the variance shall not be materially detrimental to the purposes of this title, be materially injurious to property in the zone or vicinity in which the property is located or be otherwise materially detrimental to the objectives of any city development plan or policy. (EPZO 17.88.040.B)**

FINDING: The variance will not have a materially detrimental impact to the property, the zone or to properties in the vicinity. Continued use of the site furthers the purpose and intent of the commercial zone which is to preserve and enhance attractive commercial areas serving the shopping and personal service needs of the surrounding area. In addition, the proposed site modifications to accomplish the change of use will result in better vehicular traffic control and site access. These are positive impacts to the commercial zone and to Royal Avenue and Loto Street.

- C. That the variance requested is the minimum variance from the provisions and standards of this title which will alleviate the practical difficulty. (EPZO 17.88.040.C)**

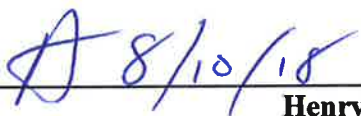
FINDING: The requested variance is the minimum necessary to allow for the adaptive reuse of a commercial establishment from an animal supply store to an animal medical facility. The Town Center Plan calls for the C-1 zone to be for the efficient use of land to support urban needs to the citizens of Eagle Point. An urban veterinary clinic does that.

D. That the condition(s) for which the variance is requested is not the result of any action or personal circumstances of the applicant. (EPZO 17.88.040.D)

FINDING: The conditions for which the variance is requested are not a result of the action of the applicant. The request is due to a proximity standard set forth in EPMC 17.52.030 when the city's zoning regulations were adopted in 1980. At that time, veterinary clinics were perceived as having impacts similar to auto repair, paint booths, tire sales, machine shops and kennels. These uses all generate noise, odor and sometimes unsightly outdoor material storage that have a negative impact on adjacent properties. Modern veterinary clinics don't tend to have such impacts. Further, proposed measures to convert the use type include limited area for interior kennels, limited overnighting of patients, no outdoor kenneling, leashed outside time, appointment-based visitation, and hours of operation similar to the existing commercial use - all of which diminish the negative impacts that could be associated with a veterinary clinic.

V. CONCLUSIONS

1. The application was declared complete.
2. The proposal is consistent with the Comprehensive Plan.
3. As conditioned, the proposal complies with the Zoning Ordinance.
4. All legal notifications have been satisfied with respect to the application.
5. Concerns expressed by affected agencies have been mitigated.

APPROVED FOR SUBMITTAL:  8/10/18
Henry Lawrence, City Administrator

VI. STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt the Findings and approve the application with the recommended conditions of approval.

VII. PLANNING COMMISSION OPTIONS:

1. Adopt the Findings and approve the application with the recommended conditions of approval; or,
2. Adopt the Findings and approve the application with revisions to the project and/or conditions; or,
3. Deny the application; or,
4. Postpone action to a time specified providing additional information is required and the applicant or their representative agrees to such postponement.

VIII. RECOMMENDED CONDITIONS OF APPROVAL

1. Required permits and approvals shall be obtained for all building and site modifications.
2. If a building permit has not been issued and the business is not operational within two years from the date of this decision, this decision shall expire unless an extension is applied for and received from the Planning Director before the expiration date.
3. No outdoor exercise yard/dog run is permitted with this approval.
4. No animal waste shall be left on public sidewalks, streets, or private properties, including parks, plazas and landscape areas.
5. The city shall reserve the right to review the off-street parking demand every three years and, at its sole discretion, decide whether to require the additional paved parking, loading, circulation and landscaping labelled as "Phase 2" on the site plan at that time. If/when such improvements are required, the owner shall provide them to the city's satisfaction within six months of the city's request.

**BUSINESS OF THE PLANNING COMMISSION
EAGLE POINT, OREGON**

AGENDA STATEMENT

Item Number: 6.2

Meeting Date: August 21, 2018

ITEM TITLE: Planning Action #18-01:CUP/BLA (Butte Creek Baptist Church). Request for approval to expand the existing church use into the adjacent residential land use district.

