



## Planning Commission

# Minutes

From Study Session on January 9, 2017

The study session of the Medford Planning Commission was called to order at noon in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

### Commissioners Present

Patrick Miranda, Chair  
David McFadden, Vice Chair  
David Culbertson  
Joe Foley  
Bill Mansfield  
Mark McKechnie  
Jared Pulver

### Staff Present

Matt Brinkley, Planning Director  
Kelly Akin, Principal Planner  
Eric Mitton, Senior Assistant City Attorney  
Carla Paladino, Planner IV

### Subjects:

#### **20.1 Citizen Involvement Report**

Carla Paladino, Planner IV, reported that for the last three years she has been reporting on how the department meets their responsibility of furthering Citizen Involvement in the government process. At its core, the duties for Citizen Involvement are explained in Statewide Planning Goal 1. Goal 1 has been re-interpreted into Medford's Comprehensive Plan which is identified as the Citizen Involvement Element. The Citizen Involvement Element was last updated in 2014. The year-end report provides an overview of the program providing everything from history of the program, to explaining the different land use procedures, and providing data on number and types of applications.

The heart of the report starts with Citizens who volunteer their time and expertise in order to make our community a vibrant place to live. The Planning Staff works directly with the Planning Commission, Site Plan and Architectural Commission, Landmarks and Historic Preservation Commission and the Bicycle and Pedestrian Advisory Committee taking on the projects to help shape our community.

In Development Code Amendments there were four:

- Residential Site Development Standards
  - Changed setbacks for SFR dwellings and duplex dwellings
  - Removed 15 foot rule and went to range of heights and setbacks

- Marijuana Retail Sales
- Portable Signs in the Central Business overlay
- Draft Alcohol Production

#### Conditional Use Projects:

- Kennedy Park at Springbrook and Delta Waters – new parking, trail system, playground and multi-use field approved
- St. Mary's High School – new Dormitory (17,452 sq. ft.), Commons (24,564 sq. ft.) and Administrative Annex, revised parking and circulation

#### Planned Unit Development / Land Division Subdivision Projects:

- Cedar Landing Planned Unit Development – located north and south of Cedar Links Drive and west of Foothills Drive. The Planned Unit Development goes back to 2005 with many revisions and changes. In 2016 the north side was revised to include Cascade Terrace Subdivision – 98 lots, Sky Lakes at Cedar Landing – 54 lots. In 2015, the south side was revised of Cedar Links Drive – High Cedars – 176 lots.

Commissioner Pulver asked if they have pulled permits for construction. Ms. Akin reported they are building infrastructure.

#### Site Plan and Architectural Commission Projects:

- Crater Lake Surgery Center - 5,200 sq. ft. ambulatory surgery center located on Bennett Avenue – north of Jackson and east of Tinseltown.
- Orchard Glen Estates – 57 multi-family units located on W. Main and Oak Grove.
- Providence Medical Office Building – Stewart Meadows Village Planned Unit Development – mixed use development – 66,800 sq. ft. medical office building – currently under construction located at the corner of Stewart and Highway 99.
- Discount Tire – 7,300 sq. ft. discount tire store – Crater Lake Highway and Delta Waters in the Delta Center – 62 Bypass on western side.

#### Landmarks and Historic Preservation Commission Projects:

- 29 Design – located on Grape Street – new paint color, signage and addition of awnings.
- La Mota – marijuana dispensary on Riverside.
- Southern Oregon Public Defenders Office – Sixth and Holly

#### Celebrate and Preserve History (other Historic Projects:

- Pear Blossom Festival – Awarded as an Oregon Heritage Tradition by the Oregon Heritage Commission – one of 15 designated traditions, others include the Oregon State Fair & the Pendleton Round Up.
- Elks Lodge - Restore Oregon's Most Endangered Places List for 2017.

Commissioner McKechnie stated that the Elks Lodge needs to come to a realistic price to sell it.

Ms. Paladino reported that she is in contact with the realtor.

#### October Planning Month

- The Planning Department celebrated October Planning Month by setting up a booth at the Farmers' Market at Hawthorne Park and talking with people about planning projects. The national theme was Civic Engagement.

#### Projects for 2017:

- UGB project continues
  - First County hearing schedule for Thursday, January 26, 2017
  - Local Wetland Inventory (LWI), wetland regulations and environmental element revisions are coming
  - Transportation System Plan update moves ahead
- Natural Hazards Mitigation Plan
  - Study Session in February for Planning Commission
  - Approval date sometime in June by the City Council
  - Open House – Thursday, January 12, 2017, in the Carnegie Building, 4:30 p.m. to 7:30 p.m.
- Current Planning projects underway
  - Southside Center Phase 1 – Garfield and Center Drive – Cracker Barrel et al
  - New 4-story hotel (93 rooms) on Center Drive
  - Rogue Credit Union Headquarters Administration Annex
  - New People's Bank of Commerce on Biddle

#### **20.2 GF-16-159 Code Amendment initiation request: Marijuana production in C-H zone**

At the December 1, 2016 City Council meeting, two citizens spoke under the oral requests and communications portion of the agenda. Both were interested in Council reviewing the code to allow marijuana production in the Heavy Commercial zoning district.

