



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

May 5, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Grants Pass Plan Amendment
DLCD File Number 008-07



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: May 16, 2008

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Jared Voice, City of Grants Pass

<paa> n

DLCD NOTICE OF ADOPTION

DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

APR 28 2008

LAND CONSERVATION
AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: City of Grants Pass Local File No.: 07-40500005
(If no number, use none)

Date of Adoption: 4/16/08 - Oral adoption by City Council Date Mailed: 4/25/08
(Must be filled in) (Date mailed or sent to DLCD)

4/22/08 - Signed by Mayor

Date the Notice of Proposed Amendment was mailed to DLCD: 10/23/2007

☐ Comprehensive Plan Text Amendment ☐ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment ☐ Zoning Map Amendment

☒ New Land Use Regulation ☐ Other: _____

(Please Specify Type of Action)

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

Review process for Conditional Uses (new Article 16 of Development Code.) including
"Purpose and Applicability" and "Procedures" sections. Adds "Telecommunication Facilities"
as a Conditional Use; includes approval criteria and development standards for
Telecommunication Facilities.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Several modifications to the text of the amendment have been made based
on public input and direction provided by the Urban Area Planning Commission.

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1, 2, 5, 9

Was an Exception Adopted? Yes: _____ No: ☒

DLCD File No.:

008-07 (16491)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: ☒ No: ☐

If no, do the Statewide Planning Goals apply. Yes: ☐ No: ☐

If no, did The Emergency Circumstances Require immediate adoption. Yes: ☐ No: ☐

Affected State or Federal Agencies, Local Governments or Special Districts: Josephine County

Local Contact: Jared Voice Area Code + Phone Number: 541-474-6355, or 6377

Address: 101 NW A St.

City: Grants Pass Zip Code+4: 97526

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO (2) Copies of the Adopted Amendment to:**

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

City of Grants Pass



April 25, 2008

Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

DEPT DEPT OF
APR 28 2008
LAND CONSERVATION
AND DEVELOPMENT

To Whom it May Concern:

Please find enclosed a *DLCD Notice of Adoption* and two copies of Ordinance No. 5442, amending the Grants Pass Development Code to provide a review process for conditional use permits and adding Telecommunication Facilities as a conditional use. The ordinance goes into effect on May 16th, 2008, thirty (30) days from the date of oral adoption.

Also enclosed are two (2) unsigned copies of the City Council Findings of Fact. The Findings of Fact will not be formally adopted and signed until May 7th, 2008. However, copies of all materials are being sent at this time to meet DLCD's five-day deadline for the *Notice of Adoption*, since the ordinance was signed by the Mayor on April 22, 2008. Signed copies of the Findings will be mailed to DLCD at a later date.

Please feel free to contact me with any questions or concerns.

Sincerely,

Jared Voice
Associate Planner
City of Grants Pass
jvoice@grantspassoregon.gov

Cc: c/f

ORDINANCE NO. 5442

AN ORDINANCE AMENDING DEVELOPMENT CODE ARTICLES 2 AND 12 AND ADDING NEW ARTICLE 16, TO PROVIDE A REVIEW PROCESS, STANDARDS AND CRITERIA FOR TELECOMMUNICATION FACILITIES.

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 ordinance amends Article 2 of the Development Code to provide an application procedure for Conditional Use Permits; and
3. The ordinance amends Article 12 of the Development Code to provide permitted zones and required review procedures for Telecommunication Facilities; and
4. The ordinance adds Article 16 ("Conditional Uses") to the Development Code, which includes "Purpose and Applicability" and "Procedures" sections for Conditional Uses, and introduces "Telecommunication Facilities" as a Conditional Use. Article 16 also includes approval criteria and development standards for Telecommunication Facilities; and
5. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan; and
6. The applicable criteria from the Development Code are satisfied, and the proposed amendment is recommended by the Planning Commission to the City Council.

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

Section 1: The amendments to the Development Code as set forth in Exhibits 'A', 'B' and 'C', which are attached to and incorporated in this ordinance as follows, are hereby adopted:

- A. Article 2, Schedule 2-1 (pages 2-2 through 2-4) (amended)
- B. Article 12, (amended)
- C. Article 16 (new)

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 16th day of April, 2008.

SUBMITTED to and *Approved* by the Mayor of the City of Grants Pass, Oregon, this 20 day of April, 2008.

Len Holzinger
Len Holzinger, Mayor

ATTEST:

David Reever
Finance Director

Date submitted to Mayor: 4-18-08

Approved as to Form, Kris Woodburn, City Attorney *Kris Woodburn*

⁸ Schedule 2-1. Application Procedures

		Procedure Type									
Application Type	Development Code Section	Type I-EX	Type I-AU	Type I-A	Type I-B	Type I-C	Type II	Type III	Type IV-A	Type IV-B	Type V
1. Urban Growth Boundary Amendment	Comp. Plan Section 13.6										✓-p
2. Comprehensive Plan Map Amendment (1)	Comp. Plan Section 13.5									✓-p	
3. Comprehensive Plan Text Amendment (1)	Comp. Plan Section 13.5									✓-p	
4. Zoning Map Amendment (1)	Sections:										
-Base Zone District	-4.030										
-Special Purpose Districts	-4.040										
---Slope Hazard	---4.043										
---Flood Hazard	---4.044										
---Historic (See 'Historic Designation, Amendment, or Recision' below)	---										
-Medical Overlay District	-4.050										
5. Development Code Text Amendment (1)	4.100									✓-p	
6. Annexation	Article 5								✓-p		
7. Minor Variance	Article 6						✓				
8. Major Variance	Article 6							✓			
9. Historic Designation, Amendment, or Recision	Sections 4.045 - 047 & 13.430									✓-p	
10. Nonconforming Use and Development	Article 15			See Schedule 15-1							
11. Property Line Vacation	17.100								✓		
12. Property Line Adjustment	17.200				✓						
13. Partition	17.300					✓					
14. Subdivision Tentative Plan	17.410										
a. ≤ 9 lots	17.410						✓-p				
b. ≥ 10 lots	17.410							✓-p			
15. Subdivision Final Plat	17.420										
a. Conforming	17.420					✓					
b. Nonconforming	17.420						Same as for Tentative				
16. Lot Authorization	17.534						✓				

Application Type	Development Code Section	Type I-EX	Type I-AU	Type I-A	Type I-B	Type I-C	Type II	Type III	Type IV-A	Type IV-B	Type V
17. Future Development Plan	17.540						Submitted with Tentative Plan				
18. Revision of Future Development Plan	17.547					✓					
19. Future Street Plan (local streets only)	17.550					Same as for Land Division					
20. Future Street Plan (arterials and collectors)	17.550									✓	
21. Planned Unit Development Preliminary Plan	Article 18										
a. In Residential Zone	Article 18							✓-p			
b. In Commercial or Industrial Zone	Article 18						✓-p				
22. Planned Unit Development Final Plan	Article 18					✓					
23. Site Plan Review (Minor or Major)	Article 19	Based on use, activity, zoning, adjacent zoning, and overlay zoning (-p) -See Schedule 12-2 (-p) -See Schedule 12-3 for procedures for RTC District (-p) -See Schedule 13-1 for procedures for medical uses within Medical Overlay Zone -See Schedule 13-2 for procedures for Historic Review (-p) ⁹ -See Section 20.210 for alternate review procedures for commercial site plan review									
24. Conditional Use Permit	14.700						See Schedule 12-2 (-p)				
25. Solar Access Permit	22.640						✓				
26. Removal of noxious vegetation & replacement with riparian vegetation within stream corridor	24.343	✓									
27. Allowed Activities in Conservation Class Wetlands	24.551	✓									
28. Conditionally Permitted Activities in Conservation Class Wetlands	24.552					✓					
29. Allowed activities in Protection Class Wetlands	24.561	✓									
30. Performance Parking	25.050					✓					

Table Legend

I-EX=	Type I Procedure, Exempt from Development Permit Review, Section 2.033
I-AU=	Type I Procedure, Administrative Use Permit Review Only, Section 2.034
I-A=	Type I Procedure, Building Permit Serves as Development Permit, Section 2.035
I-B=	Type I Procedure, Director's Decision without Comment Period, Section 2.036
I-C=	Type I Procedure, Director's Decision with Comment Period, Section 2.037
II=	Type II Procedure, Hearings Officer's Decision, Section 2.040
III=	Type III Procedure, Planning Commission's Decision (or Historic Buildings and Sites Commission's Decision), Section 2.050
IV-A=	Type IV Procedure, City Council Decision without Planning Commission Recommendation, Section 2.060
IV-B=	Type IV Procedure, City Council Decision with Planning Commission Recommendation, Section 2.060
V=	Type V Procedure, Joint Board of County Commissioners & City Council Decision with Planning Commission Recommendation, Section 2.070
✓=	Specifies the required procedure for the application type, using the procedure specified at the top of the column in which the check mark is located.
-p=	In accordance with Section 3.041, a preapplication is required unless the Director finds a conference is not needed.

Notes

- (1)= The 1998 Intergovernmental Agreement gives the City decision-making authority for these items within the Urbanizing Area, and gives the County automatic party status.

¹2.030 Type I Procedures

2.031 Purpose. The purpose of the Type I procedure is to provide a method for the Director to make decisions on applications under land use standards either which do not require interpretation or the exercise of policy or legal judgment, or which require only limited discretion in applying land use standards.

⁸2.032 Type I Procedure Subcategories. This Code identifies numerous developments and activities that require a Type I review. The Type I designation includes several subcategories that have different procedural requirements.

¹⁰Section 3.050 of this Code provides an option where the applicant may choose to have an application that requires a Type I-EX, I-AU, or I-A procedure reviewed through a Type I-B procedure, which provides a land use decision.

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Article 12: Zoning Districts

12.010 Purpose and Concept

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

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

12.012 Concept

- (1) "Zoning" is the grouping of a homogenous and mutually supporting family of land uses in one area, called a Zoning District, or Zone. Certain land uses obviously conflict with one another, such as a brick factory, for instance, located next to a residential subdivision, affecting the residents with its noise, dust, appearance and 24-hour work schedule. Prior to zoning, the conflict was resolved after the fact with desist and damage suits and inevitable heavy losses to the loser. Zoning became the classic tool for mitigating land use conflict in advance, allowing the purchaser to select property guaranteed to be suitable for his needs.
- (2) Zoning as the primary tool of conflict resolution, however, led to the creation of long lists of allegedly homogenous land uses. Those uses "less homogenous" than others faced added procedures of review (such as the conditional use permit process). As the lists gradually changed over time, the distinction between basic land use categories became blurred, and conflict resolution turned zoning issues once again into courtroom battles.
- (3) Zoning in this Code is not intended as the primary tool for resolving land use conflict. Instead, zoning in this Code forms a basis for establishing generally homogenous land uses. Design and construction standards, together with the necessary review procedures, then function as the primary tools for resolving specific land use conflicts, both within a homogenous group of uses in a single zone and between groups of incompatible uses at the border of two different zones. Procedures of review

may then focus on achieving design solutions and may be greatly simplified as a result.

- (4) Zoning in this Code fulfills its purpose in the following manner:

- (a) Reflect Comprehensive Plan Policy. The thousands of acres in each Zoning District resulted from the patterns of historical development, careful analysis of lands needed for future growth and development, the need for protection and enhancement of the environment, and the cost and feasibility of extending necessary services. The Zoning Districts thus reflect the policies of the City Council on housing, economic development, environmental protection and service extension, based on this detailed analysis.

Major area-wide changes in, or additions to, the Zoning Districts should therefore return to the policies of the Comprehensive Plan and to the analyses of the data base upon which these policies are based. Major zone changes should be not entered into lightly, and should not be used as the sole basis for conflict resolution. (See Amendment Procedures, Article 4).

- (b) Protect Basic Property Rights. The Zoning Districts are defined by broad categories of land use. These categories establish the "basic ground rules" of land use and development, enabling owners of real property to know in advance what to expect from their neighbors, before investing in or developing property. In this Code, these broad categories of land use are given performance definitions, defining not only the categories of use, but also how the use is to function within the category. The list of specific uses is de-emphasized and is kept at an administrative level. Any given land use is expected to function properly within the purpose of the zone when fully developed and active. (See Definitions, Article 30).

