



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/14/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Grants Pass Plan Amendment
DLCD File Number 002-10

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, March 25, 2011

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

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

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

Cc: Tom Schauer, City of Grants Pass
Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF
MAR 07 2011
LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

Jurisdiction: **City of Grants Pass**Local file number: **10-40500001 & 10-40500001a**Date of Adoption: **Ordinance 2/16/11, Findings 3/2/11**Date Mailed: **3/4/2011**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: **11/22/10**☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

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

10-40500001. The amendment establishes a new Medical Overlay District in the vicinity of Three Rivers Community Hospital. Underlying plan and zoning map designations remain the same. The Overlay District allows the same additional uses as are currently permitted by the Washington Boulevard Medical Overlay District, and the uses within the new Medical Overlay District are also permitted additional building height when stepped back from abutting residential properties outside the district. The amendment includes one amendment to the use provisions so the overlay zone isn't more restrictive than underlying zoning.

10-40500001a. The amendment also authorizes the additional building height provisions to apply within the existing Washington Medical Overlay District.

Does the Adoption differ from proposal? **Yes.**

There are some minor revisions to the specific implementation of the Three Rivers Medical Overlay District; the use provisions were modified slightly to ensure the overlay zone wasn't more restrictive than underlying zoning; and the building height provisions were also authorized for the existing Washington Boulevard Medical Overlay District.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved: **135**

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ NoDLCD file No. 002-10 (18618) [16548]

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

DLCD, Josephine County

Local Contact: Tom Schauer, AICP, Sr. Planner

Phone: (541) 474-6355 Extension: 6418

Address: 101 NW 'A' Street

Fax Number: 541-476-9218

City: Grants Pass

Zip: 97526

E-mail Address: tschauer@grantspassoregon.gov

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

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

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

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

ORDINANCE NO. 5534

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS PASS AMENDING THE MEDICAL OVERLAY PROVISIONS IN ARTICLES 4 AND 13 OF THE DEVELOPMENT CODE

WHEREAS:

1. The Comprehensive Plan of the City of Grants Pass was adopted December 15, 1982. The Development Code of the City of Grants Pass was adopted August 17, 1983; and
2. The proposal amends the Medical Overlay provisions in Articles 4 and 13 of the Development Code; and
3. The proposal is consistent with the goals and policies of the Comprehensive Plan; and
4. The applicable criteria from the Development Code are satisfied, and the amendments are recommended by the Urban Area Planning Commission.

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

Section 1: The amendments to Medical Overlay provisions in Articles 4 and 13 of the Development Code, as set forth in Exhibit 1, which is attached to and incorporated in this ordinance, are hereby adopted.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 16th day of February, 2011 with the following specific roll call vote:

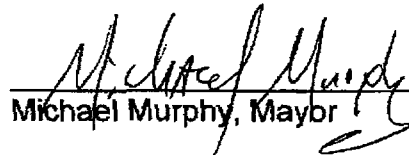
AYES: DeYoung, Reedy, Riker, Williams, Michelon, Woodburn and Fowler

NAYES: None

ABSTAIN: None

ABSENT: Morgan

SUBMITTED to and Approved by the Mayor of the City of Grants Pass, Oregon, this 22nd day of February, 2011.


Michael Murphy, Mayor

ATTEST:


Finance Director

Date submitted to Mayor: 2/18/2011

Approved as to Form, Mark Bartholomew, City Attorney 

EXHIBIT 1

4.050

Criteria for Amendment: Medical Overlay District. The review body may establish and amend a medical overlay district provided all of the following criteria are met:

- (1) The underlying zoning of the property is R-1, R-2, R-3, R-4, GC, CBD, BP, ~~or~~ IP, or I.
 - (2) Each district must encompass at least eight contiguous acres and may not encompass more than ~~forty one~~ hundred fifty contiguous acres.
 - (3) Each district shall include a core hospital consisting of one or more buildings totaling at least 20,000 square feet of floor area. The core hospital may be an existing facility, or one approved prior to or concurrent with the application for a medical overlay district.
 - (4) Not more than five percent of the area of the district shall include lots in residential zones with residences as the primary use.
 - (5) Lots in residential zones with current residential uses shall not be included within the district unless at least one-third of its total frontage is directly across a street from a medical use.
 - (6) The primary access for each lot within the medical overlay district shall be to a collector street, an arterial street, a state highway, or to another street that accesses one of the previous only through the land within the medical overlay district. Access to local residential streets outside the district shall be minimal, if any.
 - (7) The natural features and current land uses of the property are conducive to conversion to medical uses.
 - (8) There are adequate public facilities that either serve the property, or that are planned to serve the area and could readily be extended to serve the property upon development.
-

13.300 Medical Overlay District

- 13.310 Purpose. The medical overlay district is intended to provide land for needed medical facilities within the Grants Pass community. It allows siting of medical uses surrounding a core hospital. It is designed to provide the type of environment suitable for development of medical services and related activities, while reducing the conflicts between uses through appropriate designs.
- 13.311 Effect. The medical overlay district overlays other zoning districts shown on the zoning district map. The overlay district has the effect of permitting those medical uses listed in Section 13.320 below within the district, notwithstanding that those uses may or may not be permitted within the underlying zone. All other uses permitted within the underlying zone are equally permitted within the overlay district. Except as provided in Section 13.325, All standards of the underlying zone, such as setbacks, heights, landscaping, and signage, apply to any use within the district. Where there are conflicts between the development standards of the base zone and those for lands and uses within a Medical Overlay District, the standards of the Medical Overlay District shall govern.
- 13.312 Location. A medical overlay district is designated on an overlay map to the Zoning District Map. The following medical overlay maps is are hereby incorporated into this Article by reference.

MOD-1. Washington Boulevard Medical Overlay District (MOD)

MOD-2. Three Rivers Medical Overlay District (MOD)

An overlay district may be created or amended as provided in Section 4.050 of this Code.

- 13.320 Permitted Uses. The following uses are permitted, along with their accessory uses, within the medical overlay district, notwithstanding that they may or may not be permitted in the underlying zone. For purposes of this Article, they are known as "medical uses".
- (1) Hospitals
 - (2) Clinics
 - (3) Medical Offices
 - (4) Medical Laboratories
 - (5) Ambulance or Paramedic Services

- (6) Medical Helipads
- (7) Parking lots to serve one or more of the above.
- (8) Pharmacies or retail sale or rental of durable medical goods, but only if the property is not adjacent to an underlying residential zone. except when they are not a permitted use in the underlying zone and the property abuts a residentially-zoned property outside the medical overlay district.

13.325 Special Development Standards for All Uses Within the Three Rivers Medical Overlay Districts (MOD-2). The development standards in Schedule 13-1 apply to all uses located within the Three Rivers Medical Overlay Districts (MOD-2) and supersede the applicable development standards of the underlying base zoning district.

<u>Schedule 13-1. Special Development Standards for All Uses Located within Three Rivers Medical Overlay Districts (MOD-2)</u>	
<u>Maximum Building or Structure Height</u>	<u>Additional Height-Based Side and Rear Yard Setbacks for All Uses within a Medical Overlay District that abut a Residential Zone</u>
<u>65 feet*</u> <u>* Any gabled or hipped roof feature having a roof pitch greater than 5:12 may exceed the maximum height by two additional feet for each additional whole unit of rise per 12 units of run, up to a maximum of 16 additional feet.</u>	<u>Where a side and/or rear property line of a lot or parcel located inside the Three Rivers Medical Overlay District abuts residentially-zoned land located outside the district, there shall be a special setback from side and/or rear property lines for the lot or parcel within the Medical Overlay District.</u> <u>The special setback shall only apply to those portions of buildings which exceed the maximum height established in the underlying base zone in which the lot or parcel is located.</u> <u>Where applicable, the special setback shall be applied, in</u>

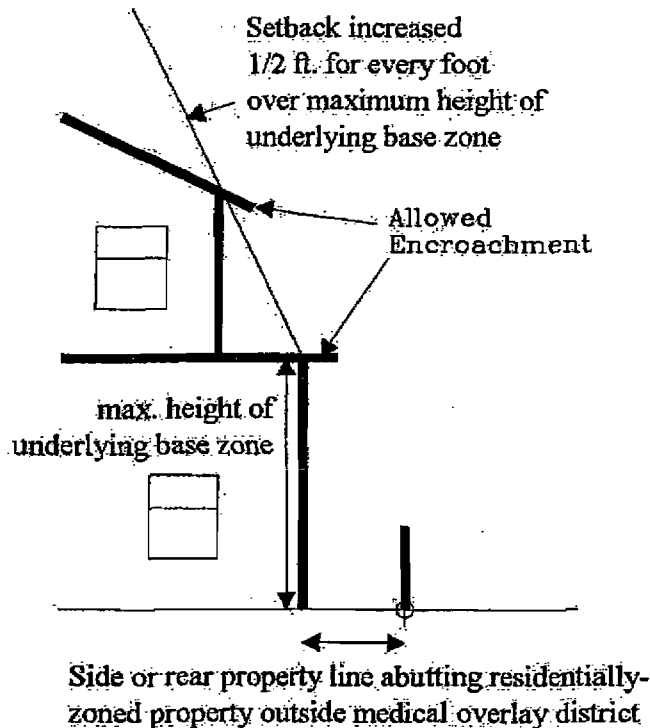
addition to the minimum setback of the underlying zone, such that for each additional foot in height over the maximum height in the underlying zone, there shall be an additional setback of one-half (1/2) foot.

Note 1: Flagpoles, masts, aerials, elevator shafts and cooling towers may exceed this height.

Note 2: No portion of the structure may be constructed within a required zone buffer setback.

See Concept Sketch: Side and Rear Yard Setback.

See Section 12.400 for general exceptions to setback requirements.



