

PLANNING COMMISSION

AGENDA

JANUARY 26, 2017



Commission Members

David Culbertson

Joe Foley

Bill Mansfield

David McFadden

Mark McKechnie

Patrick Miranda

Jared Pulver

Regular Planning Commission meetings

are held on the second and fourth

Thursdays of every month

Meetings begin at 5:30 PM

City of Medford

City Council Chambers

411 W. Eighth Street, Third Floor

Medford, OR 97501

541-774-2380



Planning Commission

Agenda

Public Hearing

January 26, 2017

5:30 PM

**Council Chambers, City Hall, Room 300
411 West Eighth Street, Medford, Oregon**

10. Roll Call

20. Consent Calendar/Written Communications (voice vote)

20.1 CUP-16-084 Final Order for a Conditional Use Permit application to allow a new wireless communications facility consisting of a 106-foot support structure and associated equipment cabinets used for communication systems. The subject site is located at the southwest corner of the future intersection of Owen Drive alignment with the McLoughlin Drive alignment, at the northeast property corner of 371W08 Tax Lot 1102. (Verizon Wireless, Applicant; Paul Slotemaker, Agent)

20.2 GF-16-159 A citizen initiated request to consider a code amendment to allow marijuana production (growing) as a permitted use in the Heavy Commercial (C-H) zoning district. (City of Medford)

30. Minutes

30.1 Consideration for approval of minutes from the January 12, 2017, hearing.

40. Oral and Written Requests and Communications

Comments will be limited to 3 minutes per individual or 5 minutes if representing an organization. **PLEASE SIGN IN.**

50. Public Hearings

Comments are limited to a total of 10 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. **PLEASE SIGN IN.**

Continuance Request

50.1 LDS-16-152 Consideration of Lilybrook, a 14 lot residential subdivision on a 1.64 acre parcel located at the northeast corner of Agate Street and Hart Avenue, within an SFR-10 (Single-Family Residential, ten dwelling units per acre) zoning district (382W01AB700). (Clyde Akins, Applicant; CSA Planning, Ltd., Mike Savage, Agent). **The applicant has requested to continue this item until the March 9, 2017, Planning Commission meeting.**

New Business

50.2 CUP-16-139 Consideration of a request for a Conditional Use Permit (CUP) for a proposed Bed & Breakfast to be located at 3663 Mallard Lane in the SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) zoning district (371W08BD TL 2101). (Robert Forrest & Ninthorn Buaklang, Applicants/Agent)

- 60. Reports**
- 60.1 Site Plan and Architectural Commission
- 60.2 Joint Transportation Subcommittee
- 60.3 Planning Department
- 70. Messages and Papers from the Chair**
- 80. Remarks from the City Attorney**
- 90. Propositions and Remarks from the Commission**
- 100. Adjournment**



Planning Department

Working with the community to shape a vibrant and exceptional city

PLANNING COMMISSION REPORT

for a Type-C quasi-judicial decision: **Conditional Use Permit**

Project New Wireless Facility north of Abraham Lincoln School
 Applicant: Verizon Wireless (VAW), LLC
 Agent: Paul Slotemaker, Technology Associates EC, Inc.

File no. CUP-16-084

Date January 12, 2017

BACKGROUND

Proposal

Consideration of a Conditional Use Permit application to allow a new wireless communications facility consisting of a 106-foot support structure and associated equipment cabinets used for communication systems. The subject site is located at the southwest corner of the future intersection of Owen Drive alignment with the McLoughlin Drive alignment, at the northeast property corner of 371W08 Tax Lot 1102.

Subject Site Characteristics

Zoning	SFR-10	Single Family Residential, 10 dwelling units per gross acre
GLUP	UR	Urban Residential
Use	Vacant	

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-10
	Use:	Vacant
<i>South</i>	Zone:	SFR-4 (Single Family Residential, 4 dwelling units per gross acre)
	Use:	Abraham Lincoln Elementary School
<i>East</i>	Zone:	Jackson County EFU (Exclusive Farm Use)
	Use:	Vacant
<i>West</i>	Zone:	SFR-10
	Use:	Vacant

Related Projects

ZC-10-078 SFR-00 to SFR-10

- LDS-15-015 Delta Estates Subdivision, Phase 1
- E-15-016 Exception to Setbacks, denied (Delta Estates, Phase 1)
- ZC-15-017 Zone Change from SFR-10 to SFR-6 (Delta Estates, Phase 1)
- ZC-16-089 Zone Change from SFR-10 to SFR-6 (Delta Estates, Phases 2 – 5)
- LDS-16-090 Delta Estates Subdivision, Phases 2 – 5
- E-16-091 Exception to street improvements (Delta Estates, Phases 2 – 5)

Applicable Criteria

Medford Municipal Code §10.248 Conditional Use Permit Criteria.

The approving authority (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted.

- (1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.
- (2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.

In authorizing a conditional use permit the approving authority (Planning Commission) may impose any of the following conditions:

- (1) Limit the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- (2) Establish a special yard or other open space or lot area or dimension requirement.
- (3) Limit the height, size, or location of a building or other structure.
- (4) Designate the size, number, location, or nature of vehicle access points.
- (5) Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.
- (6) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.
- (7) Limit or otherwise designate the number, size, location, height, or lighting of signs.
- (8) Limit the location and intensity of outdoor lighting, or require its shielding.

- (9) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.
- (10) Designate the size, height, location, or materials for a fence.
- (11) Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.

10.249 Conditional Use Permits, Mitigation of Impacts.

Development requiring the mitigation of impacts under Section 10.248(2), Conditional Use Permit Criteria, must do one of the following:

- (1) Preserve unique assets of interest to the community.
- (2) Provide a public facility or public nonprofit service to the immediate area or community.
- (3) Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.

Corporate Names

The Oregon Secretary of State website lists CT Corporation System in Salem as the Registered Agent for Verizon Wireless (VAW) LLC. Managers are identified as Joseph Greco and Nicola Palmer of Basking Ridge NJ.

ISSUES AND ANALYSIS

Project Summary

The applicant proposes to place a 106-foot high wireless communication support structure concealed in a windmill design (Exhibit B, 8 and 9 of 10). The height includes a 94-foot tower, 11 feet to the top of the windmill blades and one additional foot for the required obstruction lights. Associated ground equipment and landscaping are also proposed (Exhibit B, 10 of 10).

