

Exhibit G

FOR File No. CPZ-1-09 Materials submitted from 11-10-2009 thru 11-16-2009 at 4:30 pm

Doc. ID	Received:	From	# pgs	Description
G-1	11/13/2009	Dianne Morris	4	Memo from Planning Director
				Draft Final Order
G-2	11/13/2009	William McMillan	2	Applicant's response to Exhibits E and F



City of Brookings

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MEMO

To: City Council and Mayor
 Gary Milliman, City Manager

FROM: Dianne Morris, Planning Director

DATE: November 13, 2009

SUBJECT: CPZ-1-09 - Applicant, Curry General, requesting zone change for two parcels from Residential (R-3) to Commercial (C-3).

This hearing was continued to allow for additional written comments. Exhibits E and F have been distributed in the weeks following the initial hearing. This packet, Exhibit G, contains the final written materials for this application. The public testimony portion of the hearing was closed at the initial hearing. The Council will hear no further testimony but will deliberate to a decision at the December 2, 2009 continued hearing.

Exhibits E and F contained statements about whether an emergency room can be legally sited on the property adjacent to the two parcels that are the subject of this application.

This Exhibit G contains the Applicant's response to statements made in Exhibits E and F. Staff agrees with the Applicant's response and has these additional comments:

- A site for a medical clinic is the planned use for the adjacent property. Whether an emergency room is ever a part of that facility is a matter for the Applicant and the State Agencies to deal with. Staff never considered an emergency room in determining that the application met the required criteria and Statewide Goals.
- Approval of this zone change would limit the use of the subject property to only a small parking area to serve the adjacent property until such time as a traffic study determines what possible mitigation is needed at the 5th St. and Chetco Ave. intersection. At that time, other uses listed in the C-3 zone would be allowed.
- Goal 9, Economy. Any commercial use has the potential to provide jobs and services needed in the community. With this zone change the City would also be gaining a commercial site in the 5-10 acre size. A recent study revealed a shortage of commercial sites of this size.
- Goal 10, Housing. This zone change would reduce the inventory of R-3 zoned land. Staff did an inventory and needs analysis considering the next 20 years and found there is considerably more than an adequate supply of R-3 parcels.



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- In zone change applications it is important to have an idea of the proposed use to both determine if it's a use allowed in the particular zone, and if it's appropriate to attach conditions of approval to mitigate any impacts. In this case the proposed use will be a parking lot to serve a proposed medical clinic that is allowed outright on the C-3 zoned parcel to the south. This is an allowed use and there are some proposed conditions of approval to ensure compatibility with the surrounding area.
- Other criteria to consider in a zone change request concern adequate utilities and facilities, as well as the balance in our inventory of various zones. These criteria were each addressed in the Advance Packet received by Council prior to the initial hearing.

Staff recommends approval of CPZ-1-09. Staff has prepared a new draft Final Order incorporating language about the need for paving on Hawthorne St. to connect with existing driveways as discussed in the initial hearing.

Attachments Final Order for CPZ-1-09

ATTACHMENT A

**BEFORE THE CITY COUNCIL
CITY OF BROOKINGS, COUNTY OF CURRY
STATE OF OREGON**

**In the matter of City Council File No. CPZ-1-09;) Final ORDER
application for a Comprehensive Plan and Zone) and Findings of
Change; Curry General Hospital, Applicant.) Fact**

ORDER approving an application for a Comprehensive Plan designation change from Residential to Commercial and a zone change from R-3 (Multi-family Residential) to C-3 (General Commercial), on a 4.17 acre parcel located on Assessor's Map 41-13-06AC, Tax Lot 100 and Map 41-13-06AD, Tax Lot 700; Zoned R-3 (Multi-family Residential).

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Chapter 17.140, Amendments, Brookings Municipal Code; and,
2. The Brookings Planning Commission duly considered the above described application on the agenda of its scheduled public hearing on October 6, 2009; and,
3. Recommendations were presented by the Planning Director in the form of a written Staff Report dated September 24, 2009, and by oral presentation, and evidence and testimony was presented by the Applicant at the public hearing; and,
4. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Report and recommended that the City Council approve the request; and,
5. The Brookings City Council duly considered the above described application in a public hearing at a regularly scheduled public meeting held on October 26, 2009 and a special meeting on December 2, 2009, and is a matter of record; and,
6. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the City Council, upon a motion duly seconded, accepted the Planning Commissions recommendation.

THEREFORE, LET IT BE HEREBY ORDERED that the application for an amendment/ zone change on the subject parcel is approved. This approval is supported by the following findings and conclusions, and subject to the following conditions of approval:

FINDINGS and CONCLUSIONS

1. Applicant has filed a complete application requesting a Comprehensive Plan/ Zone Change from Residential (R-3) to Commercial (C-3) on the 4.17 acre subject property. The application is supported by findings of fact and conclusion of law and evidence submitted by Applicant's Agent as well as Staff's analysis addressing the criteria as found in the staff report for CPZ-1-09 and included by this reference.