Concept Sketch: Side and Rear Yard Setback

13.330 Siting a Medical Use within a Medical Overlay District

13.331 Review Procedure Schedule.

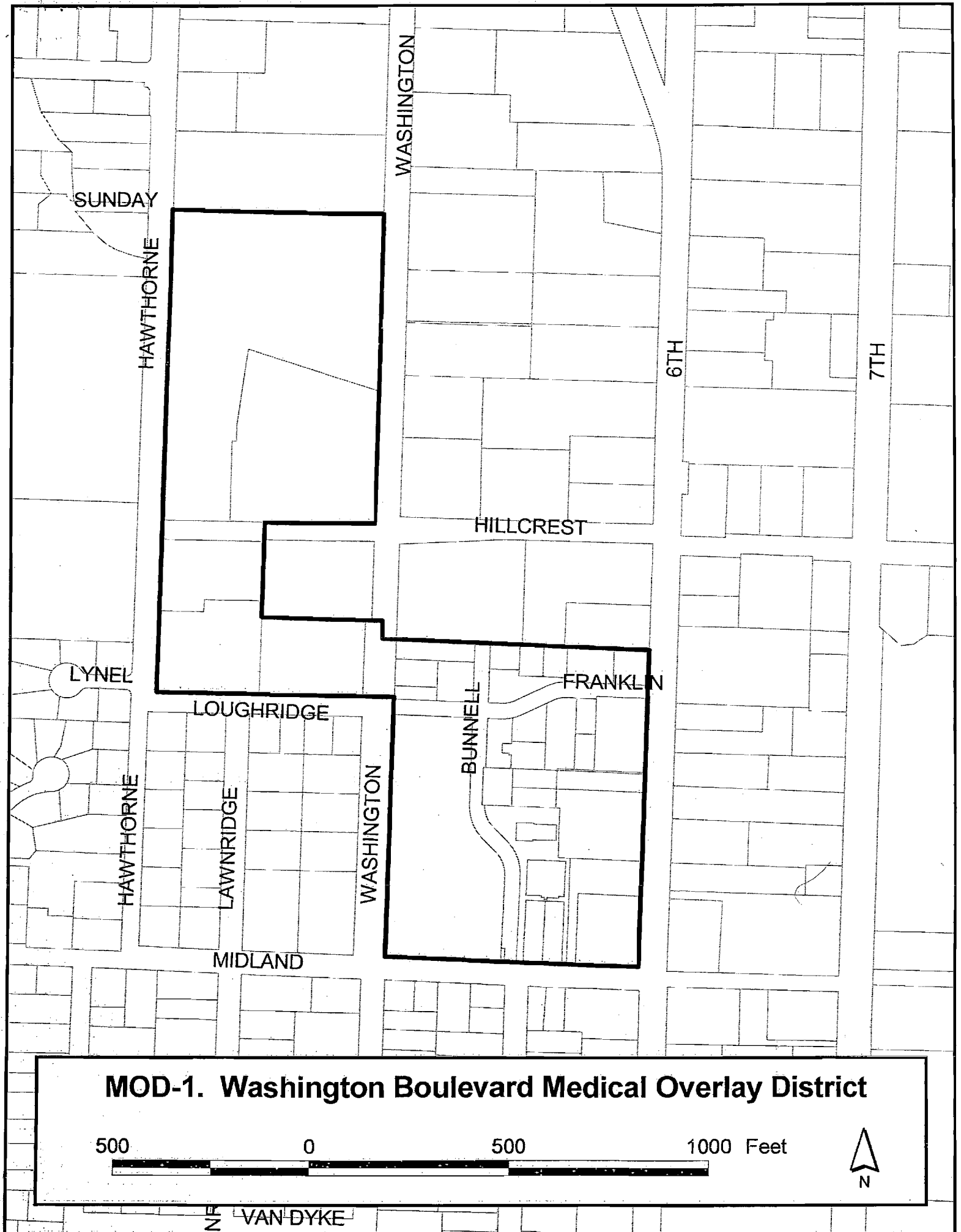
Applications for siting a medical use within an existing medical overlay district shall be processed according to Schedule 13-2 as follows:

<u>Schedule 13-2. Procedures for Medical Overlay Review</u>	
Medical use adjacent to an underlying residential zone	Type II
Medical Helipads	Type II
All other medical uses	Type I

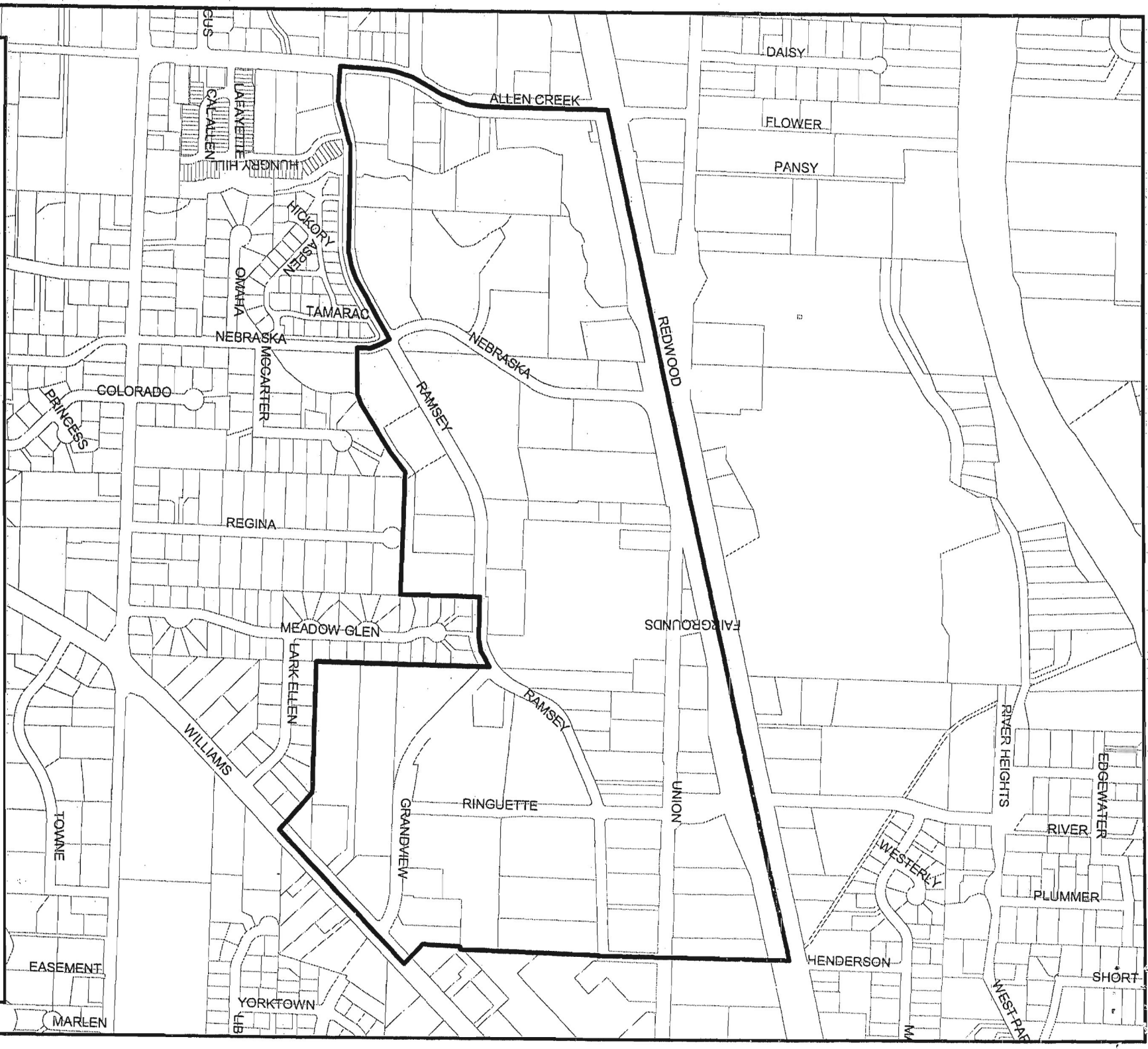
13.332 Criteria for Approval.

The review body may approve, approve with conditions, or deny an application for siting a medical use within an existing medical overlay district based on the following criteria:

- (1) The development meets the criteria of Section 19.042 or Section 19.052 of this Code, as applicable.
- (2) Where the property abuts an underlying residential zone that is not within the overlay district, a type D-1 or D-3 buffer shall be provided in accordance with Section 23.034, Schedule 23-4. The review body may modify this requirement where an existing structure would not meet the required setbacks.



MOD-2. Three Rivers Medical Overlay District



by the City Council, providing all the following criteria are addressed during consideration by the review body:

- (1) The designation of a District or Landmark serves the purpose of this section.
- (2) The boundaries of a District are adequate and suitable for designation.
- (3) Consideration of the positive and negative effects of the designation upon residents, businesses or property owners of the area.

4.046 Refusal to Consent to Historic Designation

- (1) At any time prior to the close of the final public hearing on designation of a historic district, conservation district, or historic landmark, the owner of property proposed for designation may submit to the Director a written refusal to consent to the designation. If the property owner does so, the property shall not receive the proposed designation.
- (2) If the property owner refuses designation as described in subsection (1) above, the City shall issue no permit for the demolition or modification of that property or any structure thereon during the 120-day period following the date of the property owner's refusal to consent.

4.047 Procedure Type for Historic Designation

Applications for designation of, or amendment or recision of, the Historic District, Conservation District, or an Historic Landmark Designation shall be processed in accordance with the procedures in Schedule 2-1, except that the Historical Buildings and Sites Commission shall serve in the place of the Urban Area Planning Commission in the recommendation hearing.