- (c) Conflict Resolution. The broad categories of land use and the Base Development Standards provided for each category form only the starting point for conflict resolution. This Code anticipates most conflict resolution to occur by meeting performance design and construction standards, or by meeting special conditions arising out of the review

procedure. The design and construction standards are tailored for specific land uses, specific opportunities or constraints of the site, differing types of development and ownership, differing building types, specific buffering situations, environmental concerns, and requirements for service extension and utility installation. Conflict resolution issues that may have a design solution should not be resolved by zone changes or changes in definitions of land use. Instead, these conflict resolution issues should be referred to the performance standard sections of this Code.

12.020 Zoning Districts

12.021 Establishment of Zoning Districts. The location and boundaries of the Zoning Districts designated in this Article are hereby established as shown on the Zoning District Map of the Grants Pass Urban Growth Boundary area. The Zoning District Map may be referred to as the "Zoning Map" within this Code.

12.022 Zoning Map

- (1) All lands within the Urban Growth Boundary shall be classified within a Zoning district, according to the policies of the Comprehensive Plan and the criteria of this Code. The Zoning District shall be shown on a single map at a scale large enough that the zoning districts of individual properties may be identified.
- (2) The Director shall cause the Zoning Map to be on public display at all times during regular office hours.
- (3) Copies of the Zoning Map shall be available for public purchase

12.023 Zoning Map Amendment. The Zoning Map may be amended according to the procedures provided in Schedule 2-1 and the criteria provided in Article 4 of this Code.

12.024 Zoning District Boundary Interpretation. If uncertainty exists as to the boundaries of the Zoning Districts, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, highways or alleys, streams, rivers, lakes or other bodies of water shall be construed to follow such center lines;

- (2) Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main track or tracks;
- (3) Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices;
- (4) Boundaries indicated as parallel to, or extensions of natural or manmade features indicated in Subsections (1) through (3) above shall be so construed;
- (5) Distances not specifically indicated shall be determined by the scale of the Zoning Map; and
- (6) Where a lot is divided by zone boundary other than as provided in Subsections (1) through (4) above, the entire lot may be placed in the Zoning District containing the majority of the land area of the lot by an action of the Director, provided that the boundary adjustment is for a distance of twenty feet or less. If an adjustment of more than twenty feet is required, the boundary adjustment shall be treated as a zone change as provided in Section 4.030.

12.025 Land Use Classifications.

- (1) Use types. All land uses shall be classified into use types. The definition of each use type shall be performance oriented, describing a category of uses that have common functional, impact, compatibility or product characteristics. For land use type definitions, see Article 30.
- (2) List of Uses. Each specific land use shall be placed within the appropriate use type according to the definition of each use type category, based upon the functional, impact, compatibility and product characteristics of the specific land use. A list of land uses is arranged by use type category. The classification of a land use by the Director shall be determined and maintained by the Director, and is subject to appeal as provided in Section 10.030 of this Code.

12.026 Summary Schedule: Comprehensive Plan Land Use Map and Zoning Map Designations. The land use designations of the Comprehensive Plan Land Use Map shall encompass the Zoning Districts of this Code according to the Schedule 12-1:

Comprehensive Plan/Zoning District Summary Schedule 12-1	
Comprehensive Plan Land Use Map Designation	Zoning District Map Designation
Residential Designation:	Allows:
Low Density	R-1-12, R-1-10, R-1-8
Moderate Density	R-1-6, R-2
High Density	R-3
High-Rise Density	R-4
Commercial Designation:	Allows:
Neighborhood Commercial	NC
Riverfront Tourist Commercial	RTC-I, RTC-II, RTC-III
General Commercial	GC
Central Business District	CBD
Industrial Designation:	Allows:
Business Park	BP
Industrial Park	IP
Industrial	I
Reserve Designation:	Allows:
Any Residential District	UR

12.027 Permitted Use and Procedures Schedule: Land Use Types by Zoning District. The Land Use types permitted in each Zoning District and procedure types for their review are provided in Schedule 12-2, except for the Riverfront Tourist Commercial (RTC) Districts, which are provided in Schedule 12-3.

For Definitions of each land use type, see Definitions, Article 30.

24 Schedule 12-2. Permitted Uses and Site Plan Review Procedures													
Zoning Districts													
Residential							Commercial				Industrial		
Land Use Types	UR	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I	
General activities not covered below, exempt from Development Permit	P-I-EX. See Section 2.033												
General activities not covered below, requiring an administratively issued use permit	P-I-AU. See Section 2.034												
General activities not covered below, where Building Permit serves as Development Permit	P-I-A. See Section 2.035												
1) Agriculture													
a) Intensive	P-I-EX	-	-	-	-	-	-	-	-	P-I-EX	P-I-EX	P-I-EX	
b) Non Intensive	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	
c) Forestry	P-I-EX	-	-	-	-	-	-	-	-	-	-	-	
2) Residential Dwelling Unit													
a) Existing	P-I-A (c)	P-I-A (c)	P-I-A (c)	P-I-A (c)	P-I-A (c)	P-I-A (c)	P-I-A (c)	P-I-A (c)	P-I-A (c)	P-I-A (c)	P-I-A (c)	P-I-A (c)	
b) New													

Land Use Types	UR	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
1. Detached (1)	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	-	P-I-A	P-I-A	-	-	-
2. Detached (2)	PUD	PUD	P-II	P-I-A	P-I-A	P-I-A	-	P-I-A	P-I-A	-	-	-
3. Duplex	PUD	PUD	P-II	P-I-A	P-I-A	P-I-A	-	P-I-A	P-I-A	-	-	-
4. Multi-Dwelling	PUD	PUD	PUD	P-II	P-I-C	P-I-C	-	P-I-C	P-I-C	-	-	-
5. Manufactured Housing												
"A" Individual Lot	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	-	P-I-A	P-I-A	-	-	-
"B" Manufactured Dwelling Park	-	-	-	P-III (d)	P-III (d)	P-I-C	-	-	-	-	-	-
"C" Health Condition	P-II	P-II	P-II	P-II	P-II	P-II	-	P-II	P-II	-	-	-
c) Group Quarters	-	-	-	-	-	P-II	-	-	P-II	-	-	-
d) Home Occupation												
1. Occupational Use, per 14.211	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX (f)	P-I-EX	P-I-EX	P-I-EX (f)	P-I-EX (f)	P-I-EX (f)
2. Minor, per 14.220	P-I-AU	P-I-AU	P-I-AU	P-I-AU	P-I-AU	P-I-AU	P-I-AU (f)	P-I-AU	P-I-AU	P-I-AU (f)	P-I-AU (f)	P-I-AU (f)
3. Major, per 14.220	P-II	P-II	P-II	P-II	P-II	P-II	P-I-C (f)	P-I-C	P-I-C	P-I-C (f)	P-I-C (f)	P-I-C (f)
e) Residential Accessory -Building -Use	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX (e)	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX (e)	P-I-A P-I-EX (e)	P-I-A P-I-EX (e)
f) Transient Quarters	-	-	-	-	-	-	-	-	-	P-III	-	P-III
g h) Residential Home, per 14.510	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A (f)	P-I-A	P-I-A	P-I-A (f)	P-I-A (f)	P-I-A (f)

Land Use Types	UR	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
h) Residential Facility, per 14.521	P-II	P-II	P-II	P-II	P-I-C	P-I-C	P-I-C	P-I-C	P-I-C	-	-	-
i) Dwelling, Accessory	-	-	-	-	-	-	P-I-C	P-I-C	P-I-C	-	-	-
3) Trade												
a) Retail Indoor	-	-	-	-	-	-	P-II	P-(a)	P-(a)	P-(b)	-	-
b) Retail Outdoor	-	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
c) Wholesale	-	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
d) Itinerant Use, per 14.120	-	-	-	-	-	-	-	P-I-AU	P-I-AU	-	-	-
4) Services												
a) Professional Office	-	-	-	-	-	P-II	-	P-(a)	P-(a)	P-(b)	P*(b)	-
b) Business Office	-	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	-	-
c) Limited Office	P-II	P-II	P-II	P-II	P-II	P-II	-	-	-	-	-	-
d) Repair/Maintenance, Commercial	-	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	-	P-(b)
e) Auto Service Station	-	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
f) Eating/Drinking Establishment	-	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	-	P-(b)
g) Hotel/Motel	-	-	-	-	-	-	-	P-(a)	P-(a)	-	-	-
h) RV Parks	-	-	-	-	-	-	-	P-III	-	-	-	-
i) Day Care/Family, per 14.310	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A (f)	P-I-A	P-I-A	P-I-A (f)	P-I-A (f)	P-I-A (f)
j) Day Care/Group, per 14.320	P-II	P-II	P-II	P-II	P-II	P-II	-	P-II	P-II	P-II	P-II	P-II

Land Use Types	UR	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
k) Group Care	-	-	-	-	P-III	P-III	-	P-(a)	P-(a)	-	-	-
l) Hospitals	-	-	-	-	-	P-III	-	P-III	-	-	-	-
m) Vet. Clinics	-	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
n) Commercial Accessory -Building -Use	-	-	-	-	-	-	P-(g) P-EX	P-(g) P-EX	P-(g) P-EX	P-(g) P-EX	-	-
o) Bed & Breakfast, per 14.420	P-II	P-III	P-III	P-III	P-III	P-II	-	P-(a)	P-(a)	-	-	-
p) Voluntary Parking -Local Impact -Area Impact	- - -	- - -	- - -	P-II P-III	P-II P-III	P-II P-III	- - -	- - -	- - -	- - -	- - -	- - -
q) Personal Service	-	-	-	-	-	P-II	P-(a)	P-(a)	P-(a)	P-(b)	-	-
5) Recreation												
a) Residential -Local Impact -Area Impact	P-I-C P-II	P-I-C P-III	P-I-C P-III	P-I-C P-II	P-I-C P-II	P-I-C P-II	- -	- -	- -	- -	- -	- -
b) Commercial -Local Impact -Area Impact	- -	- -	- -	- -	- -	- -	P-(a) -	P-(a) P-(a)	P-(a) P-(a)	P-(b) P-(b)	- -	- -
c) Athletic Clubs	-	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	P-(b)	P-(b)
6) Public												
a) Minor Public	P-II (h)	P-III (h)	P-III (h)	P-II (h)	P-II (h)	P-II (h)	P-(a) (h)	P-(a) (h)	P-(a) (h)	P-(b) (h)	P-(b) (h)	P-(b) (h)
b) Major Public	-	-	-	-	-	-	-	-	-	P-(b)	P-(b)	P-(b)
c) Schools	P-II	P-III	P-III	P-III	P-II	P-II	-	P-(a)	P-(a)	P-(b)	-	-
d) Churches	P-II	P-II	P-II	P-II	P-I-C	P-I-C	P-(a)	P-(a)	P-(a)	-	-	-

EXHIBIT B

Land Use Types	UR	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
e) Cemeteries	P-III	P-III	P-III	P-III	-	-	-	-	-	P-(b)	-	-
f) Mortuaries	-	-	-	-	-	P-III	-	P-(a)	-	P-(b)	-	-
g) Lodges	-	P-III	P-III	P-III	P-II	P-II	-	P-(a)	P-(a)	P-(b)	-	-
h) Commercial Parking	-	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	-	-
20) Transportation Facilities outlined in the Master Transportation Plan, and local access streets	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)
21) Transportation Facilities not outlined in the Master Transportation Plan, nor part of a subdivision or PUD, nor local access streets	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II
k) Public Parks	P-III	P-III	P-III	P-II	P-II	P-II	-	P-II	P-II	P-II	-	-
7) Industrial	-	-	-	-	-	-	-	-	-	-	-	-
a) Repair/Maintenance, Industrial	-	-	-	-	-	-	-	-	-	P-(b)	-	P-(b)
b) Indoor	-	-	-	-	-	-	-	-	-	P-(b)	P-(b)	P-(b)
c) Outdoor	-	-	-	-	-	-	-	-	-	-	-	P-(b)
d) Prohibited	-	-	-	-	-	-	-	-	-	X	X	X
e) Industrial Accessory -Building -Use	-	-	-	-	-	-	-	-	-	P-(g) P-I-EX	P-(g) P-I-EX	P-(g) P-I-EX
f) Outdoor Storage	-	-	-	-	-	-	-	-	-	P-II	-	P-II
8) Temporary Uses	-	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	P-(b)	P-(b)