The new facility will be located just southwest of the future intersection of Owen Drive and McLoughlin Drive, north of Abraham Lincoln School. The lease area totals 1,600 square feet (40 x 40) and will be accessed via a private driveway extending from the northerly terminus of McLoughlin Drive near the school.

The 32-acre site has little vegetation and slopes to the northwest. Abraham Lincoln School is approximately 1,000 feet to the south; the nearest single-family residential dwellings are approximately 1,700 feet west of the proposed location. As noted above, Owen Drive and McLoughlin Drive are proposed to intersect at the northeasterly corner

of the subject 32-acre site; the proposed tower has been located to accommodate the future rights-of-way.

Wireless communication facilities are subject to the standards contained in Medford Land Development Code (MLDC) Section 10.824. A conditional use permit is required for new wireless communication support structures (cell towers) such as the one proposed in this application.

Design Standards

MLDC 10.824 contains design standards for wireless facilities that are intended to mitigate impacts and preserve the character of the City's zoning districts by protecting them from the visual and aesthetic impacts associated with wireless communication facilities.

The applicant submitted a proposal and findings with the original submittal in July 2016. In December 2016, the applicant submitted the proposed windmill design and provided supplemental findings acknowledging the revised proposal. The supplemental findings address the new design and effectively supersede those portions of the July document that describe the initial design. The applicant's submittals thoroughly address the Code required design elements (Exhibits G and H). A brief summary of each required element is included below.

Mitigation of Visual Impacts

The applicant is proposing a windmill design to conceal the proposed facility. The support tower has a lattice design as depicted in the line drawings (Exhibit B, 8 of 10 and 9 of 10) and the photo in the supplemental findings (Exhibit G). In the supplemental findings, the applicant notes that the antenna array will be more compact than depicted in the photo as it is proposed with only six panel antennas rather than the 12 shown. The windmill itself sits above the antenna array and does not provide any concealment of the antennas.

MLDC 10.824(D)(1)(c) requires new structures be designed with "...features that conceal, obscure or mitigate the visual impacts created by the proposed facility. New...structures shall include stealth capabilities..." MLDC 10.824(D)(1)(d) requires a monopole design with the antennas "...positioned in a flush-mounted, vertical manner to lessen the impact when compared to the...platform design. Platform designs may be used, if an approved by the Planning Commission...upon a finding that the use of an alternate attached...design is not feasible." MLDC 10.824(D)(1)(f) authorizes the Planning Commission to mitigate visual impacts of proposed facilities through additional design measures including but not limited to additional concealing materials and designs, façades, specific colors and materials, masking, shielding techniques, and landscaping.

While the proposed design does provide visual interest, the antennas themselves are not concealed, obscured or flush-mounted. The Commission may approve the proposed design if it finds that the proposed design mitigates the visual impacts of the new facility are sufficient, or if it requires additional mitigation as noted above.

Lighting

The applicant included a letter from the Oregon Department of Aviation (ODA) which recommends the installation of red obstruction lights mounted to the top of the facility for safety (Exhibits G and H). The applicant acknowledges this ODA comment and shows dual steady burning lights atop the tower. It is not clear whether shielding is proposed to limit visibility from ground level views.

The applicant also notes that fence-mounted lighting will be installed. A condition requiring compliance with the City's glare standards has been included.

Collocation Requirement

The applicant states that there are no existing towers or structures within 1,250 feet of the proposed site, and Verizon Wireless is already collocated on to the nearest wireless communication tower located over 5,500 feet away. There are no tall structures in the area capable of supporting the proposed facility. The proposed facility is designed to accommodate an additional user.

Building Setbacks

The Code requires that cell towers be set back from any parcel in a residential zone a distance equal to the overall height of the structure. In this case, the 106-foot proposed structure is located on a 32-acre parcel bounded on the north and west by the Urban Growth Boundary. The location is approximately 1,700 feet from the closest residential lots southwest of the site.

Properties to the north and east are in Jackson County and zoned EFU (Exclusive Farm Use). The residential setback does not apply to the EFU land.

Landscaping

A five-foot landscape buffer surrounding the 40-foot x 40-foot lease area is proposed to meet the standard. Irrigation must be provided pursuant to MLDC 10.780.

Agency Comments

Department and agency comments are included as Exhibits O-1 through R. The Public Works Department notes a code requirement to construct a portion of McLoughlin Drive between the end of the existing improvements and the subject site. Stormwater detention and water quality treatment standards must also be met. No other City departments recommended conditions of approval.

Decision: The Public Works Department submitted a revised report on January 5, 2017. The report removed the requirement to construct McLoughlin Drive noted above. The revised report is included as Exhibit O-1.

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibits G and H) and noted that the applicant prepared findings for both approval criteria, even though the Commission need only make findings for either Criterion 1 or Criterion 2.

Staff recommends that the Commission adopt the findings for Criterion 2 (the development is in the public interest and may cause some impacts and conditions have been imposed) as presented.

Under MLDC 10.249, development requiring the mitigation of impacts under Section 10.248(2), Conditional Use Permit Criteria, must do one of the following:

- (1) Preserve unique assets of interest to the community.
- (2) Provide a public facility or public nonprofit service to the immediate area or community.
- (3) Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.

The Commission can find that the applicant has satisfied the third criterion based on the service provided to the community as a whole. The applicant has demonstrated that the location is reasonable for the purpose.

ACTION TAKEN

Adopted the findings for MLDC 10.248(2) and 10.249(3) as recommended by staff and directed staff to prepare a Final Order for approval of CUP-16-084 per the staff report dated January 5, 2017, including Exhibits A through S.

EXHIBITS

- A-1 Conditions of Approval dated January 12, 2017
- B Site Plans and Elevations received December 22, 2016
- C Site Photos received July 15, 2016
- D Existing Network Coverage Maps received July 15, 2016
- E 1,250 and 300 Foot Radius Maps received July 15, 2016
- F Five Mile Radius Map received July 15, 2016
- G Supplemental Findings received December 22, 2016 (includes updated ODA letter)
- H Applicant's Findings received July 15, 2016
- I Non-ionizing Electromagnetic Exposure Analysis and Engineering Certification received July 15, 2016
- J PCS Broadband License received July 15, 2016
- K Oregon Department of Aviation letter received July 15, 2016
- L FAA Determination of No Hazard to Air Navigation Letter received July 15, 2016
- M Draft Land Lease Agreement received July 15, 2016
- N Communication Pole Design Calculations received July 15, 2016
- O-1 Public Works Department Staff Report received January 5, 2017
- P Medford Water Commission Staff Memo received September 14, 2016
- Q Medford Fire Department Land Development Report received September 14, 2016
- R Building Safety Department Memo received September 14, 2016
- S Jackson County Assessor's Map received July 15, 2016
Vicinity map

MEDFORD PLANNING COMMISSION

Patrick Miranda, Chair

PLANNING COMMISSION AGENDA:

JANUARY 12, 2017
JANUARY 26, 2017

New Wireless Facility north of Abraham Lincoln School
CUP-16-084
Conditions of Approval
Exhibit A-1

January 12, 2017

Discretionary Conditions

1. The windmill concealment method shall be maintained in good condition at all times.

Code Conditions

2. Comply with the Public Works Department Staff Report received January 5, 2017 (Exhibit O-1).
3. Lighting shall meet the glare standards in MLDC 10.764.
4. A landscape and irrigation plan consistent with MLDC 10.780 shall be submitted with the building permit application.