^{1,7}4.050 Criteria for Amendment: Medical Overlay District. The review body may establish and amend a medical overlay district provided all of the following criteria are met:

- (1) The underlying zoning of the property is R-1, R-2, R-3, R-4, GC, CBD, BP, IP, or I.

- (2) Each district must encompass at least eight contiguous acres and may not encompass more than one hundred fifty contiguous acres.
- (3) Each district shall include a core hospital consisting of one or more buildings totaling at least 20,000 square feet of floor area. The core hospital may be an existing facility, or one approved prior to or concurrent with the application for a medical overlay district.
- (4) Not more than five percent of the area of the district shall include lots in residential zones with residences as the primary use.
- (5) Lots in residential zones with current residential uses shall not be included within the district unless at least one-third of its total frontage is directly across a street from a medical use.
- (6) The primary access for each lot within the medical overlay district shall be to a collector street, an arterial street, a state highway, or to another street that accesses one of the previous only through the land within the medical overlay district. Access to local residential streets outside the district shall be minimal, if any.
- (7) The natural features and current land uses of the property are conducive to conversion to medical uses.
- (8) There are adequate public facilities that either serve the property, or that are planned to serve the area and could readily be extended to serve the property upon development.

4.051 Removal of Medical Overlay District : Any party authorized to initiate an amendment to the medical overlay district on a property may initiate an amendment to exclude that property from the district. An application to remove an entire overlay from an area may be initiated by the Director, the Planning Commission, the City Council, or owners of a majority of the land area within the district. The review body may exclude properties or remove an entire medical overlay district upon finding that one or more of the criteria found in Section 4.050 are no longer satisfied.

^{7,29}13.300 Medical Overlay District

13.310 Purpose. The medical overlay district is intended to provide land for needed medical facilities within the Grants Pass community. It allows siting of medical uses surrounding a core hospital. It is designed to provide the type of environment suitable for development of medical services and related activities, while reducing the conflicts between uses through appropriate designs.

13.311 Effect. The medical overlay district overlays other zoning districts shown on the zoning district map. The overlay district has the effect of permitting those medical uses listed in Section 13.320 below within the district, notwithstanding that those uses may or may not be permitted within the underlying zone. All other uses permitted within the underlying zone are equally permitted within the overlay district. Except as provided in Section 13.325, all standards of the underlying zone, such as setbacks, heights, landscaping, and signage, apply to any use within the district. Where there are conflicts between the development standards of the base zone and those for lands and uses within a Medical Overlay District, the standards of the Medical Overlay District shall govern.

13.312 Location. The medical overlay district is designated on an overlay map to the Zoning District Map. The following medical overlay maps are hereby incorporated into this Article by reference.

MOD-1. Washington Boulevard Medical Overlay District (MOD)

MOD-2. Three Rivers Medical Overlay District (MOD)

An overlay district may be created or amended as provided in Section 4.050 of this Code.

13.320 Permitted Uses. The following uses are permitted, along with their accessory uses, within the medical overlay district, notwithstanding that they may or may not be permitted in the underlying zone. For purposes of this Article, they are known as "medical uses".

- (1) Hospitals
- (2) Clinics
- (3) Medical Offices

- (4) Medical Laboratories
- (5) Ambulance or Paramedic Services
- (6) Medical Helipads
- (5) Parking lots to serve one or more of the above.
- (8) Pharmacies or retail sale or rental of durable medical goods, except when they are not a permitted use in the underlying zone and the property abuts a residentially-zoned property outside the medical overlay district.

13.325 **Special Development Standards for All Uses Within Medical Overlay Districts.** The development standards in Schedule 13-1 apply to all uses located within Medical Overlay Districts and supersede the applicable development standards of the underlying base zoning district.

Schedule 13-1. Special Development Standards for All Uses Located within Medical Overlay Districts	
Maximum Building or Structure Height	Additional Height-Based Side and Rear Yard Setbacks for All Uses within a Medical Overlay District that abut a Residential Zone
65 feet* * Any gabled or hipped roof feature having a roof pitch greater than 5:12 may exceed the maximum height by two additional feet for each additional whole unit of rise per 12 units of run, up to a maximum of 16 additional feet.	Where a side and/or rear property line of a lot or parcel located inside the Three Rivers Medical Overlay District abuts residentially-zoned land located outside the district, there shall be a special setback from side and/or rear property lines for the lot or parcel within the Medical Overlay District. The special setback shall only apply to those portions of buildings which exceed the maximum height established in the underlying base zone in which the lot or parcel is located. Where applicable, the special setback shall be applied, in addition to the minimum

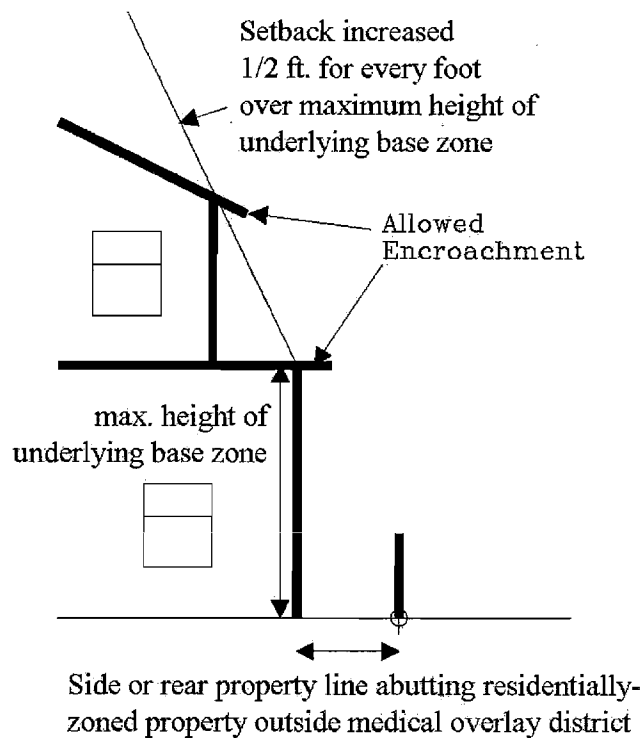
	setback of the underlying zone, such that for each additional foot in height over the maximum height in the underlying zone, there shall be an additional setback of one-half (1/2) foot.
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Note 1: Flagpoles, masts, aerials, elevator shafts and cooling towers may exceed this height.

Note 2: No portion of the structure may be constructed within a required zone buffer setback.

See Concept Sketch: Side and Rear Yard Setback.

See Section 12.400 for general exceptions to setback requirements.



Concept Sketch: Side and Rear Yard Setback

13.330 Siting a Medical Use within a Medical Overlay District

13.331 Review Procedure Schedule.

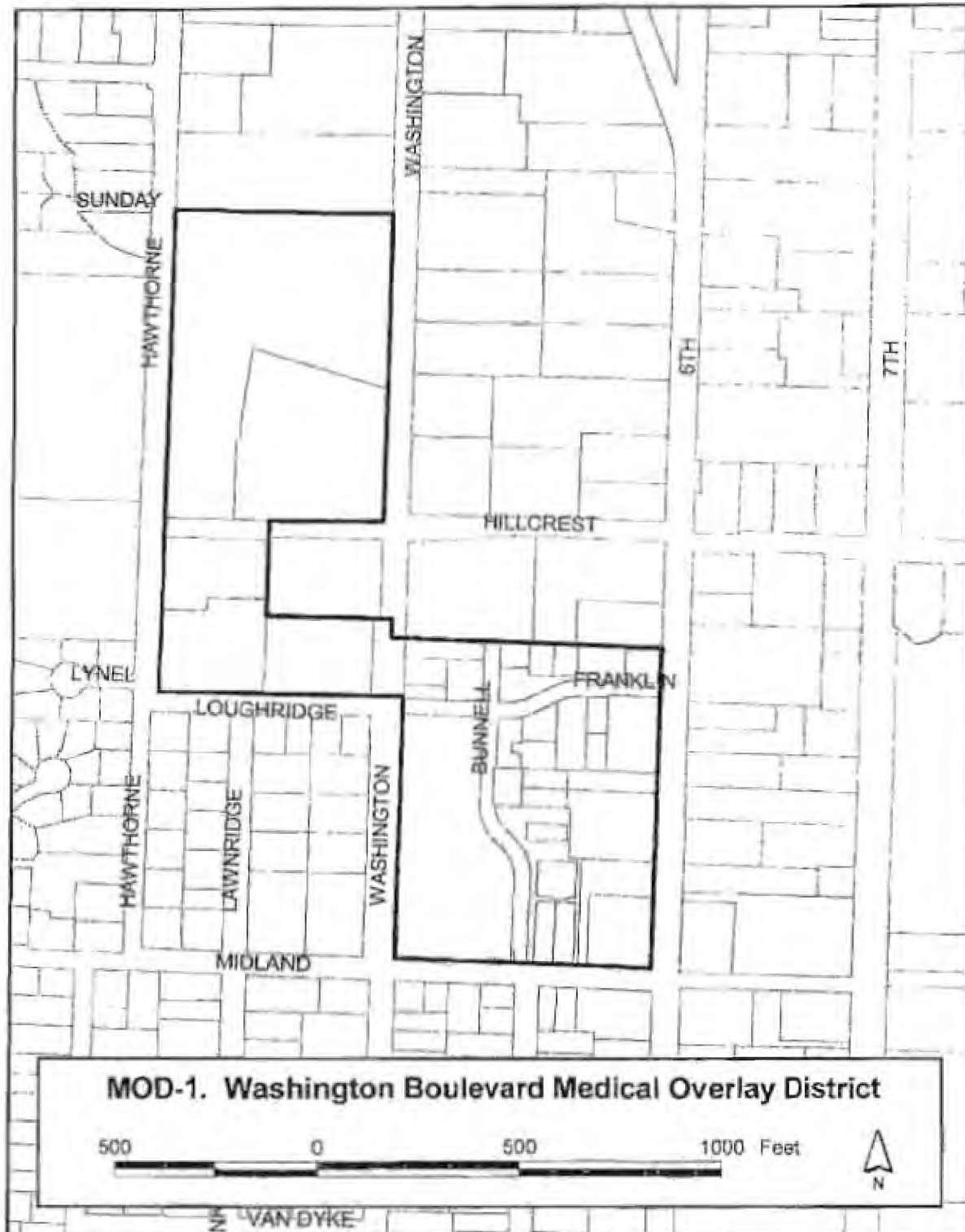
Applications for siting a medical use within an existing medical overlay district shall be processed according to Schedule 13-2 as follows:

Schedule 13-2. Procedures for Medical Overlay Review	
Medical use adjacent to an underlying residential zone:	Type II
Medical Helipads	Type II
All other medical uses	Type I

13.332 Criteria for Approval.

The review body may approve, approve with conditions, or deny an application for siting a medical use within an existing medical overlay district based on the following criteria:

- (1) The development meets the criteria of Section 19.042 or Section 19.052 of this Code, as applicable.
- (2) Where the property abuts an underlying residential zone that is not within the overlay district, a type D-1 or D-3 buffer shall be provided in accordance with Section 23.034, Schedule 23-4. The review body may modify this requirement where an existing structure would not meet the required setbacks.



CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT

**MEDICAL OVERLAY DISTRICT
DEVELOPMENT CODE TEXT AMENDMENT
CITY COUNCIL FINDINGS OF FACT - TYPE IV**

Procedure Type: Type IV: Planning Commission Recommendation and City Council Decision
Project Number: 10-40500001
Project Type: Development Code Text Amendment
Applicant: City of Grants Pass
Planner Assigned: Tom Schauer
Application Received: November 22, 2010
Application Complete: November 22, 2010
Date of Planning Commission Staff Report: January 5, 2011
Date of Planning Commission Hearing: January 12, 2011
Date of Planning Commission Findings of Fact: January 26, 2011
Date of City Council Staff Report: February 9, 2011
Date of City Council Hearing: February 16, 2011
Date of City Council Findings: March 2, 2011

I. PROPOSAL:

The proposal establishes a new Medical Overlay District in the vicinity of Three Rivers Community Hospital. Underlying plan and zoning map designations remain the same. The Overlay District would allow the same additional uses as are currently permitted by the Washington Avenue Medical Overlay District. The new Medical Overlay District would also permit additional building height when stepped back from adjoining properties outside the district.

NOTE: The adopted ordinance incorporated the recommendations from both this proposal and the supplemental proposal presented in file 10-40500001a. See Exhibit "D" to these findings for the final text incorporating both proposals.

II. AUTHORITY AND CRITERIA:

Sections 4.102, 4.040, and 4.050 of the City of Grants Pass Development Code provide the procedure for initiation of Development Code text amendments, special purpose district amendments, and medical overlay district amendments. The proposed amendment was initiated by the Community Development Director consistent with those provisions and the direction provided by the Urban Area Planning Commission and City Council.

Sections 2.060, 7.040 and 7.050 authorize the Urban Area Planning Commission to make a recommendation to the City Council and authorize the City Council to make a

final decision on a land use matter requiring a Type IV procedure, in accordance with the procedures of Section 2.060.

The 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. A Medical Overlay District may be established or amended in accordance with the criteria in Section 4.050 of the Development Code.

III. APPEAL PROCEDURE:

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

IV. PROCEDURE:

- A. The application was submitted and deemed complete on November 22, 2010. The application was processed in accordance with Section 2.060 of the Development Code, and Sections III and V of the 1998 Intergovernmental Agreement.
- B. Notice of the proposed amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on November 22, 2010 (and a corrected notice was mailed on November 23, 2010), in accordance with ORS 197.610 and OAR Chapter 660-Division 18.
- C. Notice of the proposed amendment was provided to Josephine County on November 22, 2010 (and a corrected notice was provided on November 23, 2010), via interoffice mail, in accordance with the 1998 Intergovernmental Agreement.
- D. Notice of the proposed amendment, the January 12, 2011 Planning Commission hearing, and the February 16, 2011 City Council hearing was mailed to parties specified in Section 2.053(1) of the Development Code on December 22, 2010, in accordance with Sections 2.053 and 2.063 of the Development Code.
- E. Notice of the proposed amendment and the January 12, 2011 Planning Commission hearing was published in the newspaper on January 5, 2011 in accordance with Section 2.053(2) of the Development Code.
- F. A public hearing was held by the Planning Commission on January 12, 2011, to consider the proposal and make a recommendation to City Council. The Planning Commission made a recommendation, which is described in Section VIII of their findings.
- G. Notice of the proposed amendment and the February 16, 2011 City Council hearing was published in the newspaper on February 9, 2011 in accordance with Section 2.053(2) of the Development Code.
- H. A public hearing was held by the City Council on February 16, 2011, to consider the proposal. The City Council adopted the decision which is described in Section VIII of these findings.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the February 9, 2011, City Council staff report and its exhibits, which are attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the City Council on February 16, 2011, which are attached as Exhibit "B", summarize the oral testimony presented and are hereby adopted and incorporated herein.
- C. The PowerPoint presentation given by staff at the February 16, 2011 City Council hearing is attached as Exhibit "C" and incorporated herein.
- D. The ordinance with the final text which incorporates the text of this proposal (10-40500001) and also the supplemental proposal (10-40500001a) is attached as Exhibit "D" and incorporated herein.

VI. GENERAL FINDINGS - BACKGROUND AND DISCUSSION:

Prior to initiating the amendment, staff had several conversations with Asante's representatives at CSA Planning, Ltd. regarding the height limitations in the Development Code, how they relate to potential hospital and medical office developments or expansions, and a proposed new medical overlay district in the vicinity of Three Rivers Community Hospital. The Development Code currently includes provisions for a medical overlay district in the vicinity of the old hospital on Washington Boulevard that served as the basis for the concept of a new medical overlay district.

The issues were outlined in a memo to the Planning Commission and City Council dated November 4, 2010, attached as **Exhibit 3 to Planning Commission Staff Report**, and workshops were held with the Urban Area Planning Commission on November 10, 2010 and the City Council on November 17, 2010.

As a result of feedback during the Planning Commission workshop, the map was modified, and the proposed map attached as **Exhibit 2 to Planning Commission Staff Report** incorporates a larger area. The text attached as **Exhibit 1 to Planning Commission Staff Report** reflects updates to clarify several provisions.

The proposed amendment includes the establishment of a new medical overlay district and associated text applicable to the district. The text and map for the proposed medical overlay district are attached as **Exhibits 1 and 2 to Planning Commission Staff Report**.

The ordinance with the final text and map which incorporates the text of this proposal (10-40500001) and also the supplemental proposal (10-40500001a) is attached as **Exhibit "D" to these findings**.

The medical overlay districts are identified as follows:

- MOD-1. Washington Boulevard Medical Overlay District (MOD)
- MOD-2. Three Rivers Medical Overlay District (MOD)

Use Provisions. Provisions regarding additional uses permitted within the overlays would be identical for both districts. The existing use provisions in the Development

Code would remain as they are, with one amendment. The one amendment to those provisions is necessary, recognizing that the current text as written would be more restrictive than the underlying zoning. The amendment would ensure the overlay isn't more restrictive than underlying zoning.

The new medical overlay district would allow the additional listed uses, whether or not they are already permitted by the underlying zoning districts, within the overlay district. Those uses are listed in Section 13.320 of **Exhibit 1 to Planning Commission Staff Report**, and they are the same uses already permitted within the Washington Avenue medical overlay district, except for the proposed revision. The permitted uses for the underlying zones are listed as more general categories of uses, and some of the medical uses are included within those broader definitions, while others may not otherwise be permitted without the overlay. The listing of more specific uses also helps clarify any questions about whether or not certain specific uses are permitted by underlying zoning.

Height Provisions & Height-Related Setbacks. The ordinance with the final text and map which incorporates the text of this proposal (10-40500001) and also the supplemental proposal (10-40500001a) is attached as **Exhibit "D" to these findings**. It adopts provisions of this proposal for the Three Rivers MOD that include new provisions allowing additional building height together with additional setbacks for the additional height. The ordinance also adopts these height provisions for the Washington Boulevard MOD proposed in 10-40500001a.

The new Three Rivers medical overlay zone boundary would apply to properties with several different zoning districts. The existing height limits for zones authorized within a medical overlay district are as follows:

- R-1, R-2, R-3, GC: 35 feet. In addition, in commercial zones, a hospital may be a maximum of 55 feet.
- R-4, BP, IP, I: 45 feet
- CBD: 100 feet (no property with this zoning within the overlay districts)

In addition, steeper pitched roofs are allowed additional height, and certain portions of buildings are exempted from the height limits.

Within the Three Rivers MOD, additional height would be allowed, up to 65 feet (plus the additional height for steeper pitched roofs), provided the additional height is stepped back further from adjacent properties outside the district. The additional height is 10 feet more than is currently authorized for hospitals. It is 20-30 feet more than is currently authorized for most other uses, depending on the underlying zoning.

However, the impacts of the proposal as they relate to surrounding properties generally relate to the height of a structure itself, and not a specific use. Therefore, the additional height and setbacks allowed within the medical overlay district would be allowed for any use permitted by the underlying zoning or by the overlay district. Therefore, while a hospital would be allowed an additional 10 feet (from 55 feet to 65 feet), other uses within the overlay would be permitted as much as 30 feet of additional height (from 35 feet to 65 feet).

VII. FINDINGS OF FACT - CONFORMANCE WITH APPLICABLE CRITERIA:

The text of the Development Code may be recommended for amendment and amended provided all of the criteria of Section 4.103 of the Development Code are satisfied; Medical Overlay districts can be amended provided all of the criteria of Section 4.050 are satisfied.