EXHIBIT B

Land Use Types	UR	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
9) Telecommunication Facility												
a) New Transmission Tower	-	-	-	-	-	-	-	C-(i)	-	C-(i)	C-(i)	C-(i)
b) Rooftop Mounted Antenna	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-I-C	C-I-C	C-I-C	C-I-C	C-I-C
c) Façade-Mounted Antenna	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-I-C	C-II	C-I-C	C-I-C	C-I-C
d) Collocated Antenna on Existing Transmission Tower or Other Structure Other Than Building Rooftop or Façade	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-I-C	C-I-C	C-I-C
e) Ancillary Facilities Located Within an Existing Permanent Permitted Structure	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A

Table Legend:

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

Table Notes:

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

Schedule 12-3. RTC Zone - Permitted Uses and Review Procedures

Land Uses	Zoning District		
	RTC-I	RTC-II	RTC-III
1. Residential			
a. Multi-dwelling residential	P-III-r		
b. Condominiums	P-III-r		
2. Lodging and Visitor Accommodations			
a. Visitor information and tourist center		P-III-r	
b. Small scale visitor accommodations such as bed and breakfasts, and inns and resort lodges at a density of no greater than 25 units per acre	P-III-r		P-III-r
c. Large scale visitor accommodations such as a major hotel chain		P-III-r	
d. Youth hostel			P-III-r
e. Campground (to include RVs, tents, and trailers)			P-III-r
3. Meeting and Performing Arts			
a. Conference center		P-III-r	
b. Performing arts complex (inside and outside)		P-III-r	
4. Food and Beverage			
a. Eating and alcohol drinking establishments (inside and outside), only when associated with a restaurant	P-III-r		
b. Eating, alcohol drinking, and dancing establishments (inside and outside)		P-III-r	
c. Beer and wine drinking establishments			P-III-r
d. Fast food restaurants and other small cafes with entertainment and meeting facilities (inside and outside)			P-III-r
5. River-Related Retail			
a. Retail (indoor and outdoor) which support river-type activities	P-III-r		
b. River-related retail (location necessary for existence)			P-III-r

Schedule 12-3. RTC Zone - Permitted Uses and Review Procedures

Land Uses	Zoning District		
	RTC-I	RTC-II	RTC-III
6. River-Related Services			
a. Hotel excursion tour boats for river tours down river		P-III-r	
b. Fuel docks		P-III-r	
c. Marine hardware			P-III-r
d. Bait and tackle shop			P-III-r
e. Guided sport fishing			P-III-r
f. River-related club's and organization's facilities			P-III-r
g. Offices and businesses of river-related and recreational activities			P-III-r
7. Other Retail and Services			
a. Specialty and gift shops		P-III-r	
b. Art galleries and displays		P-III-r	
c. Esplanade along the river, small newspaper kiosks, flower carts, specialty food vendors and carts		P-III-r	
d. Small grocery			P-III-r
e. Bicycle, roller skating, moped, and other recreational equipment rental stores			P-III-r
8. Interpretive/Educational			
a. Fish spawning interpretive center	P-III-r		
b. Natural history library and/or bookstore	P-III-r		
c. Educational interpretive center and displays			P-III-r
d. River-related museums and libraries			P-III-r
9. Public Parks	P-III-r	P-III-r	P-III-r

Table Legend

P-III-r= Permitted Use, Requires a Pre-application and Type III Review. Prior to Type III Review, all projects will be reviewed by the "Riverfront Review Board", Section 21.211. The Riverfront Review Board (RRB) will make specific recommendations to the Planning Commission on all RTC applications.

12.100 Residential Zoning Districts

12.120 Purpose of the Residential Zoning Districts

- 12.121 Urban Reserve District (UR). The purpose of the Urban Reserve District (UR) is to reserve urbanizable lands for large-lot, rural residential and agricultural uses, until such lands are converted to the urban designation consistent with the Comprehensive Plan Land Use Map; to encourage conversion to urban uses in an orderly and economic manner, coordinated with the provision of public facilities and services; and to protect the rural character of lands on the fringes of the Urban Growth Boundary from the disruptive effects of premature urban development.
- 12.122 R-1 Districts. The purpose of the R-1 Districts is to encourage, accommodate, maintain and protect a suitable environment for residential living at low and moderate densities.
- 12.123 R-2 District. The purpose of the R-2 District is to encourage, accommodate, maintain and protect a suitable environment for residential living at moderate densities.
- 12.124 R-3 District. The purpose of the R-3 District is to encourage, accommodate, maintain and protect a suitable environment for residential living at high densities.
- 12.125 R-4 District. The purpose of the R-4 District is to encourage, accommodate, maintain and protect a suitable environment for residential living at high-rise densities, and for professional uses that typically support residential areas; such as professional offices; hospitals, clinics and other suitable uses, but only in a manner designed to support and protect residential livability.
- 12.131 Land Use Review. Schedule 12-2 shows the specific land uses permitted in each Residential Zoning District, subject to all provisions of this Code and the review procedure associated with each use and zone.

12.140 Determining Residential Density.

- (1) The maximum number of dwelling units (du) allowable under either Base Development Standards or Alternative Development Options shall be determined according to the following formula:

Total Site (Acres) - dedicated public right of way (acres)
= Useable Site (Acres) x maximum density allowed by zone
(du/acre) = Maximum Dwelling Units allowed on site (round
to whole number by dropping all fractions).

- (2) Using the Base Development Standards, the minimum lot size, the particulars of site layout and topography, and the access requirements may result in yielding less than the allowable maximum dwelling units for any given proposal. In this case, the most restrictive requirement shall govern.
- (3) The maximum density for any given zone is not subject to increase using the variance process, the PUD process, or the subdivision option process. The maximum density for any given zone may be increased only by using the density incentives as provided in this Code.
- (4) The maximum density for all residential zones shall be as given in the following schedule:

¹ Maximum Residential Density By Zone Schedule 12-4		
Comprehensive Plan Designation	Zoning Designation	Maximum Density
Low Density	R-1-12	3.6 du/Acre
	R-1-10	4.4 du/Acre
	R-1-8	5.4 du/Acre
Moderate Density	R-1-6	8.7 du/Acre
	R-2	11.6 du/Acre
High Density	R-3	17.4 du/Acre
High-Rise Density	R-4	34.8 du/Acre

12.150 Residential Base Development Standards

- 12.151 Purpose. The purpose of this Section is to provide the Base Development Standards for all residential uses, including lot size, lot dimension, setbacks, structure height and lot access.

⁵12.152 Lot Requirements

- (1) Minimum lot requirements shall be as given in Schedule 12-6:

Minimum Residential Lot Requirements Schedule 12-5							
Zone	Lot Area One Dwelling Unit in sf (See Note 1)	Area/du Two or More Dwelling Units in sf (See Note 1)	Lot Width in ft (See Note 2)	Front Yard in ft (See Note 3)	Ext. Side/Rear Yard in ft	Side Yard in ft (See Note 4)	Rear Yard in ft (See Note 4)
UR	43,560	43,560	150	20	10	10	20
R-1-12	12,000	12,000	80	20	10	6-10 (See Note 5)	6
R-1-10	10,000	10,000	75	20	10	6-10 (See Note 5)	6
R-1-8	8,000	8,000	70	20	10	6-10 (See Note 5)	6
R-1-6	6,000	5,000	60	20	10	6-10 (See Note 5)	6
R-2	5,000	3,750	50	20	10	5	5
R-3	5,000	2,500	50	20	10	5	5
R-4	5,000	1,250	50	10	10	5	5

sf = Square Feet
ft = Linear Feet
du = Dwelling Unit

Note 1: Where public right-of-way is required to be dedicated from a lot for development permit approval, the area dedicated in excess of that necessary to provide a 60-foot wide right-of-way may be counted towards the minimum lot area.

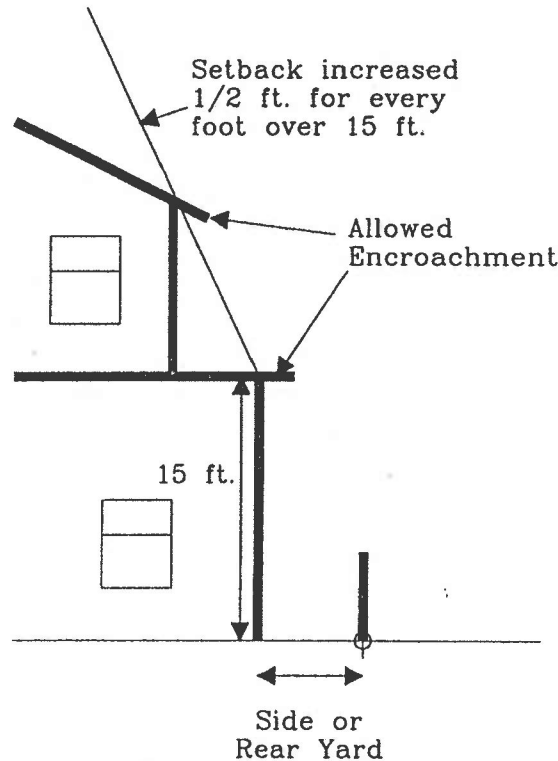
Note 2: Lot depth shall not be greater than four (4) times its width, exclusive of the flagpole of a flag lot.

²²Note 3: If each property that adjoins an interior side property line of the subject property is developed with a residential structure that has a nonconforming front yard setback, the front yard setback for a single-family residential structure on the subject property may be reduced subject to Subsection (3). See Concept Sketch: Reduced Front Yard Setback

Note 4: The structure shall be constructed so that any point on the structure is set back from the side and rear property lines the required minimum setback plus one-half (1/2)

foot for each foot over fifteen (15) feet that the point is above finish grade. See Concept Sketch: Side and Rear Yard Setback. Also, see Section 12.400 for exceptions to side and rear yard setbacks.

Note 5: Side yard setbacks shall be a minimum of six (6) feet, and the sum of the two side yards shall be a minimum of sixteen (16) feet. Any side yards beyond the first two shall be a minimum of six (6) feet.



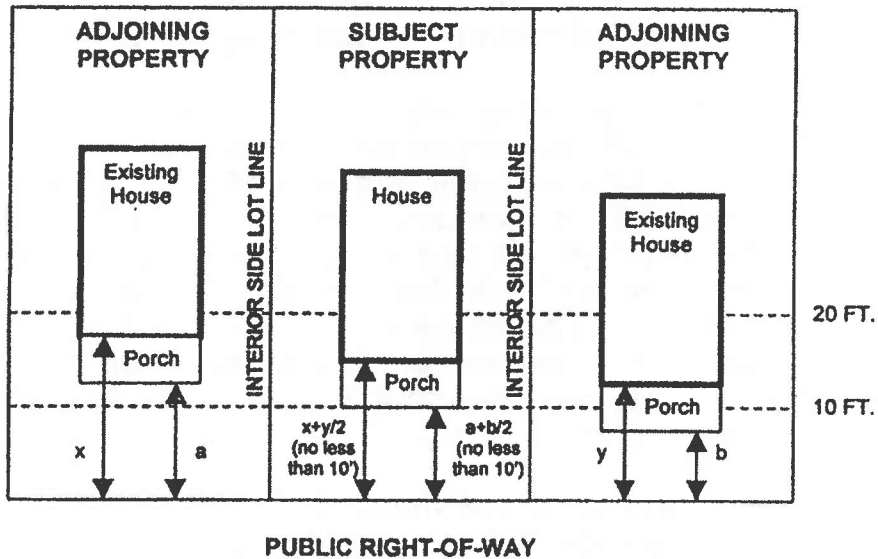
Concept Sketch: Side and Rear Yard Setback

- (2) A lot with frontage on two streets requires only one front yard. For a lot with frontage on more than one street, the applicant shall designate one such frontage as the front yard, and all other frontages shall be designated exterior side or rear yards, as appropriate. See also Article 30, Definitions. Exterior side or exterior rear yards shall be as given in Schedule 12-5.
- ²²(3) If both properties that adjoin the interior side property lines of the subject property are developed with residential structures that have nonconforming front yard setbacks, the front yard setback for a single-family residential structure on the subject property may be reduced, subject to the following. If the first adjoining

property is a flag lot, the setback of the next property that adjoins the flagpole may be considered.