Continuous Improvement Customer Service

CITY OF MEDFORD

RECEIVED
JAN 05 2017
KA
PLANNING DEPT.

Revised Date: 1/5/2017
File Number: CUP-16-084

PUBLIC WORKS DEPARTMENT STAFF REPORT
Verizon Wireless MDF Dry Creek

Project: Consideration of a Conditional Use Permit application to allow a new wireless communications facility consisting of a 90-foot support structure and associated equipment cabinets use for communication systems.

Location: The subject site is located at the southwest corner of the future intersection of Owen Drive alignment with the McLoughlin Drive alignment, at the northeast property corner of 371W08 Tax Lot 1102.

Applicant: Verizon Wireless, Applicant/Agent. Desmond McGeough, Planner.

NOTE: The items listed here shall be completed and accepted prior to the respective issuances of permits and certificates:

Prior to issue of the first building permit, the following items shall be completed and accepted:

- Submittal and approval of plans for site grading and drainage, and detention.
- Completion of all public improvements, if required. The applicant may provide security for 120% of the improvements prior to issuance of building permits. Construction plans for the improvements would need to be approved by the Public Works Engineering Department prior to acceptance of security.
- Items A – D, unless noted otherwise.

Prior to issue of Certificate-of-Occupancy for completed structures, the following items shall be completed and accepted:

- Paving of all on-site parking and vehicle maneuvering areas.
- Certification by the design engineer that the stormwater quality and detention system was constructed per the approved plan.
- Completion of all public improvements, if applicable.

A. STREETS

1. Dedications

No street dedications required.

However, the proposed 20-foot wide access easement and 10-foot wide utility easement shall both be either located outside of the future right-of-way dedication (74-feet for a Major Collector), which will be required in order to complete improvements along McLoughlin Drive (and future connection to Owen Drive) or the access easement shall be written such that upon approved dedication of the extension of said streets, the easement shall automatically be dedicated to the public use as part of said street without any further action by the City of Medford (MLDC 10.439). The Utility easement shall be located outside of the future right-of-way.

2. Public Improvements

McLoughlin Drive is unimproved between the end of the existing improvements of McLoughlin Drive and the proposed developments parcel. Due to limited use, no additional public improvements are required for this development.

3. Access and Circulation

Driveway access to the proposed development site may be either a paved surface or a gravel surface.

B. SANITARY SEWERS

This site lies within the Medford sewer service area. No additional sewer connections are indicated on the plans.

C. STORM DRAINAGE

1. Drainage Plan

A comprehensive drainage plan showing the entire project site with sufficient spot elevations to determine direction of runoff to the proposed drainage system, and also showing elevations on the proposed drainage system, shall be submitted with the first building permit application for approval. All area catch basins shall meet Department of Environmental Quality (DEQ) requirements, which include a down-turned elbow and sump.

The Developer shall provide copies of either a Joint Use Maintenance Agreement or a private stormdrain easement for any stormwater draining onto or from adjacent private property.

2. Grading

A comprehensive grading plan showing the relationship between adjacent property and the proposed development shall be submitted with the building permit application for approval.

Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. The developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

3. Detention and Water Quality

Stormwater quality and detention facilities shall be required in accordance with MLDC Section 10.481 and 10.729.

4. Certification

Upon completion of the project, and prior to certificate of occupancy of the building, the developer's design engineer shall certify that the construction of the stormwater quality and detention system was constructed per plan. Certification shall be in writing and submitted to the Engineering Division of Public Works. Reference Rogue Valley Stormwater Quality Design Manual, Appendix I, Technical Requirements.

5. Erosion Prevention and Sediment Control

All development that disturbs 5,000 square feet or greater shall require an Erosion Prevention and Sediment Control Plan. Developments that disturb one acre and greater shall require a 1200C permit from the Department of Environmental Quality (DEQ). Erosion Prevention and Sediment Control Plans shall be submitted to the Building Department with the project plans for development. All disturbed areas shall be covered with vegetation or properly stabilized prior to certificate of occupancy.

D. General Conditions

1. Site Improvements

All on-site parking and vehicle maneuvering areas related to this development shall be paved in accordance with MLDC, Section 10.746, prior to issuance of certificate of occupancy for any structures on the site. Curbs shall be constructed around the perimeter of all parking and maneuvering areas that are adjacent to landscaping or unpaved areas related to this site. Curbs may be deleted or curb cuts provided wherever pavement drains to a water quality facility.

2. System Development Charges (SDC)

Buildings in this development are subject to street, sanitary sewer collection, treatment and stormdrain SDCs. All SDC fees shall be paid at the time individual building permits are issued.

Prepared by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

Verizon Wireless MDF Dry Creek

CUP-16-084

A. Streets

1. Street Dedications to the Public:

- No street dedications required.

2. Improvements:

- No street improvements to McLoughlin Drive are required for this development.

B. Sanitary Sewer:

- No additional sewer connection proposed.

C. Storm Drainage:

- Provide a comprehensive grading and drainage plan.
- Provide water quality and detention facilities, calculations and O&M Manual.
- Provide engineers certification of stormwater facility construction.
- Provide DSL signoff if wetlands are present.
- Provide copy of an approved Erosion Control Permit (I200C) from DEQ for this project (if necessary).

The above summary is for convenience only and does not supersede or negate the full report in any way. If there is any discrepancy between the above list and the full report, the full report shall govern. Refer to the full report for details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection.