SECTION 4.103:

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

City Council's Response: Satisfied. The proposal amends Sections 4.050 and 13.300 of the Development Code.

Section 4.041 provides the purpose for Special Purpose District map amendments. It provides:

"These districts are located for a specific purpose, according to specific criteria, and affect development procedure and standards. It is the purpose of this section to provide procedures for amending the Special Purpose Districts consistent with the purpose and criteria of each district."

Section 13.310 provides the purpose for the Medical Overlay District. It provides:

"The medical overlay district is intended to provide land for needed medical facilities within the Grants Pass community. It allows siting of medical uses surrounding a core hospital. It is designed to provide the type of environment suitable for development of medical services and related activities, while reducing the conflicts between uses through appropriate designs.

The establishment of two different medical overlay districts allows the provisions to be tailored to any unique circumstances of the two districts as may be necessary. The proposed amendments are consistent with the provisions of these Development Code sections and the articles in which they are located.

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

City Council's Response: Satisfied. The proposed amendment is internally consistent with other provisions of the Development Code. The amendments to the criteria in Article 4 (criteria for amending the medical overlay district) are necessary to enable some of the proposed provisions in Article 13. The purpose and circumstances for the new medical overlay district may or may not be different than those for the original district, as circumstances have changed since the original medical overlay district was originally established. The proposed amendments for the Three River Medical Overlay district are appropriate to address circumstances in the vicinity of that district. (NOTE: Height provisions for the Washington medical overlay were not proposed as part of this amendment, and these findings determine that the proposal is appropriate for the Three Rivers overlay without making findings about changes to the Washington overlay. However, 10-40500001a did include the height provisions for the

Washington MOD which were adopted as part of the ordinance. Findings regarding that issue are addressed in the findings for file 10-40500001a). The proposal is not in conflict with other provisions of the Code.

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

City Council's Response: Satisfied. See below
Comprehensive Plan Consistency

The proposed amendment is consistent with the goals and policies of the Comprehensive Plan. Applicable goals and policies are:

Element 3. Scenic, Rogue River, Historic, and Natural Resources

3.1. The City and County shall explore the creation of a scenic route and major gateway overlay designation on the UGB land use map. The scenic overlay shall be used to determine those major arterial routes through, and major entrances to, the City of Grants Pass and urbanizing area frequented by the traveling public, where special landscaping or scenic effect is desired.

Highway 199 is a major gateway into Grants Pass, but no gateway designation has been established. The policy focuses on landscaping and scenic effect. The main issue with the overlay as it relates to this policy is the issue of views along a gateway corridor.

The proposed Three Rivers MOD has approximately 4,000 feet of frontage along Highway 199. The overlay would allow additional height for some properties located along the Highway 199 corridor, which could have some effect on views of the mountains surrounding the valley. Impacts related to views are largely dependent on how close a structure is located to a given viewpoint, and to a lesser extent, to the more distant visual landmark.

From a practical standpoint, not every property will use the additional height provisions. Many uses will be single-story development, and others will be limited by parking and square footage ratios, etc.

There are a variety of potential options to mitigate impacts should this be a concern. However, given the limited geographic extent of the proposed new district and practical development considerations, no specific mitigation is proposed.

Element 10. Public Facilities and Services.

10.1. General Service Policies.

10.1.7. Services shall be resource effective. Services shall not be extended past the carrying capacity of the resource base of that service, and shall utilize the resource in the most effective way practicable.

The height provisions will allow for more efficient use of land and services. Utility plans are sufficient to serve the area.

10.8. Health Services.

10.8.1. Health services should be provided by the private sector. The City and County shall encourage the provision of health services in appropriate locations throughout the Boundary area.

The amendment will allow for more efficient use of lands for health services in an area already established as a core health service center.

Element 12. Energy Conservation.

12.5. ...the City and County shall encourage energy-efficient construction by:...(a) establishing procedures and standards in the Development Code that benefit and protect solar access for the active and passive use of solar energy in new development.

Section 22.600 of the Development Code contains solar standards. Section 22.620 provides solar setback standards, Section 22.630 provides solar lot design standards, and Section 22.640 provides standards for solar access permits that apply to vegetation only.

The Development Code provisions focus on solar access to residential development.

Therefore, while additional height within the district may result in additional shading of commercial and industrial properties, there are no existing code provisions pertaining to solar access for non-residential development.

The proposed medical overlay district is generally located to the north of established residential areas, and is separated from other properties to the north by Highway 199. Therefore, solar access to existing established residential areas (predominantly to the south) would be unaffected by the additional height allowances within the medical overlay, with the exception of a single property within the district zoned R-4 with an existing dwelling.

The proposal wouldn't affect any shading that would result from development to the south of the district, which is already a developed residential area.

R-4 properties within the district are located along the south side of the district. There is one area with several R-4 zoned properties within the district boundary, where those to the north could experience additional shading from those within the district to the south. There are solar setback provisions in Sections 22.621, 22.622, and 22.623 that would apply or provide exemptions at the time of site plan review.

If there is desire for non-residential solar access standards, that should be directly addressed through separate standards, rather than indirectly through this proposal. However, the issue is identified here due to the potential increased effect on non-residential properties that would result

by increasing maximum height limits within the proposed Three Rivers MOD.

12.6. The City and County shall pursue a more energy-efficient urban form by: ...(c) encouraging infill development within Established and Developing areas of the Urban Growth Boundary.

The proposal will enable the potential for a more energy-efficient urban form through efficient use, infill, and/or redevelopment of land within the Urban Growth Boundary.

Element 13. Land Use.

Goal. To provide a vision of the future through maps and policies that shall guide and inform the land use decisions of the present, in such a manner that: (b) provides for an orderly economic and efficient transition from rural to urban land use...(d) is responsive to the wishes of the citizens and property owners of the planning area, and (e) provides adequate amounts of industrial, commercial, and residential lands to meet growth needs over the planning period.

The proposal will enable (but not ensure) more efficient transition and use of these lands, with the potential to help to meet land needs over the planning period. The workshops and public hearing process provide the opportunity to determine whether the efficient use of these lands as proposed by the amendment would be responsive to the wishes of citizens and property owners.

13.2.5. Special Purpose Districts

NOTE: This section requires the establishment of certain special purpose districts, but doesn't include or prohibit the medical overlay districts, formed after this part of the comprehensive plan was originally adopted.

Element 14. Urbanization.

14.80.1. Concurrent with, or prior to adoption of a revised UGB, the City will adopt measures under Strategies I, II, III, IV(c), (d), (e), (f), (g), V, and VI, or similar measures which achieve the same land use efficiencies. Allocations of plan designations and zoning districts in 1h will be tabulated to demonstrate approximately 40 acres of efficiency consistent with the need identified in Section 14.60.

The proposal will enable more efficient use of land, which could reduce the demand on additional lands for the uses permitted in the underlying zones and in the medical overlay district.

Most Effective Alternative

The proposed amendment most effectively carries out those goals and policies of all alternatives considered.

Several alternatives were considered.

District Size and Boundary, Properties Included. Initially, Asante proposed a smaller district, and staff recommended a larger district boundary that would

include additional properties. At a workshop, the Planning Commission recommended an even larger district boundary.

Prior to the boundary recommended by the Planning Commission, the new overlay district boundary included only properties with commercial and residential zoning.

The proposed boundary also includes properties with BP and I zoning. This required an amendment to Article 4 to authorize properties with "I" Industrial zoning within a medical overlay district.

Staff generally advocates for protection of the available industrial land supply for industrial uses. The following should be taken into consideration:

- There is only one tax lot within either the Washington or Three Rivers MODs with "I" zoning, and it is already developed (Cartwright's).
- A prerequisite for formation of a medical overlay district is that it must include a core hospital. There are no other core hospitals in proximity to property with "I" industrial zoning.
- Based on the two points above, substantial conversion of "I" industrial lands to other uses is very unlikely.
- For the BP zone, professional office uses are already permitted, including doctors' offices. (The BP zone also already permits retail and other non-industrial uses). However, hospitals and some of the additional medical uses are only permitted in the BP zone if within a medical overlay district.

The economics will likely be the most critical factor determining uses developed on the BP-zoned properties. Staff can't say with certainty whether the proposed medical overlay district would change that equation, but the additional uses permitted by the overlay (together with the additional height) are not significantly different than those already permitted in the BP zone, so it would not appear to change a decision to develop industrial uses to a decision to develop non-industrial uses.

Height and Setback Provisions.

Several approaches were considered.

- The stepbacks for additional height provide for transitions for compatibility to adjoining properties outside the district which are predominantly residential. Of the different ways to implement these, the proposal best accounts for the height limits within the overlay district itself and also relative to the surrounding zoning.
- There was discussion about whether the additional height should only apply to hospitals, only medical or office uses, or to any use authorized within the overlay district, whether for uses allowed by the underlying zoning or additional uses authorized by the medical overlay district. If the additional height allowance was limited only to hospital use, it is likely that the effect of the district would be more limited since there is likely to be only one core hospital over time.

However, the height impacts are predominantly related to the building, not the use, so it is recommended that additional height allowance be made regardless of use, with appropriate stepbacks. The uses most likely to utilize the additional height allowances are the hospital and office uses. Further, it can be undesirable to have height provisions tied to use of a property when considering change of use over time.

Uses.

The list of additional uses permitted within a medical overlay district will likely be less significant in the Three Rivers MOD than the original Washington MOD, because most of the properties within the Three Rivers district have underlying zoning that already allows most of the uses permitted by the overlay district.