On December 7, 2016, a letter was received from Brett and Trina Helfrich, business owners with property and warehouse space in the Heavy Commercial zoning district

near downtown Medford. They have received requests from customers looking for space to grow marijuana. As the code is currently written, production is not a permitted use in that zoning district and they are unable to accommodate the requests of those interested parties.

In October 2015, the code was amended to include marijuana related uses such as production, processing, wholesale, laboratory and dispensaries. Special use regulations were also adopted outlining specific conditions related to marijuana uses. In December 2016, the code was amended again to permit retail sales of marijuana in designated zoning districts.

The production (growing) of marijuana was permitted in all the industrial zoning districts and prohibited in all of the commercial zoning districts to mirror where other crop production is permitted in the code.

Commissioner Mansfield asked what was the reason it was excluded to begin with? Ms. Paladino reported that field crops are not allowed in commercial areas unless it is in the Exclusive Agricultural overlay. Growing marijuana mirrored those uses.

In researching other cities Central Point allows for cultivation in all residential and commercial industrial zones but they must be indoors. Ashland does not allow it in commercial zoning districts but does allow it in industrial zones. Ms. Paladino could not find anything allowing production in Roseburg. Phoenix allows cultivation in the commercial highway zoning district.

Vice Chair McFadden asked where is the dividing line between production and processing? Kelly Akin, Principal Planner, stated that production is defined as planting, cultivating, growing or harvesting or drying leaves or flowers. Processing is processing, compounding, conversion into products, concentrates or extracts. Marijuana related businesses conduct operations inside secure enclosed structures. No production, processing, storage or sales conducted outside. No odors. Trespasser glare of lighting. Then it talks about hazardous fencing, etc.

Commissioner Culbertson reported that dealing with a lot of the marijuana growers outside the city limits, they are really constrained, with some of the regulations. They are hauling water from the City of Medford because they cannot use the well water; they get caught. They are only supposed to use irrigation rights. They are only supposed to be in an agricultural zone. They are limited to 40,000 square feet. If OLCC changes it they may be able to go to 80,000 square feet of plant-able production under one license, which they are planning on doubling it. 40,000 square feet is quite a bit. That is roughly 100 plants on a 10 x 10 lot; just under one acre. When looking at the water volume quantity that a plant or production demands, it is high. There is a lot of water needed. There is also a lot of power that is needed. The light depth is when they turn the lights on for 12 hours and off for 12 hours. They can take a nine month growing season and in an indoor controlled capacity shrink it to 3 months and get the same

production. They can get four full crops on indoor grow whereas, outdoor grow is one crop. There are some serious efficiencies that they can gain. Commissioner Culbertson knows of one building downtown that has a grandfathered water right, high volume tap with 660 power going to the building with air controlled four floors, 1000 square feet per floor. It would be the most insane vertically integrated grow production in downtown. It is in C-H zoning district. It is his opinion allowing marijuana production in C-H zoning districts is a bad idea. It is a very poor idea to allow growing inside the City. Processing is a different thing. (After the meeting, Commissioner Culbertson reviewed the zoning map for the location he described above and the property is in the industrial zoning district not commercial.)

Vice Chair McFadden stated that in the long term could a building become unusable for anything else but for marijuana.

Matt Brinkley, Planning Director, stated that looking at this for the City of Phoenix several years ago that issue did come up. They had several indoor grows that had just started up without any review and in both cases those buildings suffered serious long term damage. One had to be gutted in order to be reused. The other building still reeks of marijuana which was an issue for the property owner since they had files in the building. An indoor grow can be more efficient, hence more profitable. Indoor grows are willing to pay a premium for space.

Commissioner Mansfield shares Commissioner Culbertson's views for the same reason. He heard mentioned the economic development; he submits respectively economic development should not be a consideration to good planning. Everybody wants to make money.

Commissioner Pulver is opposed to the change being discussed. The Eads warehouse is not commercial in nature. The warehouse market is constrained. There is excessive demand partially driven by marijuana related uses.

Commissioner Foley agrees with the Commissioner Pulver about having buildings that are in a zone that is not right for them but they are where they are. He is concerned about allowing it in all commercial zones. The unintended consequences could be huge. Is there any other way to work this besides rezoning? Is there any other option available to allow along the line of a conditional use permit certain requests? Ms. Paladino reported that if the Commission wants to go the conditional use route they could.

Ms. Akin stated there are three options; permitted, conditional and not permitted.

Ms. Paladino reported that if the Commission wants to initiate the code amendment it will be presented to the Planning Commission at their Thursday, January 26, 2017, meeting and they can say no at that time.

The meeting was adjourned at 12:43 p.m.



Submitted by:

Terri L. Rozzana

Recording Secretary