MEMORANDUM

Subject Initiation of code amendment to allow marijuana production in the Heavy Commercial (C-H) zoning district

File no. GF-16-159

To Planning Commission *for 1/26/2017 meeting*

From Carla Angeli Paladino, Planner IV

Date January 18, 2017

INITIATION REQUEST

The Planning Department received a formal request from a property owner who owns existing buildings near downtown for the City to consider updating the code to allow marijuana production in the Heavy Commercial zoning district.

A discussion about changing the permitted use table to allow marijuana production (growing) in the Heavy Commercial (C-H) zoning district was discussed at the January 9, 2017, Planning Commission study session. The Planning Commission (PC) is being asked to provide direction to Planning staff about this request.

CONSENT CALENDAR

If the Commission approves the consent calendar, staff will add this amendment to our work task and begin review of a formal text amendment regarding this topic.

If the Commission pulls the item from the consent calendar and indicates it would not like staff to work on this text amendment then this request will be closed. Staff will inform the citizens requesting the amendment and City Council about the PC's decision.

ATTACHMENT

- Planning Commission study session minutes from January 9, 2017



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 DLCDC 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.

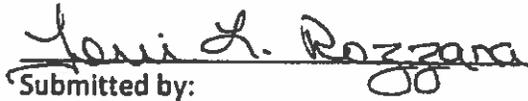
Commissioner Pulver is opposed to the change being discussed. The Eads warehouse is not commercial in nature. The warehouse market is constrained. There is excessive demand partially driven by marijuana related uses.

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.

A handwritten signature in black ink, appearing to read "Terri L. Rozzana", is written over a horizontal line. The signature is cursive and includes a large, stylized initial "T".

Submitted by:

Terri L. Rozzana

Recording Secretary



Planning Commission

Minutes

From Public Hearing on January 12, 2017

The regular meeting of the Planning Commission was called to order at 5:35 PM in the City Hall Council Chambers 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
Carol Wedman, Office Administrator
Eric Mitton, Senior Assistant City Attorney
Alex Georgevitch, City Engineer
Terri Rozzana, Recording Secretary
Carla Paladino, Planner IV
Dustin Severs, Planner II
Liz Conner, Planner II

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 GF-16-154 Initiation of a code amendment to revise the temporary mobile food vendor regulations. (City of Medford, Applicant)

Commissioner Mansfield asked what exactly are they voting on? He has reviewed the memorandum and all he thinks the Commission is sending to the City Council are the minutes of the study session. Is that not right? He does not see a written recommendation. He knows that several of the Planning Commissioners were under the opinion that food cart operators have a decided advantage that they do not have to pay real property tax and other expenditures that property owners do. There should be something in consideration of that. None of that is reflected in the memorandum.

Commissioner Foley stated that it is his opinion that the Planning Commission is voting to ask Planning staff to initiate and work on a text amendment that the Planning Commission would review in another study session.

Carla Paladino, Planner IV, this is initiating whether the Planning Commission wants Planning staff to move forth and amend the current regulations and bring them back to the Planning Commission. Changes will be brought to the Planning Commission in a study session first then it would go through the hearing process before the Planning Commission and City Council.

Commissioner Foley reported that the choices the Planning Commission discussed in the study session was; yes, the Planning Commission wants staff to review the code and the Planning Commission wants it revised; or no they do not, because they are happy with the way it is.

Motion: Adopt the consent calendar as submitted.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 7-0.

30. Minutes

30.1. The minutes for December 8, 2016, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Eric Mitton, Senior Assistant City Attorney, read the Quasi-Judicial Statement.

50. Public Hearings – New Business

50.1 CUP-16-084 Consideration of a Conditional Use Permit application to allow a new wireless communications facility consisting of a 90-foot support structure and associated equipment cabinets used for communication systems. The subject site is located at the southwest corner of the future intersection of Owen Drive alignment with the McLoughlin Drive alignment, at the northeast property corner of 371W08 Tax Lot 1102. (Verizon Wireless, Applicant; Paul Slotemaker, Agent)

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. None were disclosed.

Chair Miranda inquired whether anyone in attendance wishes to question the Commission as to conflicts of interest or ex-parte contacts. None were disclosed.

Kelly Akin, Principal Planner, read the conditional use permit approval criteria and stated that the approval criteria applies to the first two hearings this evening. Ms. Akin noted several corrections. The project description incorrectly lists the initial application as a 90-foot support structure. It is a 106-foot wireless communication support structure as reflected in the staff report. Also, a revised Public Works report that will be submitted into the record as Exhibit O-1. Ms. Akin gave a staff report.

Commissioner Foley asked if the code requires or is it the applicant's choice for aesthetics of the non-functioning windmill on the top of the wireless communication structure. Ms. Akin reported that she does not know if the windmill functions. It was part of the concealment proposal.

Commissioner Foley asked what is the windmill concealing? Ms. Akin deferred the question to the applicant.

Commissioner Foley has concerns of properties surrounding the wireless communication structure of the setback requirements as the sites get developed. It is Ms. Akin's opinion that if the development moved to the site it would render the site non-conforming if the new property lines were allowed within the setback. It becomes non-conforming when it is legally established and the situation around it changes.

Vice Chair McFadden asked if this would be restricting the surrounding properties from proper development? Ms. Akin replied that is an opinion. She is not sure it does. If the property is developed in a way that the code allowed and the setback for the existing structure was diminished it would become non-conforming.

Commissioner McKechnie clarified that stating it would be a continuing non-conforming use. It would be allowed at some point and would be allowed to continue in its current condition as long as it did not change. If it changes in some way then it would have to go back through the process as an existing non-conforming. Ms. Akin replied that being non-conforming is a burden. There are certain limitations as to what can be done when it becomes non-conforming. Commissioner McKechnie stated that it has no impact on other development around it that is conforming. Ms. Akin commented, not in her opinion. Commissioner McKechnie shares that opinion.

Mr. Mitton stated that ultimately he concurs with Ms. Akin. He does not see it as a setback issue to the properties that would be developed to the north and east.

Ms. Akin asked if that was coming to the nuisance doctrine? Mr. Mitton replied that he sees coming to the nuisance doctrine more often in the tort context where something is a tort nuisance. The doctrine is not specifically land use doctrine but similar idea.

Commissioner Pulver stated that the question that was raised spoke to the properties to the north and east which have some residential components but he does not know how those measurements play out. Ms. Akin stated that the current zoning to the north and east is Exclusive Farm Use (EFU). The proposed General Land Use Plan designation are urban high density and commercial. The code limitation on building setbacks equal to the tower height specify single family.