- (1) The subject property must be in a residential zone, and the properties that adjoin the interior side lot lines must be subject to the same front yard setback requirement as the subject property.
- (2) The front yard setback for the single-family residential structure may be reduced to a distance equal to the average setback of the adjoining residential structures, but to no less than 10 feet. If the subject property is a corner lot, the front yard setback for the single-family residential structure may be reduced to a distance equal to the nonconforming setback of the adjoining property along the same public street frontage, but no less than 10 feet.
 - (a) The minimum setback for a front wall of the single-family residential structure shall be the average of the setback of the nonconforming front walls of the adjoining residential structures, but no less than 10 feet.
 - (b) The minimum setback for a covered porch shall be the average of the setback of the nonconforming front walls or nonconforming covered porches of the adjoining residential structures, but no less than 10 feet, measured from the outermost wall or vertical roof support.
- (3) No reduction in front yard setback for a residential structure or other structure shall be permitted based on the setback of a carport or detached accessory structure on an adjoining property.
- (4) A reduction in front yard setback shall only be permitted for a single-family residential structure; however, no reduction in front yard setback shall be permitted for a wall containing a front-facing garage door. No reduction in front yard setback shall be permitted for a carport or a detached accessory structure.

- (5) If the subject property is adjacent to a corner lot, an exterior side yard of the corner lot shall not be considered a nonconforming front yard.



Concept Sketch: Reduced Front Yard Setback

³(4) Compliance with Solar Standards

(a) Solar Setback Standards

Any structure built on a lot to the south of a residentially zoned lot shall comply with the solar setback standards of Section 22.620 of this Code.

(b) Solar Lot Design Standards

All subdivisions in residential zones shall comply with the solar lot design standards of Section 22.630 of this Code.

12.153 ²³Height Requirement

- (1) Maximum heights shall be as given in Schedule 12-6.

Maximum Building or Structure Height Schedule 12-8	
Zone	Feet*
R-1-12	35
R-1-10	35
R-1-8	35
R-1-6	35
R-2	35
R-3	35
R-4	45

- * Any gabled or hipped roof feature with a pitch over 5:12 may exceed the maximum height by two additional feet for each additional unit of rise per 12 units of run, up to a maximum of 16 additional feet:

Additional Height for Roof Pitch >5:12 (measured from reference datum to highest point of roof)		
Roof Pitch	Zone	
	R-1-12, R-1-10, R-1-8, R-1-6, R-2, R-3	R-4
5:12 or less	35	45
more than 5:12 up to 6:12	37	47
more than 6:12 up to 7:12	39	49
more than 7:12 up to 8:12	41	51
more than 8:12 up to 9:12	43	53
more than 9:12 up to 10:12	45	55
more than 10:12 up to 11:12	47	57
more than 11:12 up to 12:12	49	59
more than 12:12	51	61

- (2) Exceptions. Residential Zoning District height limitations may be exceeded by the following:

- (a) Farm buildings and structures

- (b) Chimneys
- (c) Church spires, belfries, cupolas and domes
- (d) Flagpoles, masts and aerals
- (e) Firehouse towers
- (f) Elevator shafts

12.154 Access Requirements

- (1) Each residential lot shall have access to a dedicated public street not less than 20 feet in width.
- (2) Where such access is not provided by lot frontage on a dedicated public street, access may be provided by a flagpole running to a dedicated public street other than a minimum access street, as provided in Article 28, Access.

12.155 Other Requirements. All relevant procedures and standards of this Code apply to use and development within Residential Zoning Districts.

12.156 Alternate Development Options. Residential Development other than as provided in these Base Development Standards may be pursued by the following procedures of this Code:

- (1) Planned Unit Development, Article 18.
- (2) Modified Setback Option, Residential Development Standards, Article 22.
- (3) Variance, Article 6.

12.200 Commercial Zoning Districts

12.220 Purpose

- ⁸12.221 Neighborhood Commercial District (NC). The purpose of the Neighborhood Commercial District is to provide locations for small businesses which serve the retail and personal services needs within residential zoning districts. The businesses are intended to be limited in size to fit into residential patterns of development without creating land use, architectural or traffic conflicts.
- 12.222 General Commercial District (GC). The purpose of the General Commercial District is to provide for all commercial and professional uses, excepting those uses requiring on-site manufacture or assembly. Performance development standards are designed to protect adjacent uses and development from impact, and the market factors of supply, demand, location and cost are expected to provide commercial development in appropriate types, amounts and relationships.
- 12.223 Central Business District (CBD). The purpose of the Central Commercial District is to provide appropriate commercial and professional uses for the Central Business District of Grants Pass. Performance development standards are designed to encourage mixed commercial, professional and high-rise residential uses. The Central Business District recognizes and encourages viable and economic uses, while performance development standards and the Downtown Plan act to maintain and enhance the District's unique architecture and historic qualities.
- ⁹12.224 Riverfront Tourist Commercial District (RTC). The purpose of the Riverfront Tourist Commercial District is to provide for and to promote special tourist commercial uses adjacent to the Rogue River where either existing or proposed bridges are located. Uses appropriate to the RTC districts would either need to be located adjacent to the river for their existence or utilize the river's scenic quality for economic development. In addition to providing economic opportunity for the City of Grants Pass, these ordinances will preserve the scenic quality wetland habitat and promote river related recreation.

For the purposes of this document, the following descriptions apply:

100-Year Flood Plain: The 100-Year Flood Plain has boundaries determined by the Federal Insurance Administration as the base flood elevation for purposes of flood plain management and is the level at which a flood may occur every 100 years with a one percent (1%) chance of occurring annually.

River Bank: The area that extends out from the mean high water line, measured between June 1 and September 1, as determined by survey. The width of the river bank is the width of the river floodway, or fifty (50) feet from the survey point, whichever is greater.

Floodway: Floodways are stream corridors designed to conduct waters of a 100-year flood out of the area as fast as possible. They are not necessarily a natural feature.

River Corridor: The river corridor establishes the location of the Scenic Overlay Zone and is covered by the same area as the 100-Year Flood Plain.

There are three subdistricts for the RTC zone located approximately at Grants Pass Parkway (Third Bridge crossing), at the Sixth and Seventh St. Bridge crossings and at the future Fourth Bridge crossing. Each of these subdistricts has special characteristics, due to the existing land uses and development patterns and their locations within the City's Urban Growth Boundary.

- (1) River Tourist Commercial District-I (RTC-I). The RTC-I is within an established single- and multi-dwelling residential area. Therefore, it is the purpose of this subdistrict to promote residentially scaled development which will complement these residences. Further, this subdistrict is adjacent to wetland environment, which will necessitate special protection and limited access to the river.
- (2) Riverfront Tourist Commercial District-II (RTC-II). The RTC-II District is located next to the downtown and Central Business District of Grants Pass. The purpose of this subdistrict is to encourage both high quality building density and visitor-serving activities which allow the beauty of the river to be seen. The scale and architectural character must have an urban ambience and sophistication.
- (3) Riverfront Tourist Commercial District-III (RTC-III). The RTC-III District is directly related to the County Fairgrounds/Race Track and the Riverside West All Sports

Park. Affordable visitor-serving activities and commercial recreation development are desired. These activities should occur in a park-like setting.

12.230 Commercial Land Uses and Review Procedures

12.231 Land Use Review. Schedule 12-2 shows both the specific and general categories of land uses permitted in each Commercial Zoning District, subject to all provisions of this Code and the review procedure associated with each use and zone, except for the Riverfront Tourist Commercial (RTC) Districts, which are provided in Schedule 12-3.

12.232 Riverfront Tourist Commercial Zones. The Riverfront Tourist Commercial Zones require special review procedures due to the uniqueness and the environmental sensitivity of these districts. The review procedures apply to RTC-I, II and III.

Prior to the Planning Commission hearing for the Type III Review, all projects will be reviewed by the "Riverfront Review Board," Section 21.211. The Riverfront Review Board (RRB) will make specific recommendations to the Planning Commission on all RTC applications. Projects are defined in this situation as follows:

1. Requiring a Building or Development Permit
2. Alteration or removal of riparian vegetation within the 100-Year Flood Plain must be approved by the RRB
3. Grading of more than 50 cubic yards of soil within the RTC Districts
4. Removal of trees (with six (6) inch diameter at four-and-a-half (4-1/2) feet high or greater) within the RTC Districts.

12.240 Residential Densities in Commercial Zones

²⁰12.241 New Residential Dwelling Units. New residential dwelling units may be permitted in General Commercial and Central Business Districts. No minimum or maximum density standard applies in these districts. Residential Development in the GC zone must meet the applicable Residential Development Standards of Article 22 for the R-3 zone.

12.242 Existing Residential Dwelling Units. Existing residential dwelling units are permitted in all Commercial Zones, provided there is no increase in density. For any increase in density within existing residential dwelling units, Section 12.241 shall apply.

12.243 Residential Density Within the RTC-I District. The RTC-I District allows for residential development up to R-3 densities or 17.4 dwelling units/acre.

12.250 Commercial Base Development Standards

12.251 Purpose. The purpose of this Section is to provide the Base Development Standards for all commercial uses, including lot size, lot dimension, setbacks, structure height and lot access.

12.252 Lot Requirements.

- (1) Minimum lot size and dimensions and front, side and rear yard setbacks shall be as given in Schedule 12-7.

¹³ Minimum Commercial Lot Requirements Schedule 12-7								
Zone	Lot Area in sf	Lot width in ft	Lot Depth in ft	Front yard in ft	Exterior Side/Rear yard in ft	Side yard	Rear yard	Lot Coverage
NC	No min. 21,780 max*	25	100	20	10	None**	None**	35% Max
GC	None	25	100	10	10	None**	None**	None
CBD	None	None	None	None	None	None**	None**	None

Legend:

- sf = Square Feet
ft = Linear Feet
Max. = Maximum Requirement; otherwise given as minimum requirement.
* = Maximum square footage for contiguous commercially-zoned lot area, regardless of ownership.
** = See Landscape and Buffering Requirements when adjacent to residential zones.

- (2) A lot with frontage on two or more streets requires only one front yard. The applicant shall designate one such frontage as the front yard, and all other frontage yards shall be designated exterior side or rear yards, as appropriate. See also Article 30, Definitions. Exterior side or rear yards shall be as given in Schedule 12-12.

12.253 Lot Requirements for RTC Districts

- (1) Lot Area, Width and Depth for RTC Districts. There are no minimum sizes for lots within the RTC Districts.
- (2) RTC Front and Rear Setbacks. Concept Sketch: RTC District Setbacks delineate the setback requirements for the RTC Zone Districts. These requirements shall supersede the requirements of Section 24.341, Stream Corridor Setback.
- (3) RTC Side Yard Setback. Consideration shall be given to view corridors by the RRB. However, the minimum side yard set back adjacent to a residential zone is 20 feet for the first floor and an additional 10 feet for each extra floor (Refer to Concept Sketch: RTC District Setbacks). No structures or parking may occur in the 20-foot setback area.

A 20-foot wide landscaping area shall be provided according to Section 23.034, Type D: Buffering Between Zones.

- (4) RTC Lot Coverage for Buildable Area (with setbacks)

RTC-I	None
RTC-II	None
RTC-III	None

²³12.254 Height Requirements

- (1) Maximum heights shall be as given in Schedule 12-8.