Applicant: Don Ferris & Tom Carlisle, Butte Creek Baptist Church
Property Owner: Jim & Sarah Paisley, 175 Teakwood Drive
Submitted By: Mike Upston, Planning Director (541) 826-4212, ext 111

I. PROPOSAL, BACKGROUND & PROPERTY OVERVIEW

This proposal is to develop a driveway for Butte Creek Baptist Church from Teakwood Drive, in addition to the existing access on North Royal Avenue as depicted in the image at right.

Butte Creek Baptist Church is located along the west side of North Royal Avenue and currently has two access points along that roadway. Parking is provided in southeast, southwest, and north parking areas of the site. The church is requesting an additional access point on Teakwood Drive that would connect to their north parking area. This access is proposed approximately 250 feet northwest of North Royal Ave.



In discussions with church representatives, there are no current expansion plans on their vacant property. In the future they may want to add a small facility for their youth group, but that is the extent of what has been considered. The request for an additional access on Teakwood Drive is for improved site circulation and connectivity to the surrounding street system.

II. LAND USE APPROVAL REQUIREMENTS

Conditional Use Permit

Eagle Point Zoning Ordinance (EPZO), Chapter 17.28 establishes permitted buildings and uses within the C-1 Retail Commercial zoning district, and EPZO Section 17.28.030 provides Planning Commission authority to consider a Conditional Use Permit for certain buildings or uses, including churches, which are not permitted outright within the R-1 Residential zoning district. Further, EPZO Chapter 17.84 establishes the review and decision-making process for Conditional Use Permits, with the purpose being to determine whether or not a proposed use is or could be compatible with the existing or permissible uses on surrounding land. An additional purpose is to stipulate conditions to help ensure that a proposed use will be compatible with the surrounding uses if it's permitted. EPZO Section 17.84.050 establishes the findings of fact that must be met in order to approve a Conditional Use Permit, and those are discussed under Section III of this report.

Boundary Line Adjustments

The decision-making process for Boundary Line Adjustments is established in Eagle Point Municipal Code, section 16.20.040 (Subdivision Regulations). This application involves a Type B administrative decision by the Planning Director. A decision of approval will not be made unless, and until, the Planning Commission approves the associated Conditional Use Permit.

III. DECISION CRITERIA FOR CONDITIONAL USE PERMIT APPROVAL

A. That the conditional use is in conformance with the letter and intent of the Comprehensive Plan and Zoning Ordinance. EPZO 17.84.050.A

1. **Comprehensive Plan.** The proposal conforms with the following Eagle Point Comprehensive Plan goals and policies:

Chapter III – Land Use Element: To provide a long-range guide for the physical development of the City that maximizes the community's livability.

FINDING: The Land Use Element of the Comprehensive Plan provides the framework for the Zoning Districts that have been adopted by the City. The subject property has a land use designation of Residential on the Comprehensive Plan Map, which is intended to implement the Comprehensive Plan's vision for this property as residential or residentially-compatible uses. Uses such as churches, schools and libraries are consistent with this vision, and Butte Creek Baptist Church has been at this location for many years without disruption to the surrounding neighborhood.

Chapter XIII – Citizen Involvement Element: To provide opportunities for citizen involvement throughout the City’s planning process.

Policy 3: The City shall continue to emphasize the public hearing process during land use decision making. All hearings shall be well advertised and open to all affected citizens.

Policy 4: The City shall continue to maintain public availability of planning related proposals and reports.

Policy 5: The City shall continue to notice affected agencies and organizations of specific planning related activities, proposals and reports.

Policy 6: The City shall continue to coordinate land use actions with affected agencies.

FINDING: The City of Eagle Point has an adopted citizen involvement program based upon the policies noted above. The program includes complete and open public information and involvement based on state requirements and locally-adopted public notice procedures and public hearings. This development application is being processed consistent with that program, and is consistent with the goals and policies of this Element. Public notices for this proposal were mailed to nearby property owners, published in the local newspaper and posted on the City’s website. As of the date this agenda statement was written, no written or verbal public comments were received.