Commissioner McKechnie stated that the Public Works report stated public improvements had to be in and approved before the applicant could apply for a building permit. It seems that the revisions Ms. Akin spoke about is that there are no public improvements. Ms. Akin replied, that is correct.

The public hearing was opened.

a. Paul Slotemaker, Technology Associates EC, Inc., 11500 SW Terra Linda Street, Beaverton, Oregon, 97005. Mr. Slotemaker reported that the proposed wireless facility is needed to improve the wireless network in this part of Medford. It is meant to improve capacity as the demand for wireless services continues to increase. The wireless facility was initially designed as a "mono pole" with a compact antenna array at the top. It was purposefully located at the northeast corner of the property because the property owner wanted it located there and trying to keep it away from neighbors as much as possible.

Going to the Land Development Committee meeting, Desmond McGeough, was the planner at the time, there was discussion about the design and facility and whether the "mono pole" was the best design. Mr. McGeough had given Mr. Slotemaker several different options to think about to help improve the visual appearance of the facility. Mr. McGeough leaned towards the windmill design. The area is a field with no tall trees which may lend themselves to the "mono pine" which is a wireless facility disguised as a tree. That works well in a grove of trees. The windmill may be the best way to help fit it in and pay homage to the agricultural area. It could be worked into a monument signage for a neighborhood.

The applicant is proposing a compact antenna array. There is an image provided in the staff report of a windmill design that had a larger antenna array. Typically it is twelve antennas but this one will have six antennas.

The facility will be designed to be co-locatable, meaning that other wireless carriers will be able to attach their antennas if they wish to locate in that area. This minimizes additional towers in this part of the City.

With the 90-foot design the FAA determined that no lighting was needed at the top of the wireless facility. The Oregon Department of Aviation agreed no light was required. When the design changed to include the windmill that changed the height the Oregon Department of Aviation recommended a light. The Federal Aviation Administration's review is pending. Mr. Slotemaker is hoping that the FAA will not require a light then the applicant can go to the Oregon Department of Aviation and get the light removed. He suggested adding that as a condition of approval that if the FAA decides no light is required the applicant would pursue that route.

Commissioner McKechnie asked if the windmill works or is it just for aesthetics? Mr. Slotemaker reported that the windmill spins but does not pump water.

Commissioner McKechnie asked if the structure was an open web structure? Mr. Slotemaker replied yes.

Commissioner McKechnie stated that there were no dimensions on any of the plans. It looks like there is a fence. How tall is the fence and how wide is the structure at its base? Mr. Slotemaker reported that the fence is 6-foot tall cedar fence surrounding the 40-foot by 40-foot lease area. The dimension of the base is 15-feet each side.

Vice Chair McFadden does not understand the progression from a "mono pole" to this braced structure. He dislikes braced structures. There are two in the Valley. One is extremely big at the north end of the Valley. The other one is out by the airport with a light at the top. He finds the "mono pole" infinitely more camouflaged or hidden or blends in more to the surrounding area. He is not sure how the applicant got from one to the other. Mr. Slotemaker stated that initially they went with the "mono pine" over the "mono pole" design with a compact antenna array at the top. How they ended up with the lattice tower windmill design was out of the Land Development Committee meeting where Desmond McGeough had suggested doing the windmill design. The image that Mr. McGeough provided was a lattice tower similar to the one in the staff report. Mr. McGeough's design had several more antenna arrays attached that look more cluttered than the image that is in the staff report.

Commissioner Pulver asked if the unsigned lease provided in the agenda packet is the current status of the lease? Mr. Slotemaker reported that at the time they were in negotiations and they may still be in negotiations.

Mr. Slotemaker reserved rebuttal time.

b. Robert Barnhart, 841 North Old Stage Road, Cave Junction, OR 97523. Mr. Barnhart reported that he is concerned with the wireless facility and its location to the elementary school and its aesthetics. The houses now have a view of Roxy Anne and soon they will be looking at the wireless facility. He has several studies that he brought with him that he would like to submit regarding cancer rates and cell towers.

Commissioner Mansfield raised to the point of order that Federal Law prohibits the Planning Commission considering matters of health. He suggested that these matters are not relevant because the Planning Commission is not permitted by law to consider them.

c. Robert D. Williams, 3340 Sharman Way, Medford, Oregon, 97504. Mr. Williams stated that the location of the wireless facility is approximately one to one and a half miles away from the top of Roxy Anne. There are already towers on Roxy Anne. Someone is going to be paid rent for their land or Verizon will purchase the land to install the wireless facility. It seems to him that from the top of Roxy Anne there would be better and more complete communication aspects off that tower. Why not put the wireless facility there if possible.

Mr. Slotemaker reported that the public for voicing their opinions on the project. He is aware of the health effects ruling but he wanted to add a little information that the neighbors may be interested in.

Commissioner Mansfield raised to the point of order again. If Mr. Slotemaker is going to discuss it he is wasting the Planning Commissioner's time because they are not permitted to consider it.

Mr. Slotemaker stated that he would mention what is in the staff report. Verizon Wireless has an FCC license to broadcast. The FCC regulates radio frequency emissions. They have a guideline of how much one can broadcast. The report in the staff report states that this facility when turned up fully it will be at 2% of the limit of 100%. That is at the base of the facility. As one moves away it decreases.

Mr. Mitton stated that as a point of order looking at the law that Commissioner Mansfield cited he believes the Planning Commission cannot consider that any more than they can consider a neighbors opinion on the same subject. That simply cannot be used one way or another as a basis of the decision of this Commission.

Regarding putting the wireless facility on Roxy Anne Mr. Slotemaker reported that the proposed wireless facility needs to be in the location where it is providing service not on a mountain top. Today's wireless facilities are low powered. They do not cover a large sheet area especially in Medford. The coverage area for this wireless facility will roughly go north to Coker Butte Road, south of Delta Waters Road, east of Foothill Road and west to Springbrook Road.

Regarding the visual Mr. Slotemaker stated that to reach the height the windmill design is not unreasonable especially if it can be worked into the signage of the neighborhood. It may work out as a feature in the area. It provides beneficial service to the area.

Vice Chair McFadden asked if Mr. Slotemaker foresees changes in cellular communication? Does he see it going from the large tower installations to a diffused system? Mr. Slotemaker stated that what he is hearing in the industry is that there will be many more only smaller wireless facilities. Smaller antennas and equipment with the idea of locating on utility poles and street lights. It is his understanding that the frequency bands do not cover as quite a large area so there will be more facilities to provide the service. They are called small cell facilities or Distributed Antenna System (DAS) facilities.