Maximum Building or Structure Height Schedule 12-8		
Zone	Stories	Feet***
NC	2 1/2*	35*
GC	N/A*	35*
CBD	N/A*	100
RTC-I	3**	45**
RTC-II	4**	65**
RTC-III	2 1/2**	35**
*The most restrictive shall apply.		
**The least restrictive shall apply		

- *** Any gabled or hipped roof feature with a pitch over 5:12 may exceed the maximum height by two additional feet for each additional unit of rise per 12 units of run, up to a maximum of 16 additional feet:

Additional Height for Roof Pitch >5:12 (measured from reference datum to highest point of roof)					
Roof Pitch	Zone				
	NC, GC*	CBD	RTC-I**	RTC-2**	RTC-3**
5:12 or less	35	100	45	65	35
more than 5:12 up to 6:12	37	102	47	67	37
more than 6:12 up to 7:12	39	104	49	69	39
more than 7:12 up to 8:12	41	106	51	71	41
more than 8:12 up to 9:12	43	108	53	73	43
more than 9:12 up to 10:12	45	110	55	75	45
more than 10:12 up to 11:12	47	112	57	77	47
more than 11:12 up to 12:12	49	114	59	79	49
more than 12:12	51	116	61	81	51

- (2) Exceptions. Commercial Zoning District height limitations may be exceeded by the following:

- (a) Farm buildings and structures
- (b) Chimneys

- (c) Church spires, belfries, cupolas and domes
- (d) Flagpoles, masts and aerials
- (e) Firehouse towers
- (f) Elevator shafts and cooling towers
- (g) Outdoor theater screens
- ²³(H) Hospitals, provided that no hospital shall exceed a height of 55 feet, with additional height permitted for a roof pitch over 5:12 as provided above.

12.255 Access Requirements

- (1) Each commercial lot shall have access to a dedicated public street across its entire frontage.
- (2) Flagpoles do not constitute frontage for commercial lots. See Section 12.256 for Alternative Development Options.

12.256 Other Requirements. All relevant procedures and standards of this Code apply to use and development within Commercial Zoning Districts.

- (1) RTC Development Standards. Articles 23 through 27 are to be supplemented by Article 21, RTC Development Standards.
- ²⁰(2) Parking Lot Location in the CBD zone. In the CBD zone, all surface lots shall be located at the rear or side of the building. Where it is not possible to provide parking behind the building, parking may be located along the side of the building providing it comprises no more than 50% of the site frontage of the primary street. The Review Body may waive this requirement if the applicant demonstrates that parking in those locations would not allow reasonable use of the site due to lot configuration, physical site conditions, site access restrictions, or similar site constraints; would pose a risk to public safety by restricting visibility of the lot from the street; or that parking in front of the building would better implement the purpose of this district by, for instance, enabling shared parking or providing superior pedestrian access. Parking areas allowed in front of buildings shall, where possible, be located adjacent to an existing parking area to enable shared parking.

- ²⁰(3) Building Orientation in the CBD zone. Buildings shall be set back no more than 10' from the property line facing a public or private street, except where parking is allowed in front of the building per Section 12.256(2). Minimum setbacks shall preserve intersection sight distance to ensure safe ingress/egress. A building's main entrance shall be oriented to a street or pedestrian-oriented plaza or park.

12.257 Alternative Development Options. Commercial Development other than as provided in these Base Development Standards may be pursued by the following procedures of this Code:

- (1) Planned Unit Development, Article 18.
- (2) Variance, Article 6.

12.300 Industrial Zoning Districts

12.320 Purpose

12.321 Business Park District (BP). The purpose of the Business Park District is to provide a mixed-use zone for light industrial and commercial uses. Retail trade is permitted as an accessory use or when determined to be compatible with, or can be made compatible with, light industrial or wholesale trade uses via a discretionary review process. Performance Development Standards are designed to ensure the compatibility of the light industrial uses with the commercial uses, and the compatibility with adjacent Commercial and Residential Zoning Districts.

12.322 Industrial Park District (IP). The purpose of the Industrial Park District is to provide for light industrial uses in a campus-like setting. High Performance Development Standards assure compatibility among Industrial Park users and the compatibility with adjacent commercial and residential uses.

12.323 Industrial District (I). The purpose of the Industrial District is to provide for those industrial uses with heavier impacts upon their surroundings and the need for outdoor functions. Performance standards are less than required for other industrial districts and graduated buffering standards ensure compatibility with neighboring zones of lesser intensity of use. It is the express intent of the Industrial District to maintain lands for industrial use, with commercial and residential uses limited to those uses accessory to industrial development.

12.330 Industrial Land Uses and Review Procedures

12.331 Land Use Review. Schedule 12-2 shows *both the specific and general* categories of land uses permitted in each Industrial Zoning District, subject to all provisions of this Code and the review procedure associated with each use and zone.

12.340 Residential Uses in Industrial Zones

12.341 New Residential Dwelling Units. New residential dwelling units are not permitted in any Industrial Zone, except those units serving a direct industrial function, such as a watchman's cottage. In no case shall there be more than one such unit per industrial use or lot.

12.342 Existing Residential Dwelling Units. Existing residential dwelling units are permitted in all Industrial Zones, provided there is no increase in density.

12.350 Industrial Base Development Standards

12.351 Purpose. The purpose of this Section is to provide the Base Development Standards for all industrial uses, regulating lot size, lot dimension, setbacks for structures on the lot, structure height and lot access.

²⁵12.352 Lot Requirements. Minimum lot size and dimensions, front, side and rear yards, and building setbacks shall be as given in Schedule 12-9:

²⁵ Minimum Industrial Lot Requirements Schedule 12-9								
Zone	Lot Area	Lot Width in ft	Lot Depth in ft	Front Yard/ Bldg Setback in ft*	Exterior Side & Rear Yard/ Bldg Setback in ft*	Side Yard/ Bldg Setback in ft*	Rear Yard/ Bldg Setback in ft*	Max. Lot Cover-age
BP	None	25	100	10	10	None	None	None
IP	None	25	100	20	10	15	20	50%
I	None	25	100	10	10	None	None	None

Legend:

ft = Linear Feet

Max. = Maximum Requirement; otherwise given as minimum requirement.

* = See landscape and buffering requirements when adjacent to residential, commercial, and indoor industrial zones and uses of lesser intensity, or corner lots.

- (1) Maximum heights shall be as given in Schedule 12-10.

Maximum Industrial Height Schedule 12-10	
Zone	Maximum Building or Structure Height*
BP	45 ft.
IP	45 ft
I	45 ft.

- * Any gabled or hipped roof feature with a pitch over 5:12 may exceed the maximum height by two additional feet for each additional unit of rise per 12 units of run, up to a maximum of 16 additional feet:

Additional Height for Roof Pitch >5:12 (measured from reference datum to highest point of roof)	
Roof Pitch	Zone
	BP, IP, I
5:12 or less	45
more than 5:12 up to 6:12	47
more than 6:12 up to 7:12	49
more than 7:12 up to 8:12	51
more than 8:12 up to 9:12	53
more than 9:12 up to 10:12	55
more than 10:12 up to 11:12	57
more than 11:12 up to 12:12	59
more than 12:12	61

- (2) Exceptions. Industrial Zoning District height limitations may be exceeded by the following:
- (a) Farm buildings and chimneys
 - (b) Chimneys not exceeding 100 feet in height
 - (c) Flagpoles, masts and aerials
 - (d) Firehouse towers
 - (e) Elevator shafts and cooling towers

12.354 Access Requirements

- (1) Each industrial lot shall have access to a dedicated public street across its entire frontage.
- (2) Flagpoles do not constitute access for industrial lots. See Section 12.356 for Alternative Development Options.
- (3) Retail trade uses proposed to locate in the Business Park Zone must demonstrate adequate street capacity as per the City's Traffic Management Plan.

12.355 Other Requirements. All relevant procedures and standards of this Code apply to use and development within Industrial Zoning Districts.

12.356 Alternative Development Options. Industrial Development other than as provided in these Base Development Standards may be pursued by the following procedures of this Code:

- (1) Planned Unit Development, Article 18.
- (2) Minor Variance, Section 6.020.
- (3) Major Variance, Section 6.030.

¹⁹12.400 General Exceptions to Setback Requirements.

All buildings and structures shall meet the minimum setbacks or separations of this code, except as provided elsewhere in this Code or as follows:

- (1) Architectural features and mechanical equipment attached to the building, such as an eave, balcony, chimney, or window air conditioning unit, may extend up to two feet into a required setback. A fire resistant gutter may extend an additional three inches into a required setback.
- (2) Structures less than six feet high, including railings, may be placed in an interior yard, provided a three foot wide exiting path is maintained as required by the applicable Building Code, and provided the yard is not a required buffer strip per Section 23.034, or a stream corridor setback as per Section 24.340.

- (3) Uncovered porches, decks, stairways, and ramps may encroach up to five feet into a required exterior yard, except that no such structure shall be less than eight feet from a right-of-way line.
- (4) Public utilities such as transformers, utility poles, pump stations, irrigation structures, and reservoirs are not subject to setback requirements.
- (5) Structures less than three feet high may be placed in a required exterior yard, provided not more than 10 percent of the yard area is covered by such structures.
- (6) Hand rails and protective railings may be located within an exterior yard provided they are not more than six feet above grade.
- (7) Signs as permitted in Article 26 and fences as in Section 23.037 may be located in a required yard.
- (8) Retaining walls may be installed as necessary due to topography.
- (9) No items for sale or storage shall be placed within an existing exterior yard or required landscaped area.
- (10) Nothing listed above shall be construed to allow any structure to be constructed over or to extend over a property line.

12.410 Installation of Structure in Public Right-of-Way.

No structure shall be installed in a public right-of-way without permission from the agency responsible for the right-of-way and the City of Grants Pass.

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- ¹ Revised 3-6-96
 - ² Revised 1-3-96
 - ³ Revised 1-3-96
 - ⁴ Revised 1-3-96
 - ⁵ Revised 2-7-96
 - ⁶ Revised 3-6-96
 - ⁷ Revised 3-6-96
 - ⁸ Revised 11-9-98
 - ⁹ Revised 1-3-96
 - ¹⁰ Revised 2-7-96
 - ¹⁴ Revised 3-20-97

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- 15 Revised 3-6-96; 5-1-02
 - 16 Revised 12-19-94
 - 17 Revised 3-6-96
 - 18 Revised 3-6-96
 - 19 Revised 10-19-94, 3-6-96
 - 20 Revised 9-4-02
 - 21 Added 8-6-03 (Ordinance 5186)
 - 22 Added 12-17-03 (Ordinance 5205)
 - 23 Revised 2-4-04 (Ordinance 5213)
 - 24 Revised 5-20-05 (Ordinance 5285)
 - 25 Revised 5-20-05 (Ordinance 5286)

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Article 16: Conditional Uses

16.100 Purpose and Applicability

16.110 Purpose. The purpose of this section is to establish a review process for specific uses that that are essential or desirable to the public interest but which may not be readily compatible with surrounding neighborhoods. Conditional uses, as outlined in Schedule 12-2 of this Code, are not allowed as a matter of right within a zoning district; rather, the review body has the authority to consider a conditional use permit application and approve or deny, based on the Conditional Use Criteria.

16.120 Applicability

The provisions of this article shall apply to development requests involving any of the specific uses outlined herein, also identified in Article 12, Schedule 12-2 as *Uses Conditionally Permitted*.

16.200 Procedures

Prior to issuance of a conditional use or development permit, the applicant shall secure conditional use permit approval in accordance with this Article, following the procedure type specified in Article 12, Schedule 12-2.

16.210 Pre-application Conference. Prior to submitting an application for Conditional Use permit, the applicant shall request a pre-application conference with the Director as provided in Section 3.041 of this Code.

16.220 Appeals. The Final Action of the review body may be appealed as provided in Article 10 of this Code.

16.230 Conditional Use Permit Issuance. If the review body finds that all applicable criteria are satisfied or satisfied with conditions, it shall approve the conditional use. The conditional use permit shall be issued once construction and final inspections have been completed and approved.

16.240 Expiration. The land use decision shall expire in accordance with the provisions of Section 3.075 of this Code. The development permit shall expire in accordance with the provisions of Section 3.092 of this Code. The conditional use permit shall expire when the use has been discontinued for a period of six (6) consecutive months.

16.250 Revocation. If at any time any condition attached to a conditional use permit approval has been violated, the permit may be immediately revoked by the Director. Revocation of a conditional use permit shall require the use to cease and desist immediately. If revocation occurs, a new conditional use permit approval shall be required prior to resuming the use.

16.260 Submittal Requirements and Criteria. Submittal requirements and criteria necessary to secure conditional use permit approval are outlined for individual uses below.