2. The subject property is presently vacant and the proposed use will be limited to part of the parking area to serve a medical clinic on adjacent property. The approval will be conditioned to require further study of the intersection of 5th St. and Chetco Ave. at such time as any additional commercial development is proposed for the subject property. This is needed to protect public safety and the City's infrastructure.
3. City water, sewer, and storm drainage are available to the subject property.
4. The requested commercial zoning designation is appropriate as the proposed use is allowed outright in the C-3 zone. To assure compatibility with adjacent residentially zoned property on the north and west a condition of approval will require a 30 foot buffer and fence or vegetation along those property lines and use of Hawthorne St. access for emergencies only. The Applicant is required to repave the existing Hawthorne Street paved road surface after completion of the construction project.

CONDITIONS OF APPROVAL

- A 30 foot buffer area adjacent to the north and western property lines of the subject property must be left free of any commercial uses. A 6 foot high fence or vegetative plantings providing a visual barrier must be in place prior to the issuing of a Certificate of Occupancy for the clinic structure on the adjacent property. The Hawthorne St. access must be gated and used for emergency access only. This is considered necessary to protect the residential use of the adjacent properties from potential light and noise generated by the commercial uses.
- The use of the subject property is limited to the proposed parking area until further study on the intersection of 5th St. and Chetco Ave. is done and a mitigation plan is in place for the increase in traffic. The existing Hawthorne Street road surface must be paved to 24 feet in width, as well as the area connecting existing driveways to this paved road surface. Paving must meet City base and asphalt paving standards. The Applicant must also install ditches or other means of mitigating storm drainage adjacent to the paved road surface on Hawthorne St. This work is to be done after completion of the construction project and prior to issuing of a Certificate of Occupancy for structure proposed to be sited on adjacent property. These conditions are necessary to protect the City's infrastructure and the best interests of the surrounding neighborhood.

LET IT FURTHER BE OF RECORD that the City Council APPROVED the requested Comprehensive Plan and Zone Change requested by File # CPZ-1-09.

Dated this 2nd day of December, 2009.

Larry Anderson, Mayor

ATTEST:

Dianne L. Morris, Planning Director

RECEIVED

DC
1:30 pm NOV 18 2009

CITY OF BROOKINGS



CURRY

We're All About Caring

General Hospital Health Network

94220 Fourth Street, Gold Beach OR 97444

541.247.3000

November 11, 2009

Diane Morris
Planning Director
City of Brookings
898 Elk Drive
Brookings, OR 97415

RE: CZP-1-09

With regards to MS Sherman's letter of September 24 regarding Comprehensive Plan goals 10 and 12 I believe the findings of the Planning Commission address how our proposed clinic relates to these goals.

With regards to her letter of November 4 and Goal 9 of the Comprehensive Plan, a medical clinic supports the Brookings economy in this manner;

- a) Part of the selection criteria for the General Contractor was the ability to employ local skilled and semi skilled trades, and to purchase as much building material locally. Construction costs are estimated at \$8 million, and the construction project is expected to provide employment for up to 15 workers.
- b) The clinic currently employs approximately 30 staff, most of who live in Brookings. The new clinic will employ some additional 15 staff with hourly wages between \$14 to \$35 depending on qualifications.
- c) Access to health care services is an integral component of sustainable economic development. The table below indicates the median collections for professional charges (based on the 2008 Medical Group Management Association Physician Compensation and Production Survey) for the physicians Curry Health District has now in Brookings, and will have once the new clinic is ready for service

Specialty	Current Future	% time in Brookings	Median Professional Fee Collection - Annual	Total
Midlevel Practitioner (4)	C	100%	220,000	880,000
Urologist	C	20%	662,204	132,440
Internal Medicine	C	100%	275,808	275,808

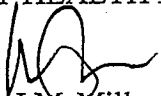
Family Practice	C	75%	374,925	281,193
Pediatrics	C	100%	406,865	406,865
Psychiatry	C	100%	196,684	196,684
Orthopedics	C	50%	797,705	398,852
Internal Medicine	F	50%	275,808	137,904
General Surgery	F	50%	535,803	267,901
Cardiology (Non Invasive)	F	100%	568,695	568,695
Total				3,546,342

This represents \$3.5 million in professional fee revenue that stays in Brookings and not migrating to Crescent City, Gold Beach or Medford.

d) With regard to Ms. Sherman's claim that an Emergency Department can not exist outside of a hospital; this is a regulatory issue that the District has taken up with the state's Department of Human Services. Federal regulations allow for provider (hospital) based off campus emergency departments, a number of other states license them, and we expect that the State will allow us to go forward in the future. However the Emergency Department is only a relatively small component of the scope of services to be provided at the Clinic. The District feels this argument is not material to the re-zoning issue at hand.

Sincerely,

CURRY HEALTH DISTRICT



William I McMillan, MBA FACHE
CEO