2. Zoning Regulations. The proposal conforms to the following requirements of Eagle Point’s zoning regulations:

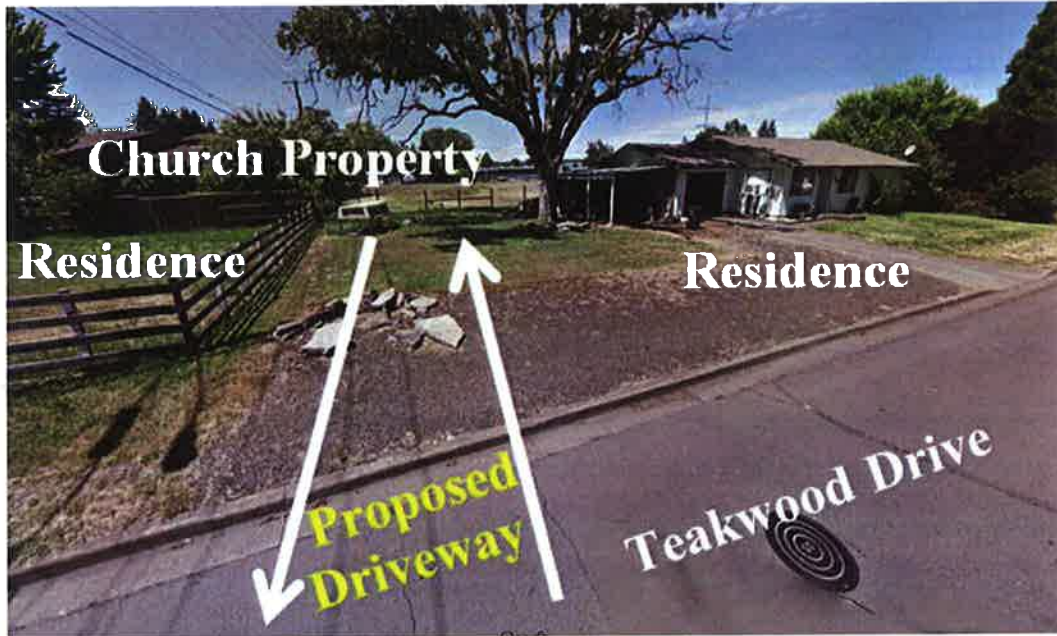
Legal Notifications. All notifications and advertisements have been made in satisfaction of the legal requirements to hold public hearings on this application. Development Standards. All applicable development standards in Eagle Point’s zoning regulations will be met prior to issuance of construction permits.

FINDING: The proposed development complies with all legal notification and applicable development requirements of Eagle Point’s zoning regulations.

B. That the potential positive impacts outweigh the negative impacts of the conditional use as it relates to the public health, safety and general welfare of the area. EPZO 17.84.050.B

FINDING: The attached Teakwood Drive Access Analysis concludes that the proposal would not be expected to cause any adverse impacts to this or nearby roadways. Intersection operations, traffic queues, crash history, and sight distances were evaluated, and no safety concerns were identified as a result of the additional access. In fact, the additional access is expected to reduce the number of cars backing out onto North Royal Avenue, and provide for better emergency access. In addition, the property through which this driveway would pass (see next page) is in agreement

with the proposal and desires to deed the needed property to the church. Further, the other nearby property owners have been notified of this proposal as per subsection III.A.1 above.



- C. That the conditional use property and buildings are adequate in size and shape to accommodate said use, and all yard spaces, walls and fences, parking, loading, landscaping and other features are to standards required by this Ordinance. EPZO 17.84.050.C

FINDING: The proposed driveway will be designed to City design, dimensional and operational standards. Review of the driveway design will be conducted by the City's Public Works and Planning Departments, with inspections during and after construction to ensure that all relevant standards are addressed.

- D. That the conditional use relates to streets and highways adequate to width and pavement type to carry the quantity and kind of traffic generated by the proposed use. EPZO 17.84.050.D

FINDING: The proposed driveway will connect to Teakwood Drive, a local collector street which provides connectivity to other collector and arterial roadways. Teakwood Drive is a two-lane roadway with curb, gutter, and sidewalk along the northeast side, and no striped bike lanes. Minimal additional burden will be placed on Teakwood Drive, and it's expected that the church-related roadway burden will be lessened on North Royal Avenue.