16.300 Telecommunication Facilities

16.310 Purpose. The purpose of this section is to provide design and siting standards for telecommunication facilities, within the framework of the Federal Telecommunications Act, that:

- (1) Recognize the need of telecommunication providers to build out their systems over time;
- (2) Reduce visual impacts of towers and ancillary facilities through careful design, siting, and screening; and
- (3) Encourage the collocation of telecommunication facilities and maximize the use of any new transmission towers, or existing suitable structures, to reduce the need for additional towers.

16.320 Applicability. This section applies to telecommunication facilities, including cellular transmission towers, antennae, and ancillary facilities, including collocated facilities, as defined in Section 16.390 of this Code. This section does not apply to amateur radio antennas or facilities used exclusively for the reception of television signals.

16.330 Nonconforming Use and Development. The following shall apply to telecommunication facilities in lieu of Article 15 of this Code.

- (1) Nonconforming Lots. Lots which are non-conforming due to area, width, depth, width-to-depth ratio and required frontage may be used for the development of a telecommunication facility.

- (2) Nonconforming Facilities. Any pre-existing telecommunication facility that has been rendered a non-conforming use or development due to the adoption of this ordinance may remain in use, so long as it remains otherwise lawful. Alterations to a non-conforming facility shall not be permitted except as outlined in Sections 16.340 and 16.360(9). If a nonconforming telecommunication facility is abandoned as defined in Section 16.390, it shall be immediately removed, and any replacement facility shall be constructed in full compliance with this code.
- (3) Nonconforming Facility Destroyed by Calamity. Any replacement of a nonconforming telecommunication facility that is destroyed by fire, flood, wind, earthquake or other natural calamity shall be performed as a new facility in full accordance with the provisions of this code.

16.340 Conditional Use Permit Required. New telecommunication facilities are conditionally permitted uses in zones as identified in Article 12, Schedule 12-2 of this Code. No person, group, firm, business or organization shall begin onsite construction or erect any new telecommunication facility without first obtaining the necessary approvals and compliance with all required conditions and standards of development, by following the procedures outlined in this Article. Further, no existing telecommunication facility may be modified without first obtaining the necessary approvals and compliance with all required conditions and standards of development, unless the modification includes one of the following:

- (1) Removal of existing antennas or other equipment from cellular transmission towers, light poles, etc.;
- (2) Reduction in height of an existing cellular transmission tower;
- (3) Routine repair and maintenance of existing towers, antenna(e) and other facilities that does not increase height or profile;
- (4) Installation or modification of a telecommunication facility located completely within an existing permanent permitted structure.
- (5) Other modification to an existing telecommunication facility that will reduce its visual impact, as determined by the Director.

16.350 Submittal Requirements. The Community Development Department shall make available application forms for Conditional Use Permits. Applications for Conditional Use Permit approval shall include a completed application form and application fee along with the following items.

16.351 New Transmission Towers.

- (1) A Major Site Plan Map, prepared in accordance with Section 19.072 (2) of this Code.
- (2) A landscape plan, drawn to scale, showing proposed landscaping, including type, spacing and size. In addition, the plan shall indicate which of the following two options the applicant will utilize to ensure that plant species will survive and be kept healthy throughout the year:
 - (a) An irrigation plan showing the connection to the public water main and location of stub-outs to separate landscape areas, or
 - (b) A letter from a certified Landscape Architect, outlining the method proposed to ensure that plant species will survive and be kept healthy throughout the year.
- (3) A vicinity map depicting the proposed coverage area.
- (4) A vicinity map showing potential site candidates within the search area.
- (5) An inventory within search area depicting the height and location of non-habitable structures, including utility / light poles, towers, and appurtenances that could accommodate collocation of the proposed antennae.
- (6) Evidence demonstrating collocation has been explored and is impractical on existing structures and transmission towers within the search area for reasons of aesthetics, safety, available space, failing to meet service coverage, or technical issues.
- (7) A graphic simulation showing the appearance of the proposed tower and accessory structures from a minimum of five locations within the impacted vicinity, including but not limited to the following: on-site, the nearest residential area, the nearest collector or arterial street, the Rogue River or nearest public park (whichever

is closest), and ½ mile from the site (any direction.) At the discretion of the Director, additional simulation graphics may be required.

- (8) Detailed elevation drawings of the proposed tower, antenna and accessory structures, including building materials and colors. For stealth designs, include material samples, manufacturer information, examples and photos of other installations using the stealth technique and equipment.
- (9) A description of the proposed tower and reasons for the tower design and height, including a description of the general capacity of the tower in terms of the number and type of antenna it is designed to accommodate.
- (10) If the proposed tower exceeds the height limit of the zone, include an analysis to show that the tower is the minimum height necessary to achieve the coverage objective.
- (11) A signed agreement stating that the applicant will allow collocation with other users, provided all safety and structural requirements are met. This agreement shall also state that any future owners or operators will allow collocation on the tower. If the applicant does not own the facility or structure, then written consent to allow the owner to grant access to other users for the same structure or facility shall be required.
- (12) Identification of any other antenna sites owned or operated by the applicant that provide service coverage within the Grants Pass Urban Growth Boundary.
- (13) A copy of the applicant's current Federal Communications Commission (FCC) license to operate within the geographic service area, and a copy of a completed Federal Aviation Administration (FAA) *Determination of No Hazard to Air Navigation* form for the tower.
- (14) Any additional documentation required to address the specific criteria for approval of the conditional use permit, as found in Section 16.360 of this Code.

16.352 Collocated Facilities, Rooftop and Façade-Mounted Antennas.

- (1) A Minor Site Plan Map, prepared in accordance with Section 19.072 (1) of this Code.

- (2) Detailed "before" and "after" elevation drawings of the proposed antenna and structure to which it is attached, including materials and colors. For stealth designs, include material samples, manufacturer information, examples and photos of other installations using the stealth technique and equipment. At the discretion of the Director, additional simulation graphics may be required.
- (3) A copy of the applicant's current Federal Communications Commission (FCC) license to operate within the geographic service area.
- (4) Any additional documentation required to address the specific criteria for approval of the conditional use permit, found in Section 16.360 of this Code.

16.360 Conditional Use Criteria for Telecommunication Facilities. The following conditional use criteria shall be satisfied for a new telecommunications facility to be approved. The review body may impose conditions necessary to ensure the criteria are satisfied. If the criteria cannot be satisfied outright or through the imposition of conditions, the application shall be denied.

- (1) The proposal causes minimal visual impact when viewed from adjacent properties, public rights-of-way, public parks and the Rogue River.
- (2) Potential land use conflicts have been mitigated through specific conditions of development.
- (3) If the proposal is located within a residential zone, the applicant has demonstrated that there are no reasonably feasible sites located within allowable commercial or industrial zones that would provide the desired coverage area.
- (4) To the extent possible, identified significant resources, such as intermittent and perennial creeks, stands of pine, fir and oak trees, wildlife habitats, historic sites, and prominent land features have been preserved and designed into the project. Alternatives shall be considered and the proposal shall represent the most effective design to preserve these resources.
- (5) The proposal is in compliance with applicable State and Federal laws.

- (6) If the proposal is for a new transmission tower, the applicant has sufficiently demonstrated that collocation has been explored and is impractical on existing structures and transmission towers for reasons of aesthetics, safety, available space, failing to meet service coverage, or technical issues.
- (7) The proposal is in compliance with applicable Environmental Standards defined in Article 24 and Special Purpose District standards defined in Article 13.
- (8) The proposal will not adversely impact the City's storm drainage system. Provisions have been made to prevent the excessive flow of water across property lines, sidewalks and other public rights-of-way.
- (9) The proposal is in compliance with applicable Development Standards of Section 16.370 of this Code. If the proposal is for a collocated facility on a pre-existing tower that is not in compliance with these standards, then the Review Body shall determine the amount and type of improvements to be made in order to bring existing non-compliant aspects of the tower and tower compound into greater compliance.

16.370 Development Standards. Unless otherwise noted, variances are prohibited for the following standards.

16.371 Transmission Tower and Tower-Mounted Antenna Development Standards. Collocated facilities mounted to structures other than existing buildings shall also be subject to these standards, as applicable.

- (1) Status of Use. No permit may be issued for the location of a new transmission tower within a General Commercial zone if the lot contains single-family or duplex development. A collocated antenna may be added to a previously-existing tower or other structure that does not meet this requirement, subject to the remaining provisions of this Code. Applicants are encouraged to consider siting the facility on publicly-owned property.
- (2) Height. Transmission tower height, including tower-mounted antennas, shall be limited to the maximum height of the applicable zone unless the review body finds that additional height is necessary to achieve a carrier's coverage objective and that visual impact has been mitigated to the greatest extent possible.

- (a) In no case shall a transmission tower or attached antenna located in an industrial zone exceed a height of 125 feet.
- (b) In no case shall a transmission tower or attached antenna located in a commercial zone exceed a height of 100 feet.

(3) Setbacks.

- (a) The minimum setback standard of the applicable zoning district shall apply to the tower compound.
- (b) The tower footprint shall be set back at least an amount equal to the tower height from any property line, street or alley directly adjacent to a residential zone.
- (c) Where there is no adjacent residential zone, the minimum setback standard of the applicable zoning district shall apply to the tower footprint.
- (d) The tower compound shall not encroach into a required zone buffer setback.
- (e) The tower footprint shall be set back a minimum of 150 feet from the mean high water mark of the Rogue River.
- (f) A reduction to any minimum setback requirement outlined above shall require a Major Variance.

(4) Separation Between Transmission Towers. No transmission tower may be constructed within 2,000 feet of an existing transmission tower. Tower separation shall be measured by following a straight line from the footprint of the proposed tower which is closest to the footprint of any pre-existing tower. For purposes of this paragraph, an existing tower shall also include any transmission tower for which an application has been filed and not denied. Transmission towers constructed or approved prior to adoption of this section may be modified to accommodate additional providers consistent with provisions for collocation in this section. The review body may allow or require the tower separation standard to be modified if one of the following applies:

- (a) A reduced separation will better camouflage the proposed facility,

- (b) The proposed tower does not exceed the maximum height limit of the zone, or
- (c) The applicant has sufficiently demonstrated that technical or capacity issues require an additional tower to be located within 2,000 feet of an existing tower. The submittal of radio frequency propagation maps or other technical studies may be required.
- (5) Collocation. New towers shall be structurally designed to accommodate collocation of additional providers either outright or through future modification to the tower, unless the review body determines that collocation would have an adverse visible impact, and that the visual impacts cannot be mitigated through measures which may include stealth design.
- (6) Attachment Profile. Attachment profiles shall be the minimum necessary to achieve adequate coverage. The review body may require stealth design techniques to mitigate visual impacts of attachment profiles.
- (7) Tower Lighting. Towers and attached antennas shall be limited in height such that they are not subject to FAA, Oregon Aeronautics or any other aviation authority requirement for lighting or marking with special colors for aircraft visibility. Towers and attached antennas shall not be permitted on a site unless they can comply with this requirement on the site.
- (8) Security Lighting. Security lighting shall be downcast shielded and mounted at a height and limited in intensity so that the light source is not directly visible from other properties. Security lighting shall have a maximum mounting height of 10 feet.
- (9) Tower Design. Towers shall be monopole type only. Guyed thin-lattice towers are permitted only when the review body finds them to be less visible than a monopole. **See Figures 16-1 and 16-2 (for reference only.)**
- (10) Color and Finish. Towers, including tower-mounted antennae, shall be of a matte, non-glare finish, and shall consist of neutral colors or such shades as are appropriate and compatible with the surrounding environment, as determined by the review body.

(11) Buffering. Existing vegetation shall be preserved to the maximum extent possible. In addition, the following requirements shall apply to a tower compound that is visible from the public right-of-way or adjacent properties. Structures within the tower compound, including fencing, shall be painted dark brown or green, or a similar shade that is compatible with the surrounding environment, as determined by the review body. If it is determined that dark colors could result in permanent damage to certain equipment due to overheating, the equipment may remain unpainted but shall be sufficiently screened from view. As an alternative to painting equipment, a wood or masonry site-obscuring fence of no less than 6 feet in height may be installed completely around the outside of the tower compound. In addition to painting or site-obscuring fencing, a landscape strip must be placed completely around the outside of the tower compound, except as required to access the facility. The landscape strip shall comply with the following:

- (a) Landscaping shall consist of evergreen vegetation with a minimum planted height of 6 feet, placed densely so as to form a screen.
- (b) Landscaping shall be compatible with existing nearby landscaping.
- (c) One of the following two options shall be utilized to ensure the long-term survival and health of plant species:
 - i. An irrigation system connected to the public water main, or
 - ii. An approved letter from a certified Landscape Architect, outlining the method proposed to ensure long-term survival and health of plant species.
- (d) Plant species must be kept healthy and well-maintained throughout the year.