Ms. Akin reported that with all due respect to Desmond McGeough, the windmill design was not the only design alternative that they discussed. They also discussed a giant pencil, the "mono pine" and a water tower.

Ms. Akin stated that the originally submitted design of the "mono pole" antennas were not screened as required by the code. She can show them to the Planning Commission, which would be peculiar because staff has not advertised them or distributed them, or the applicant may desire to continue the application.

Mr. Mitton reported that he would feel uncomfortable showing designs here that have not been published as part of the notice. If neighbors found it an unpleasant design may wish to comment and would now not have the opportunity to comment. If there is a desire to review other designs the safest route procedurally would be continuing the application.

Commissioner Mansfield stated that he has no interest in reviewing other designs or taking further time on the subject.

Chair Miranda agrees with Commissioner Mansfield.

The public hearing was closed.

Commissioner Mansfield finds nothing wrong with the design. He does not see how it could be objectionable. In adopting the findings he believes that Criterion 1 should be used rather than Criterion 2 as suggested by staff because he does not see anything objectionable.

Motion: The Planning Commission adopts the findings for MLDC 10.248(2) and 10.249(3) as recommended by staff and direct staff to prepare a Final Order for approval of CUP-16-084 per the staff report dated January 5, 2017, including Exhibits A through S with the exception Criterion 1 be used instead of Criterion 2.

Moved by: Commissioner Mansfield

Seconded by: Commissioner Culbertson

Commissioner Culbertson stated the amendment should be Exhibits A through Q. and replacing Exhibit O with Exhibit O-1.

Vice Chair McFadden stated that he has concerns with the aesthetics. The site is perfect. He has no problem with the access arrangements. Right now it is a fair distance from everyone. Without a light at the top it will probably camouflage itself and blend in to the neighborhood. It is already in annexed portions of Medford. There will be homes and businesses put at its footprint. What is acceptable now he does not think will be acceptable ten to fifteen years when it develops out.

Chair Miranda reported that there is the possibility that in ten to fifteen years when the area is further developed that wireless facilities will be going to the smaller devices and the tower may be removed in lieu of those devices.

Commissioner Pulver disagrees with Commissioner Mansfield about Criterion 1 versus Criterion 2. He would have a hard time saying that it does not have a significant adverse impact on the livability, value or appropriate development of abutting property...He has an issue with the motion based on Criterion 1.

Commissioner Mansfield respects the Commissioner's comments and he indicated that he did not want to have this issue center around whether it is Criterion 1 or Criterion 2. His proposal would be that the Commission vote on Criterion 1 and if that does not work vote on Criterion 2.

Amendment to the Motion: The Planning Commission adopts the findings for MLDC 10.248(2) and 10.249(3) as recommended by staff and direct staff to prepare a Final Order

for approval of CUP-16-084 per the staff report dated January 5, 2017, including Exhibits A through Q, replacing Exhibit O with Exhibit O-1 and based on Criterion 2

Moved by: Commissioner McKechnie

Seconded by: Commissioner Mansfield

Mr. Mitton stated that voting yes would mean using Criterion 2 and a no vote would mean using Criterion 1.

Roll Call Vote for Amendment to the Motion: Motion passed, 6-1, with Commissioner Mansfield voting no.

Roll Call Vote for original motion: Motion passed, 6-1, with Vice Chair McFadden voting no.

50.2 CUP-16-145 Consideration of a request for a Conditional Use Permit (CUP) in order to operate an indoor race track for Sodi kart racing in an existing 70,000 square foot industrial building on a 3.29 acre lot located at 2065 Lars Way in the Heavy Industrial (I-H) zoning district. (Adelia Coffman, Applicant; Bill Conway, Agent)

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. None were disclosed.

Chair Miranda inquired whether anyone in attendance wishes to question the Commission as to conflicts of interest or ex-parte contacts. None were disclosed.

Dustin Severs, Planner II, stated that staff received an email from Jackson County Roads. A copy was forwarded to the Planning Commission earlier today. The email will be submitted into the record as Exhibit L. Mr. Severs gave a staff report.

Commissioner Culbertson asked if the applicant had indicated the hours of operation. Mr. Severs replied, they have not.

Vice Chair McFadden does the code mention decibel ratings outside a structure? Commissioner McKechnie stated that in the narrative required by the applicant talks about noise and lists the section of the code.

Vice Chair McFadden stated that several of the properties in the area and possibly this one has a loading dock. Some are sunken instead of raised and become a traffic issue. Is there a requirement so that someone does not fall into a sunken dock? Mr. Severs reported that the subject property does have a loading dock on the northerly side of the building. He is not sure if it is a sunken or standard dock. Perhaps the applicant can answer that question.

The public hearing was opened.

a. Bill Conway, 4902 McLoughlin Drive, Central Point, Oregon, 97502. Mr. Conway stated that regarding the noise, at open throttle they are only 72 decibels.

The inside of the building is fully insulated so there will be no noise will be heard from the outside.

The loading dock is slightly raised but the road dips to the loading dock. The owner of the property is going to fence it from the loading dock on the north side to the back corner of the south side.

Commissioner Culbertson asked what are the hours of operation? Mr. Conway stated that the main business is the work shop. The hours of the workshop are 8:00 a.m. to 6:00 p.m. The track will be open from 9:00 a.m. until 9:00 p.m.

Vice Chair McFadden asked if there was any requirement that the applicant has to meet for indoor air quality? Mr. Conway replied yes. They are installing a filter system. One side of the building will be vents and the other side fans. It will create a draw-through to exit any CO2 build-up.

Commissioner McKechnie asked how many karts can you get on a track at one time? Mr. Conway replied twelve. Parking is not a concern. Staff parking will be in the rear of the building. They will not be using any of the 54 spaces allocated for customers.

b. Scott Sinner, 4401 San Juan Drive, Medford, Oregon, 97504-9343. Mr. Sinner reported that there are a lot more mini storages that what was in the aerial that was shown. Climate Control Mini Storage, who Mr. Sinner represented, has commenced construction through their next phase. There is less sound transmissions to the west. It is a CMU wall that will be helpful.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and adopts the Final Order for approval of CUP-16-145 per the Planning Commission report dated January 12, 2017, including Exhibits A-1 through L.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 7-0.