One amendment pertaining to “pharmacies or retail sale or rental of durable medical goods” needs to be amended. As currently written, these are not allowed “adjacent on a property that is adjacent to an underlying residential zone”. This provision makes the overlay district more restrictive than some of the existing zoning. The proposal therefore amends this provision so the overlay isn’t more restrictive than the underlying zoning.

The medical overlay also lists categories of medical uses that are more specific than uses otherwise listed for the underlying zoning districts. Most of these would be included in the use categories authorized on the commercially-zoned properties, but some of these wouldn't necessarily be permitted on the residentially-zoned properties without the overlay.

The uses likely to have the most impacts would be those with the potential to generate noise, such as medical helipads, or those likely to generate traffic such as pharmacies and retail sale of durable medical goods.

Issues of traffic generation for retail uses are addressed by the provisions of Section 13.320(8). In addition, the frontage requirements for creation of a medical overlay district are also designed to minimize traffic impacts on neighborhoods.

The Development Code has noise standards, originally adopted based on state administrative rules. These standards were adopted locally as part of the Development Code, and have continued applicability whether state standards or DEQ enforcement apply. The review procedures specify a Type II hearing for medical helipads. Conditions may be attached to address noise impacts, but they may be of limited effectiveness for a helipad.

Washington and Three Rivers Medical Overlay Districts.

The Planning Commission discussed whether the provisions of the two medical overlay districts should be identical. The proposal presented herein is the establishment of a new Three Rivers Medical Overlay District that contains the use provisions from the Washington Medical Overlay District and creates new height and setback provisions for the new district, without proposing any changes to the existing district (other than the provision related to pharmacies and durable medical goods described above so the overlay isn’t more restrictive than underlying zoning). **(NOTE: Height provisions for the Washington MOD**

were considered separately in File 10-40500001 and were also incorporated into the adopted ordinance attached as Exhibit "D").

The Planning Commission determined the proposal for the Three Rivers Medical Overlay District most effectively carries out those goals and policies of all alternatives considered, independent of any decisions pertaining to the Washington Medical Overlay District.

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

City Council's Response: Satisfied. The proposed amendment is not expected to affect the functions, capacities, or performance standards of transportation facilities identified in the Master Transportation Plan. The uses permitted by the new medical overlay district are not more intensive than other uses already permitted by the underlying zoning.

Uses permitted within the medical overlay district are still subject to site plan review. New development must still address traffic impacts for any specific proposal or intensity of use consistent with the provisions of Section 27.121(3) of the Development Code.

SECTION 4.050:

CRITERION 1: The underlying zoning of the property is R-1, R-2, R-3, R-4, GC, CBD, BP, or IP.

City Council's Response: Satisfied. The Council's decision included an amendment to Section 4.050(1). The amendment includes an amendment to this Section and criterion to authorize the inclusion of underlying land zoned "I" industrial. With approval of that amendment, the underlying zoning includes only the authorized zones.

CRITERION 2: Each district must encompass at least eight contiguous acres and may not encompass more than forty contiguous acres.

City Council's Response: Satisfied. The Council's decision included an amendment to Section 4.050(2). The amendment includes an amendment to this Section and criterion to authorize inclusion of not more than 150 contiguous acres. With approval of that amendment, the maximum area that may be encompassed by a Medical Overlay District is not exceeded.

CRITERION 3: Each district shall include a core hospital consisting of one or more buildings totaling at least 20,000 square feet of floor area. The core hospital may be an existing facility, or one approved prior to or concurrent with the application for a medical overlay district.

City Council's Response: Satisfied. The proposed Three Rivers Medical Overlay District includes Three Rivers Community hospital, which exceeds 20,000 square feet of floor area, with over 180,000 square feet.

CRITERION 4: Not more than five percent of the area of the district shall include lots in residential zones with residences as the primary use.

City Council's Response: Satisfied. The total acreage in tax lots within the proposed district is approximately 128.98 acres, and only one property has residential zoning (R-4) with residential use, approximately 0.64 acres, which is less than 0.5 percent of the area.

CRITERION 5: Lots in residential zones with current residential uses shall not be included within the district unless at least one-third of its total frontage is directly across a street from a medical use.

City Council's Response: Satisfied. One property zoned R-4 with current residential use has approximately 197 feet of frontage on Ramsay Avenue and SW Grandview Avenue. It has approximately 90 feet of frontage facing Ramsay Avenue, directly across from the hospital, which is approximately 45% of its frontage. (The property across from the other frontage on SW Grandview and abutting the interior property lines of the property is also zoned R-4 which allows office uses).

CRITERION 6: The primary access for each lot within the medical overlay district shall be to a collector street, an arterial street, a state highway, or to another street that accesses one of the previous only through the land within the medical overlay district. Access to local residential streets outside the district shall be minimal, if any.

City Council's Response: Satisfied. All properties within the district have primary frontage on a state highway (Williams Highway), arterial (Allen Creek Road), collector (SW Grandview Ave, Union Ave, and west part of Ramsey Ave), or local collector (Nebraska Ave and east part of Ramsey Ave). The properties with frontage on local collectors access the other streets through the land within the medical overlay district.

CRITERION 7: The natural features and current land uses of the property are conducive to conversion to medical uses.

City Council's Response: Satisfied. The properties all have relatively gentle slopes with the exception of some of the land adjacent to Allen Creek. There are numerous vacant or underutilized properties within the proposed district that are conducive to conversion to medical uses, and others could potentially be converted or redeveloped to medical uses, while others will likely continue in their current use. In addition, most of the underlying zoning within the proposed district already allows for medical uses.

CRITERION 8: There are adequate public facilities that either serve the property, or that are planned to serve the area and could readily be extended to serve the property upon development.

City Council's Response: Satisfied. The underlying zoning already authorizes uses with similar service demands, and there are adopted public facility plans to serve this area. Services are present or can be extended.

Comments were provided through internal routing and review regarding the proposal. Most comments posed questions about whether certain issues were best addressed as part of this proposal or at the time of individual development review. Staff advised, and the Planning Commission and City Council found, that the issues are best addressed at the time of specific development review for individual properties. Many hypothetical issues can only be addressed once a specific development proposal has been submitted. The review process will ensure specific developments comply with applicable standards.

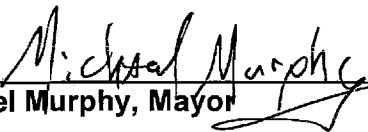
OTHER LAW:

ODOT provided a letter, attached as ***Exhibit 4 to Planning Commission Staff Report***, and has determined the proposed amendments don't trigger review under the Transportation Planning Rule (OAR 660-012-060) or the Access Management Rule (OAR 734-051-000).

VIII. DECISION AND SUMMARY:

The City Council **APPROVED** the proposed amendment, as presented in the ordinance attached as ***Exhibit "D" to these findings***, which incorporates the provisions of this proposal 10-40500001 and the supplemental proposal 10-40500001a. The vote was 7-0-0, with Councilors DeYoung, Reedy, Riker, Williams, Michelin, Woodburn, and Fowler voting for the ordinance. Councilor Morgan was absent.

IX. FINDINGS APPROVED AND DECISION ADOPTED BY THE GRANTS PASS CITY COUNCIL this 2nd day of March 2011.



Michael Murphy, Mayor

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

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CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT

**WASHINGTON BOULEVARD MEDICAL OVERLAY DISTRICT
DEVELOPMENT CODE TEXT AMENDMENT
CITY COUNCIL - TYPE IV**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	10-40500001a
Project Type:	Development Code Text Amendment
Applicant:	City of Grants Pass
Planner Assigned:	Tom Schauer
Original Application Received:	November 22, 2010
Original Application Complete:	November 22, 2010
Date of Planning Commission Staff Report:	January 19, 2011
Date of Planning Commission Hearing:	January 26, 2011
Date of Planning Commission Findings of Fact:	February 9, 2011
Date of City Council Staff Report:	February 9, 2011
Date of City Council Hearing:	February 16, 2011
Date of City Council Findings:	March 2, 2011

I. PROPOSAL:

On January 12, 2011, the Urban Area Planning Commission recommended approval of a Development Code amendment to create a new Three Rivers Medical Overlay District (MOD) in the vicinity of Three Rivers Community Hospital. The proposed district was based on the provisions of the existing Washington Boulevard Medical Overlay District (MOD), and also included new provisions that would allow for additional building height within the Three Rivers MOD together with increased setbacks from adjoining residential properties.

The Urban Area Planning Commission also directed staff to schedule a supplemental hearing and provide notice to property owners and surrounding property owners of the Washington Boulevard MOD to consider an additional code amendment that would also authorize the new building height provisions for the properties within the existing Washington Boulevard MOD. This proposal is to consider that amendment. No change to the boundary of the Washington Boulevard MOD is proposed.

NOTE: The adopted ordinance incorporated the recommendations from both the original proposal (10-40500001) and this proposal (10-40500001a). See Exhibit "D" to these findings for the final text incorporating both proposals.

II. AUTHORITY AND CRITERIA:

Sections 4.102, 4.040, and 4.050 of the City of Grants Pass Development Code provide the procedure for initiation of Development Code text amendments, special purpose

district amendments, and medical overlay district amendments. The proposed amendment was originally initiated by the Community Development Director consistent with those provisions and the direction provided by the Urban Area Planning Commission and City Council. The Planning Commission directed staff to initiate work on the additional amendments associated with the Washington Boulevard Medical Overlay District.

Sections 2.060, 7.040 and 7.050 authorize the Urban Area Planning Commission to make a recommendation to the City Council and authorize the City Council to make a final decision on a land use matter requiring a Type IV procedure, in accordance with the procedures of Section 2.060.

The 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. A Medical Overlay District may be established or amended in accordance with the criteria in Section 4.050 of the Development Code.