(12) Signs. No signs, striping, graphics or other attention-getting devices are permitted on the transmission tower or within the tower compound, except for warning and safety signage with a surface area of no more than 3 square feet. Such signage shall be affixed to a fence or accessory structure and the number of signs is limited to no more than 2.

- (13) Ancillary Facilities. Ancillary facilities within the tower compound shall include only building facilities that are necessary for transmission function and associated ground stations, and shall not include broadcast studios (except for emergency broadcast), offices, vehicle storage areas, nor other similar uses not necessary for the transmission or relay function. No unenclosed storage of materials is allowed. Back-up emergency generators are permitted and shall be of the design / construction to include sound-insulating housing to minimize noise output.
- (14) Access. Recorded easements are required for access through neighboring properties. All interior service driveways, including portions through neighboring properties, shall be constructed with asphalt, concrete or other paving surface authorized by the Development Code.

16.372 Façade and Rooftop-Mounted Antenna Development Standards.

- (1) Status of Use. No permit may be issued for the location of a new facade or rooftop-mounted antenna within a residential or General Commercial zone if the lot contains single-family or duplex development. Applicants are encouraged to consider siting the facility on publicly-owned property.
- (2) Height. Façade-mounted antennas may not extend above the building face to which they are attached. Rooftop-mounted antennas may extend up to 15 feet above the parapet or tallest element of the building (not including features otherwise exempt from height requirements.) The total combined height of a building and attached antenna shall not exceed the maximum height of the zone in which it is located, unless the applicant demonstrates to the satisfaction of the review body that the following criteria are satisfied:
- (a) The increase in height above the maximum allowed height for the zone is the minimum increase necessary to achieve the coverage objective; and
 - (b) The negative visual impacts on adjacent properties can be minimized by screening or disguising the facility.

- (3) Screening. Façade-mounted antennas may be incorporated into a building façade only by using stealth techniques, subject to approval by the review body. Rooftop-mounted antennas shall be sufficiently screened to minimize visibility from public right-of-way and adjacent properties, subject to approval by the review body. One or a combination of the following techniques shall be utilized:

(a) For flat-roofed buildings, equipment shall be setback a minimum of 2 feet from the edge of the roof for every 1 foot in height of the antenna or equipment. If the building does not have a flat roof, or if this standard is otherwise modified by the review body, at least one additional technique shall be utilized.

(b) Screen from view using a parapet or rooftop equipment screen. Per Section 20.220, parapets in certain zones shall be in compliance with the Commercial Design Standards of Article 20.

(c) Employ stealth design to match the architecture of the building.

- (4) Equipment Shelters. It is preferred that equipment shelters be located internal to the building. Roof-mounted equipment shelters are subject to the screening requirements above.

16.380 Removal of Facilities. All structures, towers, antennas and associated equipment that have been unused for a period of six (6) consecutive months are hereby declared abandoned. Abandoned facilities shall be removed by the property owner within ninety (90) days of the date of abandonment. Upon written application, prior to the expiration of the six-month period, the Director shall, in writing, grant a six month extension for reuse of the facility. Additional extensions beyond the first six-month extension may be granted by the Director subject to any conditions required to bring the project or facility into compliance with current law(s) and make it compatible with surrounding development.

16.390 Definitions. The words and phrases as used in this Section shall have the following meanings:

Abandoned Facility: A transmission tower and/or ancillary facilities whose use has been discontinued for a period of at least six (6) consecutive months.

Ancillary Facilities: The structures and equipment required for operation of the telecommunication equipment, including but not limited to antennae, repeaters, equipment housing structure, and ventilation and other mechanical equipment.

Antenna(e): An electrical conductor or group of electrical conductors that transmit or receive radio waves.

Attachment: An antenna or other piece of related equipment affixed to a transmission tower or other structure.

Attachment Profile: The horizontal distance between the outer-most edge of a transmission tower (or other structure) and the outer-most edge of an attachment.

Collocated Facility: A new attachment, antenna, or tower placed on existing suitable structures, or the addition of new ancillary facilities to an existing transmission tower facility site. Façade- and rooftop-mounted antennas are types of collocated facilities.

Coverage Area: The geographical area around a telecommunications facility site in which a wireless telecommunication provider offers wireless service for their own phone subscribers.

New Facility: The installation of a new transmission tower. New attachments are not new facilities.

Pre-existing Towers and Pre-existing Antennas: Any tower or antenna constructed or approved pursuant to City standards in effect prior to the effective date of this ordinance.

Search Area: The geographic area in which a wireless telecommunication provider is considering the construction of a new or collocated facility that can achieve the desired coverage area.

Shadow: A geographic area that has less than adequate telecommunication service coverage.

Stealth: The technique of designing telecommunication facilities to mimic the appearance of the surrounding environment. Stealth designs shall specifically mimic vegetative, geologic, architectural, light pole or flagpole features typical of the specific sights. Location, color and screening alone are not considered stealth techniques.

Telecommunication Facilities: Facilities designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices.

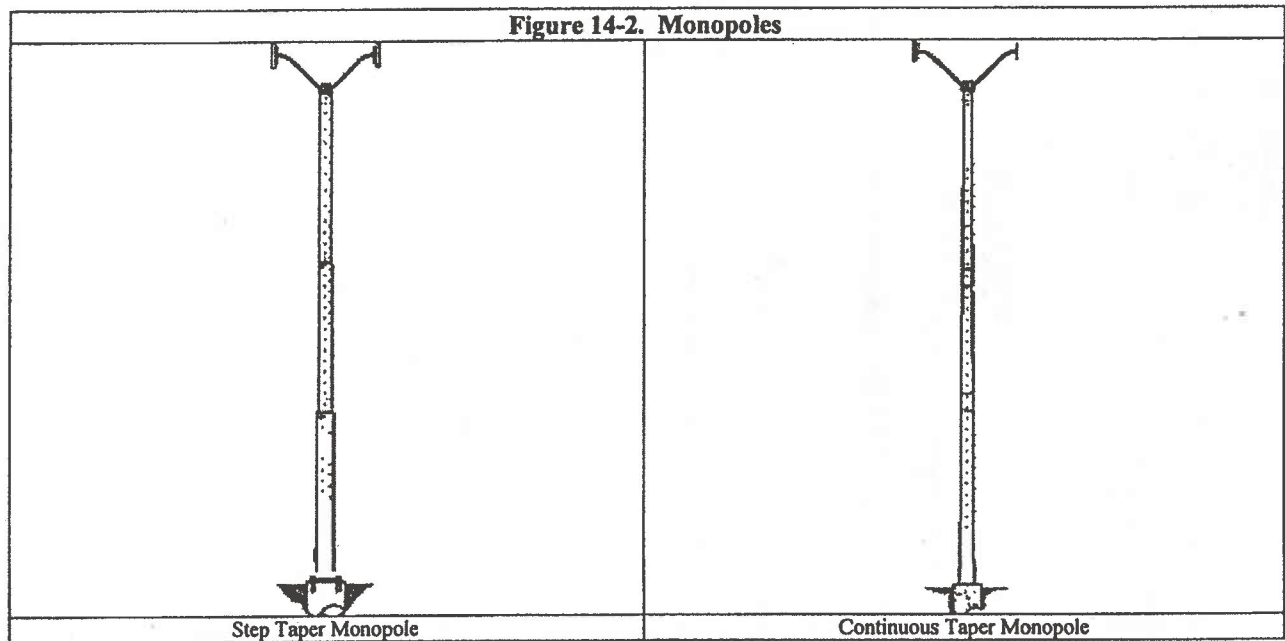
Tower Compound: The area that encompasses the tower footprint, ancillary facilities, fencing and screening.

Tower Footprint: The area described at the base of a transmission tower as the perimeter of the transmission tower including the transmission tower foundation and any attached or overhanging equipment, attachments, or structural members but excluding ancillary facilities and guy wires and anchors.

Tower Height: The vertical distance measured from the highest point on the transmission tower or other structure, including any antennae, to the ground directly below this point.

Transmission Tower: The structure on which transmitting or receiving antennae are located. For purposes of this Section, ham radio transmission facilities are not considered "transmission towers".

- a) Guyed Tower: A transmission tower which is supported by the use of cables (guy wires) which are permanently anchored.
- b) Lattice Tower: A transmission tower characterized by an open framework of lateral cross members which stabilize the pole.
- c) Monopole Tower: A single upright pole, engineered to be self-supporting, that does not require lateral cross-supports or guy wires.



CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT

**TELECOMMUNICATION FACILITIES
DEVELOPMENT CODE TEXT AMENDMENT
CITY COUNCIL FINDINGS OF FACT-TYPE IV**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	07-40500005
Project Type:	Development Code Text Amendment
Applicant:	City of Grants Pass
Planner Assigned:	Jared Voice
Application Received:	October 19, 2007
Application Complete:	October 19, 2007
Date of Planning Commission Staff Report:	December 5, 2007 <i>Revised January 16, 2008</i>
Date of Planning Commission Hearing:	December 12, 2007 <i>Continued to January 23, 2008</i>
Planning Commission Findings of Fact:	February 13, 2008
Date of City Council Staff Report:	April 8, 2008
Date of City Council Hearing:	April 16, 2008
City Council Findings of Fact:	May 7, 2008

I. PROPOSAL:

A Development Code Text Amendment, including amendments to existing Articles 2 and 12, and the addition of Article 16. The amendment adds conditional uses to the Code, which provides review processes, development standards, and criteria for telecommunication facilities, including all new cell towers and ancillary facilities.
See Exhibits A, B and C to adopting ordinance for text of proposed amendments.

II. AUTHORITY AND CRITERIA:

Section 4.102 of the City of Grants Pass Development Code provides that the Director or City Council may initiate a text amendment. The amendment was initiated by the Director.

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 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.

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 on October 19, 2007. The application was deemed complete on October 19, 2007 and processed in accordance with Section 2.060 of the Development Code.
- B.** Notice of the proposed amendment and the initial December 12, 2007 public hearing was mailed to the Oregon Department of Land Conservation and Development (DLCD) on October 23, 2007.
- C.** Notice of the December 12, 2007 Planning Commission public hearing was mailed to potentially-interested parties and public agencies on November 21, 2007.
- D.** A public hearing was held by the Urban Area Planning Commission on December 12, 2007 to consider the request and make a recommendation to City Council. At the request of City staff, the hearing was continued to a date uncertain so Planning Commission input could be considered.
- E.** Notice of the January 23, 2008 Planning Commission public hearing was mailed to potentially-interested parties and public agencies on January 2, 2008.
- F.** Public notice of the January 23, 2008 Planning Commission public hearing was published in the newspaper on January 18, 2008 in accordance with Sections 2.053 and 2.063 of the Development Code.
- G.** A public hearing has held by the Urban Area Planning Commission on January 23, 2008 to consider the request and make a recommendation to City Council. The Planning Commission motion to recommend approval of the proposal to City Council was approved unanimously.
- H.** Notice of the April 16, 2008 City Council public hearing was mailed to potentially-interested parties and public agencies on March 27, 2008.
- I.** Public notice of the April 16, 2008 City Council public hearing was published in the newspaper on April 9, 2008 in accordance with Sections 2.053 and 2.063 of the Development Code.
- J.** A public hearing was held by the City Council on April 16, 2008 to consider the request.

V. SUMMARY OF EVIDENCE:

- A.** The basic facts and criteria regarding this application are contained in the City Council staff report and exhibits, which are attached as Exhibit "A" and incorporated herein.
- B.** A printed copy of the Power Point presentation given by staff at the April 16, 2008 City Council hearing is attached as Exhibit "B" and incorporated herein.
- C.** The minutes of the April 16, 2008 public hearing held by the City Council, which are attached as Exhibit "C", summarize the oral testimony presented and are hereby adopted and incorporated herein.