50.3 LDS-16-131 Proposed tentative plat for Jordan Village a, 4-lot residential duplex subdivision on 0.9 acres, located on the east side of Columbus Ave approximately 150 feet south of Garfield St. within a SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district, 372W36CD TL 400. (RNN Properties LLC, Applicant; Scott Sinner Consulting LLC, Agent)

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner McKechnie disclosed that Scott Sinner is his neighbor but it would not impact his decision on this project.

Chair Miranda inquired whether anyone in attendance wishes to question the Commission as to conflicts of interest or ex-parte contacts. None were disclosed.

Liz Conner, Planner II, read the land division criteria. Ms. Conner stated that there were several corrections to the staff report under recommended action. The date should be January 5, 2017 not 2016, and the Exhibits should be A through O not A through J. Late today the address technician submitted a new comment to her previous comment that required Kenzie Lane to be renamed. It was too similar to another street name in the City. That comments will be entered into the record as Exhibit J-1 replacing Exhibit J which was provided to the Planning Commissioners before the hearing. Also, Exhibit A, Conditions of Approval, the date should be January 5, 2017, not 2016. Ms. Conner gave a staff report.

Commissioner McKechnie asked if improvements on South Columbus were not required for this particular parcel? Ms. Conner deferred the question to the City Engineer.

Alex Georgevitch, City Engineer reported that there are four conditions of approval for this project. There is as dedication requirement as well as half street plus twelve improvements. This is a situation where the South Medford High School recently built half streets plus twelve for their project which is their entire frontage for this development. Public Works has requested half plus twelve or they can verify the structural section is good and saw cut into 1-foot. Public Works has not given the specifics because that is an engineering detail that they will work out through the design process. Generally speaking, they will be doing their frontage improvements along the entire frontage whether it is out to the existing improvements that the school district made or potentially to the center line.

Commissioner McKechnie asked if they will have curbs, gutters, sidewalk and park strip on the two lots that front Columbus Avenue. Mr. Georgevitch stated they will. The plan that was shown was that the applicant is proposing to add sidewalks on both sides. Everything else will be within the existing right-of-way with a 10-foot dedication that will handle the 5-foot walk, the 10-foot planter strip with the curb being 5-feet west of the existing right-of-way line.

The public hearing was opened.

a. Scott Sinner, Scott Sinner Consulting, Inc., 4401 San Juan Drive, Medford, Oregon, 97504-9343. Mr. Sinner reported that the applicant has a 10-foot right-of-way dedication that is a public improvement to Public Works requirements from the northwest property line to the southwest property line. There will be an 8-foot sound wall to be constructed to comply with site distance criteria. On page 12 of the applicant's findings it discusses

the sound wall. They have not finalized the plans for the duplexes at this time. There is the potential that the duplexes could be developed to face Columbus Avenue in which they would not be required to have the sound wall. The applicant agrees with all the conditions.

Chair Miranda asked for clarification that this project has a cul-de-sac with 4-duplexes and there is still consideration that they will be face Columbus rather than face the cul-de-sac. Mr. Sinner stated that the duplexes would have a front door appearance that comes out on Columbus.

Mr. Sinner reserved rebuttal time.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and adopts the Final Order for approval of LDS-16-131 per the Planning Commission report dated January 12, 2017, including Exhibits A through O, correction of dates in the staff report and replacing Exhibit A with Exhibit A-1 and Exhibit J with Exhibit J-1.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Roll Call Vote: Motion passed, 7-0.

60. Reports

60.1 Site Plan and Architectural Commission.

Ms. Akin reported that the Site Plan and Architectural Commission met on Friday, January 6, 2017. They considered plans for a two-story 28,000 square foot building, on a 2.08 acre lot located at the northwest corner of Garfield Street and Center Drive within a Regional Commercial zoning district. That application was continued to the Friday, January 20, 2017, meeting. They also considered Southside Center Phase 1, a proposed commercial and retail center consisting of a restaurant and two multi-tenant commercial building, located at the intersection of Garfield Street and Center Drive in the Regional Commercial zoning district. That application was approved.

60.2 Report of the Joint Transportation Subcommittee.

Commissioner Pulver reported that the Joint Transportation Subcommittee will have their next meeting the end of January 2017.

60.3 Planning Department

Kelly Akin, Principal Planner, introduced Carol Wedman, Office Administrator and Matt Brinkley, Planning Director.

Ms. Akin congratulated Chair Miranda on his reappointment to the Planning Commission, serving another four years. The City Council appointed E.J. McManus to the full term vacancy. Mr. McManus will be seated at the first Planning Commission meeting in

February. Orientation is scheduled for the new Commissioners on Friday, January 20, 2017. There remains one partial term vacancy on the Planning Commission.

Election of officers and appointments/reappointments occurs at the first meeting in February. The appointments/reappointments will be for the Site Plan and Architectural Commission and the Joint Transportation Subcommittee.

The next Planning Commission study session is scheduled for Monday, January 23 2017. Currently, there is no business scheduled but staff will keep the Commissioners informed.

There is business scheduled for the Planning Commission through March.

In December the City Council approved the A-Frame signs downtown and the craft alcohol production text amendments.

At City Council's last session they were scheduled to hear the street vacation for Cedar Landing but they were snowed out. It will be rescheduled for their next meeting.

Commissioner McKechnie stated that he appreciated having a map to review right after the staff report.

Commissioner Pulver reported that he appreciates the amended reports staff sends out before the meetings.

Commissioner Pulver asked if a conditional use permit could be revoked? Ms. Akin stated that she does not know of language in the code to revoke a conditional use permit. All decisions run with the land.

70. Messages and Papers from the Chair. None.

80. Remarks from the City Attorney.

80.1 Mr. Mitton reported that Kevin McConnell, Deputy City Attorney is recuperating from tendon surgery and Mr. Mitton will be standing in unit Mr. McConnell returns.

90. Propositions and Remarks from the Commission. None.

100. Adjournment

The meeting was adjourned at 7:31 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Rozzana
Recording Secretary

Patrick Miranda
Planning Commission Chair

Approved: January 26, 2017



City of Medford

Planning Department

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STAFF REPORT – CONTINUANCE REQUEST

for a Type-C quasi-judicial decision: Land Division

Project Lilybrook Subdivision
Applicant: Clyde Akins; Agent: CSA Planning, Ltd.

File no. LDS-16-152

To Planning Commission *for January 26, 2017 hearing*

From Kelly Akin, Principal Planner *ka.*

Date January 19, 2017

BACKGROUND

Proposal

Consideration of Lilybrook, a 14 lot residential subdivision on a 1.64 acre parcel located at the northeast corner of Agate Street and Hart Avenue, within the SFR-10 (Single Family Residential, 10 dwelling units per gross acre) zoning district (382W01AB700).