III. APPEAL PROCEDURE:

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

IV. PROCEDURE:

- A. The original application to amend the Medical Overlay District provisions of the Development Code was submitted and deemed complete on November 22, 2010. The application was processed in accordance with Section 2.060 of the Development Code, and Sections III and V of the 1998 Intergovernmental Agreement.
- B. Notice of the proposed amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on November 22, 2010 (and a corrected notice was mailed on November 23, 2010), in accordance with ORS 197.610 and OAR Chapter 660-Division 18.
- C. Notice of the proposed amendment was provided to Josephine County on November 22, 2010 (and a corrected notice was provided on November 23, 2010), via interoffice mail, in accordance with the 1998 Intergovernmental Agreement.
- D. Notice of the proposed amendment and the January 12, 2011 Planning Commission hearing was mailed to parties specified in Section 2.053(1) of the Development Code on December 22, 2010, in accordance with Sections 2.053 and 2.063 of the Development Code.
- E. Notice of the proposed amendment and the January 12, 2011 Planning Commission hearing was published in the newspaper on January 5, 2011 in accordance with Section 2.053(2) of the Development Code.
- F. A public hearing was held by the Planning Commission on January 12, 2011, to consider the proposal and make a recommendation to City Council. The

Planning Commission made a recommendation, with two motions. The first motion was a recommendation to approve the Three Rivers Medical Overlay District as proposed. The second motion was to consider a broader scope of amendment to the Medical Overlay provisions, with a proposal to revise the Washington Boulevard Medical Overlay District to authorize the same building height provisions which were recommended for the Three Rivers Medical Overlay District.

- G. Notice of the additional proposed amendment and the January 26, 2011 Planning Commission hearing was mailed to parties specified in Section 2.053(1) of the Development Code on January 14, 2011, in accordance with Sections 2.053 and 2.063 of the Development Code.
- H. Notice of the additional proposed amendment and the January 26, 2011 Planning Commission hearing was published in the newspaper on January 21, 2011 in accordance with Section 2.053(2) of the Development Code.
- I. A public hearing was held by the Planning Commission on January 26, 2011, to consider the additional proposed amendment and make a recommendation to City Council. The Planning Commission made a recommendation, which is described in Section VIII of their findings.
- J. Notice of the additional proposed amendment and the February 16, 2011 City Council hearing was published in the newspaper on February 9, 2011 in accordance with Section 2.053(2) of the Development Code.
- K. A public hearing was held by the City Council on February 16, 2011, to consider the proposal. The City Council adopted the decision which is described in Section VIII of these findings.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the February 9, 2011, City Council staff report and its exhibits, which are attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the City Council on February 16, 2011, which are attached as Exhibit "B", summarize the oral testimony presented and are hereby adopted and incorporated herein.
- C. The PowerPoint presentation given by staff at the February 16, 2011 City Council hearing is attached as Exhibit "C" and incorporated herein.
- D. The ordinance with the final text which incorporates the text of this proposal (10-40500001a) and also the original proposal (10-40500001) is attached as Exhibit "D" and incorporated herein.

VI. GENERAL FINDINGS - BACKGROUND AND DISCUSSION:

On January 12, 2011, the Urban Area Planning Commission recommended approval of a Development Code amendment to create a new Three Rivers Medical Overlay District (MOD) in the vicinity of Three Rivers Community Hospital. The proposed district was

based on the provisions of the existing Washington Boulevard Medical Overlay District (MOD), and also included new provisions that would allow for additional building height within the Three Rivers MOD together with increased setbacks from adjoining residential properties.

The Urban Area Planning Commission directed staff to schedule a supplemental hearing and provide notice to property owners and surrounding property owners of the Washington Boulevard MOD to consider an additional code amendment that would also authorize the new building height provisions for the properties within the existing Washington Boulevard MOD so equivalent provisions would apply to both overlay districts. No change to the boundary of the Washington Boulevard MOD is proposed.

Prior to initiating the Three Rivers MOD amendment, staff had several conversations with Asante's representatives at CSA Planning, Ltd. regarding the height limitations in the Development Code, how they relate to potential hospital and medical office developments or expansions, and a proposed new medical overlay district in the vicinity of Three Rivers Community Hospital. The Development Code currently includes provisions for a medical overlay district in the vicinity of the old hospital on Washington Boulevard that served as the basis for the concept of a new medical overlay district.

The issues were outlined in a memo to the Planning Commission and City Council dated November 4, 2010, attached as ***Exhibit 2 to Planning Commission Staff Report***, and workshops were held with the Urban Area Planning Commission on November 10, 2010 and the City Council on November 17, 2010.

The Planning Commission felt the same issues that justified additional height allowances for the Three Rivers Medical Overlay District would also likely justify additional height allowances in the Washington Boulevard Medical Overlay District.

With the creation of a second medical overlay district, the Development Code would be amended to identify the medical overlay districts as follows:

- MOD-1. Washington Boulevard Medical Overlay District (MOD)
- MOD-2. Three Rivers Medical Overlay District (MOD)

Use Provisions. In the previous Three Rivers MOD amendment, provisions regarding additional uses permitted within the overlays are identical for both districts. The existing use provisions in the Development Code remain as they are, with one amendment. The one amendment to those provisions is necessary, recognizing that the current text as written would be more restrictive than the underlying zoning. The amendment would ensure the overlay isn't more restrictive than underlying zoning. With this proposal, there are no additional changes proposed for the permitted uses.

Height Provisions & Height-Related Setbacks. In the Three Rivers MOD amendment (10-40500001), only the Three Rivers MOD included new provisions allowing additional building height together with additional setbacks for the additional height. Height provisions for the Washington Boulevard MOD were proposed to remain as they existed. With this proposal (10-40500001a), the additional height allowances would be also be allowed in the Washington Boulevard MOD.

The existing height limits for zones authorized within the medical overlay districts are as follows:

- R-1, R-2, R-3, GC: 35 feet. In addition, in commercial zones, a hospital may be a maximum of 55 feet.
- R-4, BP, IP, I: 45 feet
- CBD: 100 feet (no property with this zoning within the overlay districts)

Underlying zoning of properties within the Washington MOD are GC, R-4, and IP.

In addition, steeper pitched roofs allowed additional height, and certain portions of buildings are exempted from the height limits.

Within the amendment, additional height would be allowed in the Washington MOD, up to 65 feet (plus the additional height for steeper pitched roofs), provided the additional height is stepped back further from interior lot lines adjacent residential properties outside the district. The additional height is 10 feet more than is currently authorized for hospitals. It is 20-30 feet more than is currently authorized for most other uses, depending on the underlying zoning.

However, the impacts of the proposal as they relate to surrounding properties generally relate to the height of a structure itself, and not a specific use. Therefore, the additional height and setbacks allowed within the medical overlay district would be allowed for any use permitted by the underlying zoning or by the overlay district. Therefore, while a hospital would be allowed an additional 10 feet (from 55 feet to 65 feet), other uses within the overlay would be permitted as much as 30 feet of additional height (from 35 feet to 65 feet).

VII. FINDINGS OF FACT - CONFORMANCE WITH APPLICABLE CRITERIA:

The text of the Development Code may be recommended for amendment and amended provided all of the criteria of Section 4.103 of the Development Code are satisfied; Medical Overlay districts can be amended provided all of the criteria of Section 4.050 are satisfied.

SECTION 4.103:

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

City Council's Response: Satisfied. The proposal amends Section 13.300 of the Development Code.

Section 13.310 provides the purpose for the Medical Overlay District. It provides:

The medical overlay district is intended to provide land for needed medical facilities within the Grants Pass community. It allows siting of medical uses surrounding a core hospital. It is designed to provide the type of environment suitable for development of medical services and related activities, while reducing the conflicts between uses through appropriate designs.

The proposed amendment to allow additional height together with setbacks for the Washington Boulevard MOD is designed to provide the type of environment suitable for development of medical services and related activities, while reducing the conflicts between uses through appropriate designs. The proposed

amendment is consistent with the provisions of these Development Code sections and the articles in which they are located.

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

City Council's Response: Satisfied. The proposal would result in identical provisions for both medical overlay districts. The amendment is internally consistent with other provisions of the Development Code.

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

City Council's Response: Satisfied. See below

Comprehensive Plan Consistency

The proposed amendment is consistent with the goals and policies of the Comprehensive Plan. Applicable goals and policies are:

Element 3. Scenic, Rogue River, Historic, and Natural Resources

3.1. The City and County shall explore the creation of a scenic route and major gateway overlay designation on the UGB land use map. The scenic overlay shall be used to determine those major arterial routes through, and major entrances to, the City of Grants Pass and urbanizing area frequented by the traveling public, where special landscaping or scenic effect is desired.

The 6th/7th Street couplet is a major gateway into Grants Pass, but no gateway designation has been established. The policy focuses on landscaping and scenic effect. The main issue with the overlay as it relates to this policy is the issue of views along a gateway corridor.

The Washington Boulevard MOD has very limited frontage on 6th Street. About half the district is between Washington Boulevard and 6th Street and about half is between Washington Boulevard and Hawthorne Avenue. Impacts related to views are largely dependent on how close a structure is located to a given viewpoint, and to a lesser extent, to the more distant visual landmark.

From a practical standpoint, not every property will use the additional height provisions. Many uses will be single-story development, and others will be limited by parking and square footage ratios, etc.

There are a variety of potential options to mitigate impacts should this be a concern. However, given the limited geographic extent of the existing district and practical development considerations, no specific mitigation is proposed.

Element 10. Public Facilities and Services.

10.1. General Service Policies.

10.1.7. Services shall be resource effective. Services shall not be extended past the carrying capacity of the resource base of that service, and shall utilize the resource in the most effective way practicable.

The height provisions will allow for more efficient use of land and services. Utility plans are sufficient to serve the area.

10.8. Health Services.

10.8.1. Health services should be provided by the private sector. The City and County shall encourage the provision of health services in appropriate locations throughout the Boundary area.