VI. GENERAL FINDINGS- BACKGROUND AND DISCUSSION:

The proposal includes amendments to existing Articles 2 and 12, and adoption of a new Article 16. The purpose sections of proposed Article 16 (for both "Conditional Uses" and "Telecommunication Facilities") provide substantial background information regarding what the amendments are intended to accomplish.

The proposal was initially considered at a public hearing held on December 12, 2007. The hearing was continued by the Planning Commission, at the request of City staff, so inconsistencies within the proposal could be addressed. The concerns of the Planning Commission were also discussed during the previous hearing, and have been considered in making revisions to the proposal. Additionally, following the initial hearing staff received comments on the proposal from two wireless communication consulting representatives (Don Larson of Cascadia PM and Paul Slotemaker of RealCom Associates LLC.) These comments were also considered in making revisions to the proposal. A third consultant, Allen Potter of Eagle Consulting Group LLC, assisted staff with technical expertise throughout the development of the proposal.

The proposal carries out Outcome D, Work Task 2 of the City Council's work plan under the City Council Growth Management Goal:

Goal 1. Growth Management: While prospering and growing, we keep the sense of hometown, protect our natural resources and enhance our community improvements.

Outcome D. Other Activities to Manage Growth

- **Workplan Element:** Review and revise sections of the various codes.
- **Timing: Ongoing.** As code issues are identified issues arise through the Council, Urban Area Planning Commission, and Staff, the Staff will continue to prepare revisions to the ordinances. These may be individual amendments, or a group of amendments as part of a larger housekeeping amendment.

Efforts made in previous years to adopt a similar ordinance have been unsuccessful. The City Council enacted a moratorium on cellular towers, aerials, antennas, etc. from April 1997 through May 1998 so that a regulating ordinance could be put into place.

However, one was never adopted. A second moratorium (applying primarily to new towers) was enacted in December 2001. However, the adoption of an ordinance again did not occur. Members of the Urban Area Planning Commission have made repeated requests for a "cell tower ordinance" since at least early 2004.

VII. FINDINGS OF CONFORMANCE WITH APPLICABLE CRITERIA:

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

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

City Council Response: Satisfied. The proposal amends Articles 2 and 12, and creates a new Article 16. The purpose statements of Articles 2 and 12 are attached to the Planning Commission staff report as Exhibit 2. The proposed purpose statements for Article 16 are provided in the text of the proposal.

Article 2. The purpose of Article 2 is to provide land use review procedures. The intent of the article is "to stratify land use review procedure according to the degree of discretionary judgment required and the extent of public participation appropriate; and to relate the type of the procedure to the degree of impact of the proposed development."

The proposed amendment is consistent with the purpose statement of Article 2. The amendment would insert "Conditional Use Permit" as item number 24 in Schedule 2-1, and would refer to Schedule 12-2 for a specific procedure type. This is consistent with the way Site Plan Review applications are currently addressed in Article 2. Since Site Plan and Conditional Use Permit applications could potentially include any one of a number of uses, each of which could require a different procedure type depending on the zone, it is appropriate to refer to Schedule 12-2. The amendment would specify that all Conditional Use Permit applications would first require a pre-application, unless the Director finds a conference is not needed.

Article 12. The purpose of Article 12 is essentially to implement the policies and Land Use Map of the Comprehensive Plan. Additional purposes of Article 12 are "to protect the right to use and enjoy real property", "to protect the health, safety and welfare of the community", and "to serve as a basis for resolving land use conflict." The only amendment proposed for Article 12 is to Schedule 12-2 (Permitted Uses and Site Plan Review Procedures.) The proposal would add "Telecommunication Facility" as Item No. 9 of the table. Telecommunication facilities would be broken into five separate uses: "New Cellular Transmission Tower", "Roof-top Mounted Antenna", "Façade-Mounted Antenna", "Collocated Antenna on Existing Transmission Tower or Other Structure Other Than Building Rooftop or Façade," and "Ancillary Facilities Located Within an Existing Permanent Permitted Structure." For each use, the table would specify the zones in which the use would be permitted and what review procedure would be required. The table would also specify that each use is conditionally permitted, and refer to Article 16, with the exception of "Ancillary Facilities Located Within

an Existing Permanent Permitted Structure”, which would be permitted as a matter-of-right within all zones through the Type I-A procedure.

Article 16. This is a new article in the Development Code, and includes a new purpose section for both “Conditional Uses” and “Telecommunication Facilities.” The new purpose sections are consistent with the purpose statements of other sections of the Code and do not create conflicts. In addition, they are consistent with the Purpose in Article 1 of the Development Code, to implement the Comprehensive Plan and coordinate city regulations governing the development of land.

The purpose statement for Conditional Uses applies to Article 16 as a whole. The new article would “establish a review process for specific uses that are essential or desirable to the public interest but which may not be readily compatible with surrounding neighborhoods. Conditional uses...are not allowed as a matter of right within a zoning district; rather, the review body has the authority to consider a conditional use permit application and approve or deny, based on the Conditional Use Criteria...”

Telecommunication facilities are the only specific conditional uses proposed as part of the amendment. The purpose of providing a “Telecommunication Facilities” subsection is to “provide design and siting standards for telecommunication facilities...” These standards would “recognize the need of telecommunication providers to build out their systems over time”, “reduce visual impacts of towers and ancillary facilities through careful design, siting and screening”, and “encourage the collocation of telecommunication facilities and maximize the use of any new transmission towers, or existing suitable structures, to reduce the need for additional towers.”

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

City Council Response: Satisfied. The proposed amendments are internally consistent with other provisions of the Code. The proposed amendment contains language to explain how the provisions of Article 16 relate to other provisions of the Code. The response to Criterion 1 above explains how the amendments are consistent with Articles 2 and 12 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 Response: Satisfied. (See below).

Comprehensive Plan Consistency

Applicable goals and policies are:

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

Goal. To conserve, restore, and enhance the area's scenic river, historic, and natural resource.

Policy 3.2. The development code shall require an appropriate level of landscaping for all new development and redevelopment.

Policy 3.3. The City shall recognize the Rogue River as the most significant natural and economic resource.

Element 7. Recreation, Parks , and Open Space

Policy 7.1. The City and County shall act to respect and conserve the natural resources in the area, to protect and enhance the quality and usefulness of the Rogue River, and to recognize that natural beauty is of great significance to the future of the area.

Policy 7.4. Community appearance is a major concern and should be a subject of a major effort in the area....

City Council Response: Satisfied. The proposed text amendment recognizes the scenic value of the Rogue River by requiring new communication towers to be set back at least 150 feet from the mean high water mark. The proposed amendment also requires that proposed telecommunication facilities cause minimal visual impact when viewed from adjacent properties, public rights of way, parks, and the Rogue River. The proposed amendment also recognizes the importance of historical resources of the community by requiring new telecommunication facilities within the Historic District to comply with Development Code provisions for historic review. In order to preserve significant natural resources, the proposed amendment requires, to the extent possible, the retention of existing significant trees, creeks, wildlife habitats, and prominent land features. Additionally, new facilities are required to install site obscuring landscaping to buffer equipment from view, mitigating its visual impact. Stealth construction techniques are also encouraged to minimize impact of proposed facilities and associated equipment.

Element 8. Economy

Goal. To improve, diversify, and stabilize the economic base of the community.

Policy 8.1. The City and County shall endeavor to improve, expand, diversify and stabilize the economic base of the community:

(f) by providing for a timely, efficient, clear and objective development review process.

Policy 8.5. The implementing ordinances shall act to facilitate these economic policies, and shall contain a balanced mix of positive incentives (which may include rapid review procedure, clear and measurable standards of development, subsidized service extension, etc.), as well as exactive requirements (which may include dedication or

easement requirements, system changes, development requirements, etc.), as needed to assure realization of these policies.

City Council Response: Satisfied. Current Development Code provisions are not adequate to address the unique nature of telecommunication facilities, due to limited existence of cellular telephone technology when the Code was adopted. Land use applications for new transmission towers are processed according to the provisions of Section 19.052 for Major Site Plan Review and are subject to base development standards, including height restrictions, as prescribed for each zoning district. As a result, applicants seeking to construct a new tower have been forced to seek variance approval, of which the burden of proof is tied to particular physical constraints of the lot or parcel and not to development standards imposed by the application of the Code. Therefore the approval of new towers has been limited only to those that can meet the base development standards (including height) for the zoning district, or those for who a successful variance to Code requirements has been granted. The proposed amendment will cause the Code to be more consistent with provisions of the Comprehensive Plan, including Element 8 by providing a clear and efficient review procedure for these necessary communications facilities.

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 a manner that...(d) is responsive to the wishes of the citizens and property owners of the planning area.

13.4.1. The Development Code shall separate land use procedures from land use criteria and development standards. Land use procedures shall be stratified according to the degree of discretionary judgment required, and the magnitude of the impacts of the proposal on the adjacent properties and the community as a whole...

13.4.3. The Development Code procedures shall act to streamline the land development process and eliminate unnecessary delays, and shall contain standards and procedures for land use actions that are clear, objective, and nonarbitrary.

City Council Response: Satisfied. The proposed amendment will separate the review process from standards and criteria, consistent with Element 13 of the Comprehensive Plan. In keeping with policies of the Plan, the proposed amendment will also stratify review procedures based on the potential visual impact of proposed telecommunication facilities. For example, a new tower within a commercial or industrial zone that exceeds the maximum height of that zone would require a Type III (Urban Area Planning Commission) review, whereas a new transmission tower within a commercial or industrial zone that does not exceed the maximum height of the zone will require a Type II (Hearings Officer) review. Generally, collocated facilities would require a Type II review within a residential zone, a Type I-C (Director's Decision) review within an industrial zone, and either a Type II or Type I-C review in a commercial zone, depending on the potential visual impact to surrounding properties. An ancillary facility located completely within an existing permitted structure, so as to create

no visual impact to surrounding properties, would be processed as a Type I-A (Building Permit as Development Permit) review procedure, and would not be subject to the standards and criteria of Article 16.

The proposed amendment is consistent with the Comprehensive Plan. The procedure, standards and criteria implement policies identified above.

Most Effective Alternative

The alternative to approving the proposal is to continue to review telecommunication facility development requests under the current provisions of the Development Code. The proposed amendment more effectively carries out the goals and policies stated above than the provisions of the existing Code.

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

City Council Response: Satisfied. In and of themselves, telecommunication facilities do not degrade the function, capacity, or performance standards of the existing transportation network. The proposed amendment does not subject telecommunications facilities to the criteria of Section 19.052 (Major Site Plan Review) of the Development Code, and there is no criterion for the approval of a telecommunications facility based upon the provision of transportation facilities. Since a telecommunication facility does not generate a significant number of vehicle trips (generally about one trip per month for inspection and maintenance), it does not create a direct impact on the transportation system. As such, there is no "rational nexus" between proposed telecommunication facilities and any requirements for frontage improvements, nor would the requirement for frontage improvements be "roughly proportional" to the construction of such a facility. Therefore, to require frontage improvements as a condition of approval for telecommunication facilities would be inconstant with previous findings of the United States Supreme Court (see *Nolan vs. California Coastal Commission* and *Dolan vs. City of Tigard*) and could be considered to be a regulatory taking.

VIII. DECISION AND SUMMARY:

The City Council found the applicable criteria were satisfied and **APPROVED** the Development Code text amendment. The vote was 6-0-0, with Councilors Cummings, Richardson, Renfro, Kangas, Berger and Wendle in favor, and none opposed. Councilors Patterson and Hyde were absent.

IX. ADOPTED BY THE GRANTS PASS CITY COUNCIL this 7th day of May 2008.

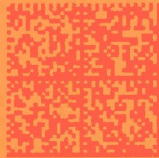
Len Holzinger, Mayor

NOTE: *This is a legislative decision. State law does not require that a decision be made on the application within 120 days.*

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City of Grants Pass

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Grants Pass, OR 97526

TO: Attn: Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol St. NE, Suite 150
Salem, Oregon 97301-2540