The amendment will allow for more efficient use of lands for health services in an appropriate location where there are already established health service uses.

Element 12. Energy Conservation.

12.5. ...the City and County shall encourage energy-efficient construction by:...(a) establishing procedures and standards in the Development Code that benefit and protect solar access for the active and passive use of solar energy in new development.

Section 22.600 of the Development Code contains solar standards. Section 22.620 provides solar setback standards, Section 22.630 provides solar lot design standards, and Section 22.640 provides standards for solar access permits that apply to vegetation only. The Development Code provisions focus on solar access to residential development.

Therefore, while additional height within the district may result in additional shading of commercial and industrial properties, there are no existing code provisions pertaining to solar access for non-residential development.

The existing medical overlay district is generally located to the north and east of established residential areas, with a park along much of the most westerly part of the district. Therefore, solar access to existing established residential areas (predominantly to the south) would be unaffected by the additional height allowances within the medical overlay. If the additional height provisions are used, there could be some additional shading of some residential properties northwesterly (north of the park) and southwesterly, but there are no residential properties to the north of the MOD, and R-4 properties within the district are already predominantly developed with office uses.

The proposal wouldn't affect any shading that would result from development to the south of the district, which is predominantly already a developed residential area.

R-4 properties within the district are located along the southwest side of the district, including the property with the former hospital. There are solar setback provisions in Sections 22.621, 22.622, and 22.623 that would apply or provide exemptions at the time of site plan review.

If there is desire for non-residential solar access standards, that should be directly addressed through separate standards, rather than indirectly through this proposal. However, the issue is identified here due to the potential increased effect on non-residential properties that would result by increasing maximum height limits within the proposed Three Rivers MOD.

12.6. The City and County shall pursue a more energy-efficient urban form by: ...(c) encouraging infill development within Established and Developing areas of the Urban Growth Boundary.

The proposal will enable the potential for a more energy-efficient urban form through efficient use, infill, and/or redevelopment of land within the Urban Growth Boundary.

Element 13. Land Use.

Goal. To provide a vision of the future through maps and policies that shall guide and inform the land use decisions of the present, in such a manner that: (b) provides for an orderly economic and efficient transition from rural to urban land use...(d) is responsive to the wishes of the citizens and property owners of the planning area, and (e) provides adequate amounts of industrial, commercial, and residential lands to meet growth needs over the planning period.

The proposal will enable (but not ensure) a more efficient transition and use of these lands, with the potential to help to meet land needs over the planning period. The workshops and public hearing process provide the opportunity to determine whether the efficient use of these lands as proposed by the amendment would be responsive to the wishes of citizens and property owners.

13.2.5. Special Purpose Districts

NOTE: This section requires the establishment of certain special purpose districts, but doesn't include or prohibit the medical overlay districts, formed after this part of the comprehensive plan was originally adopted.

Element 14. Urbanization.

14.80.1. Concurrent with, or prior to adoption of a revised UGB, the City will adopt measures under Strategies I, II, III, IV(c), (d), (e), (f), (g), V, and VI, or similar measures which achieve the same land use efficiencies. Allocations of plan designations and zoning districts in 1h will be tabulated to demonstrate approximately 40 acres of efficiency consistent with the need identified in Section 14.60.

The proposal will enable more efficient use of land, which could reduce the demand on additional lands for the uses permitted in the underlying zones and in the medical overlay district.

Most Effective Alternative

The proposed amendment most effectively carries out those goals and policies of all alternatives considered.

District Size and Boundary, Properties Included. No change to the Washington MOD boundary is proposed.

Uses. No further changes to the uses permitted in the Washington MOD are proposed.

(NOTE: The other amendment included a modification to ensure the provisions of the overlay district aren't more restrictive than the underlying zoning, pertaining to pharmacies and sale and rental of durable medical goods).

Height and Setback Provisions.

Several approaches were considered for the Three Rivers MOD, and this amendment utilizes the same approach. The Planning Commission indicated a preference for applying identical provisions to both districts.

- The setbacks for additional height provide for transitions for compatibility to adjoining properties outside the district which are predominantly residential. Of the different ways to implement these, the proposal best accounts for the height limits within the overlay district itself and also as it relates to the surrounding zoning.
- There was discussion about whether the additional height should only apply to hospitals, only medical or office uses, or to any use authorized within the overlay district, whether for uses allowed by the underlying zoning or additional uses authorized by the medical overlay district. If the additional height allowance was limited only to hospital use, it is likely that the effect of the district would be more limited since there is likely to be only one core hospital over time.

However, the height impacts are predominantly related to the building, not the use, so it is recommended that additional height allowance be made regardless of use, with appropriate setbacks. The uses most likely to utilize the additional height allowances are the hospital and office uses. Further, it can be undesirable to have height provisions tied to use of a property when considering changes of use over time.

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

City Council's Response: Satisfied. The proposed amendment is not expected to affect the functions, capacities, or performance standards of transportation facilities identified in the Master Transportation Plan. The proposal doesn't change the uses permitted by the existing medical overlay district.

An increase in height allowance creates the *potential* for additional intensity of use; however, uses within the medical overlay district are still subject to site plan review for the *actual* use and development. New development must still address

traffic impacts for any specific proposal or intensity of use consistent with the provisions of Section 27.121(3) of the Development Code.

SECTION 4.050:

CRITERION 1: The underlying zoning of the property is R-1, R-2, R-3, R-4, GC, CBD, BP, or IP.

City Council's Response: Not Applicable. The Washington Boulevard Medical Overlay District is existing, and no changes are proposed to the boundary. (**NOTE:** 10-40500001 amended this criterion to also authorize properties with "I" Industrial zoning).

CRITERION 2: Each district must encompass at least eight contiguous acres and may not encompass more than forty contiguous acres.

City Council's Response: Not Applicable. The Washington Boulevard Medical Overlay District is existing, and no changes are proposed to the boundary. (**NOTE:** 10-40500001 amended this criterion to authorize not more than 150 contiguous acres).

CRITERION 3: Each district shall include a core hospital consisting of one or more buildings totaling at least 20,000 square feet of floor area. The core hospital may be an existing facility, or one approved prior to or concurrent with the application for a medical overlay district.

City Council's Response: Not Applicable. The Washington Boulevard Medical Overlay District is existing, and no changes are proposed to the boundary.

NOTE: The core hospital that was existing at the time this medical overlay district was established is no longer present within the district. This area would not qualify for creation of a new district today, but the Development Code is silent on what occurs when the conditions that met the criteria for establishing or amending a medical overlay district no longer continue to exist. The Development Code does not specify that the district must cease to exist in that situation. It is reasonable to interpret this to mean that the district would continue as it exists unless action is taken to amend or repeal it.

It is reasonable to interpret the criteria for establishing or amending a medical overlay specified in Section 4.050 to refer to the boundary itself, and not the development standards; whereas the criteria for Development Code text amendments in Section 4.103 must be satisfied for amendments to the standards.

CRITERION 4: Not more than five percent of the area of the district shall include lots in residential zones with residences as the primary use.

City Council's Response: Not Applicable. The Washington Boulevard Medical Overlay District is existing, and no changes are proposed to the boundary.

CRITERION 5: Lots in residential zones with current residential uses shall not be included within the district unless at least one-third of its total frontage is directly across a street from a medical use.

City Council's Response: Not Applicable. The Washington Boulevard Medical Overlay District is existing, and no changes are proposed to the boundary.

CRITERION 6: The primary access for each lot within the medical overlay district shall be to a collector street, an arterial street, a state highway, or to another street that accesses one of the previous only through the land within the medical overlay district. Access to local residential streets outside the district shall be minimal, if any.

City Council's Response: Not Applicable. The Washington Boulevard Medical Overlay District is existing, and no changes are proposed to the boundary.

CRITERION 7: The natural features and current land uses of the property are conducive to conversion to medical uses.

City Council's Response: Not Applicable. The Washington Boulevard Medical Overlay District is existing, and no changes are proposed to the boundary or the authorized medical uses.

CRITERION 8: There are adequate public facilities that either serve the property, or that are planned to serve the area and could readily be extended to serve the property upon development.

City Council's Response: Not Applicable. The Washington Boulevard Medical Overlay District is existing, and no changes are proposed to the boundary.

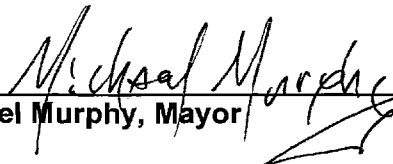
OTHER LAW:

ODOT provided a letter regarding the Three Rivers Medical Overlay District and determined that the proposed amendments for that district didn't trigger review under the Transportation Planning Rule (OAR 660-012-060) or the Access Management Rule (OAR 734-051-000). The proposal for the Washington Boulevard MOD is a subset of what was proposed for Three Rivers MOD, and the same conclusions would apply.

VIII. DECISION AND SUMMARY:

The City Council **APPROVED** the proposed amendment, as presented in the ordinance attached as ***Exhibit "D" to these findings***, which incorporates the provisions of this proposal 10-40500001a and the previous proposal 10-40500001. The vote was 7-0-0, with Councilors DeYoung, Reedy, Riker, Williams, Michelin, Woodburn, and Fowler voting for the ordinance. Councilor Morgan was absent.

IX. **FINDINGS APPROVED AND DECISION ADOPTED BY THE GRANTS PASS CITY COUNCIL** this 2nd day of March 2011.

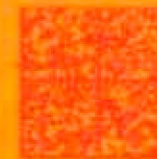


Michael Murphy, Mayor

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

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City of Grants Pass

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ATTENTION: PLAN AMENDMENT SPECIALIST
DLCD
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540

DEPT OF
MAY 17 2011
LAND CONSERVATION
AND DEVELOPMENT