Request

The applicant has requested that the item be continued to March 9, 2017. The applicant is preparing to file an application for a zone change to accompany this request.

EXHIBITS

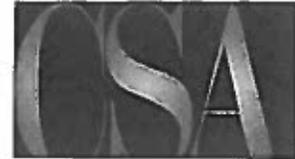
- A Continuanace request received January 9, 2017
Vicinity map

PLANNING COMMISSION AGENDA:

JANUARY 26, 2017

RECEIVED

JAN 09 2017



PLANNING DEPT.

CSA Planning, Ltd

4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779.0569
Fax 541.779.0114

Mike@CSAplanning.net

January 9, 2017

Kelly Akin, Senior Planner
City of Medford Planning,
200 South Ivy Street,
Lausmann Annex, Room 240
Medford, Oregon 97501

RE: *Extension / Lilybrook Subdivision / LDS-16-152 / 38-2W-01AB-700*

Dear Ms. Akin,

On behalf of Applicant Clyde Akins, we request the initial hearing for the above-noted application, that is currently scheduled for Thursday January 26th be continued / re-scheduled for approximately 45 days.

Our intent is to file an application for zone change, for a portion of the subject property within the coming weeks and have that application processed in advance of or concurrent with the subdivision request.

Please accept this letter as a 45-day extension of the timeframe for which a City is required to render a decision on the subdivision application under ORS 227.178(f) and MLDC Section 10.166, to accommodate the request.

Should you have any questions, please do not hesitate to contact me and thank you for the comments on this project.

Very truly yours,

CSA Planning, Ltd.

Michael Savage
Associate

Clyde Akins

cc. File

CITY OF MEDFORD

EXHIBIT # A

File # LDS-16-152

CONTINUANCE 1



Project Name:
Lilybrook Subdivision

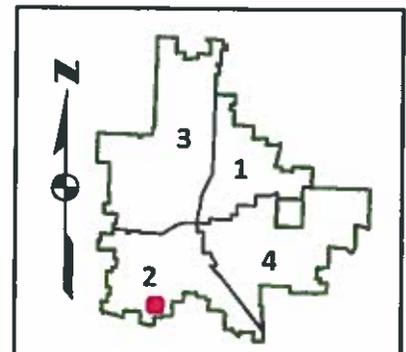
Map/Taxlot:
382W01AB TL 700



12/01/2016

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots
-  Streets





Planning Department

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STAFF REPORT

for a Type-C quasi-judicial decision: **Conditional Use Permit**

PROJECT Mallard House Bed & Breakfast
 Applicant: Robert S. Forrest and Ninthorn Buaklang

FILE NO. CUP-16-139

TO Planning Commission *for January 26, 2017 hearing*

FROM Dustin Severs, Planner II

REVIEWER Kelly Akin, Principal Planner *ka.*

DATE January 19, 2017

BACKGROUND

Proposal

Consideration of a request for a Conditional Use Permit (CUP) for a proposed Bed & Breakfast to be located at 3663 Mallard Lane in the SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) zoning district (371W08BD TL 2101).

Subject Site Characteristics

Zoning: SFR-6

GLUP: Urban Residential (UR)

Overlay(s): Airport Area of Concern (AC)

Use: Single-family residence

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-6
	Use(s):	Single-Family Residences
<i>South</i>	Zone:	SFR-6
	Use(s):	Single-Family Residences
<i>East</i>	Zone:	SFR-6
	Use(s):	Single-Family Residences

- (10) Designate the size, height, location, or materials for a fence.
- (11) Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.

ISSUES AND ANALYSIS

Background

The subject request involves a 0.14 acre residential lot developed with a two-story 2,938 square foot single-family home, along with an attached two car garage, located on the corner of Dragon Tail and Mallard Lane in the Papillon Estates residential subdivision. The applicants, who constructed the home in 2001, are now proposing to use two bedrooms and two bathrooms of the house as a Bed & Breakfast establishment for overnight lodging and breakfast for guests. The submitted narrative explains that the applicants will be the proprietors of the Bed & Breakfast business, and will continue to live at the residence. The applicant further explained to staff at the Land Development meeting that the two-car garage is intended to be used for their own personal vehicles, while the paved parking pad currently serving as a driveway to their two-car garage, and accessed off of Dragon Tail, will be used as the designated parking area for the guests.

While the Papillon Estates residential subdivision consists exclusively of single-family homes, the subject lot does abut a MFR-15 zoning district on its westerly border which includes a 58 unit apartment building just to the west of the subject lot, as well as other multi-family residences.

Code references

Per MLDC 10.010, the definition of a Bed and Breakfast reads as follows:

A single-family dwelling, or part thereof, other than a motel, hotel or multiple family dwelling, where traveler’s accommodations and breakfast are provided for a fee on a daily or weekly room rental basis, not to exceed fourteen (14) days.

Per MLDC 10.313, Bed & Breakfasts are permitted in the SFR-6 zoning district solely pursuant to the issuance of a Conditional Use Permit (CUP).

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS		SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section
(a)	Bed and Breakfast Inn	X	X	Cs	Cs	Cs	Ps	Ps	Ps	10.828

The special use requirements identified in MLDC 10.823 for Bed and Breakfast service, reads as follows:

The intent is to provide temporary travelers' accommodations and breakfast in a single family residence for a fee, on a daily or weekly room rental basis, not to exceed fourteen (14) consecutive days.

(1) Standards.

(a) Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.

(b) Off street parking shall be provided. The front yard shall not be for off-street parking for temporary guests unless the parking area is screened, not visible from the street, and found to be compatible with the neighborhood.

(c) The number of guests shall generally be limited to six persons at any one time, except where sanitation facilities and neighborhood standards would otherwise allow more. Health and sanitation facilities shall be inspected annually by Jackson County.

(d) Two (2) on-premise signs may be approved by the approving agency (Planning Commission) provided that each sign is compatible with residential uses and is not more than six (6) square feet in size and not exceeding an overall height of six (6) feet.

(e) All necessary state and county permits, certifications, or requirements shall be obtained as a condition of approval of a bed and breakfast service.

Special Use Standards - Analysis

Outward modification of structure/grounds (standard a)

The applicants are not proposing any physical expansion of the existing home, nor are they proposing any exterior modifications to the façade of the home (e.g., siding, windows, etc.) to accommodate the conversion of the home into a dual use as a Bed & Breakfast. Additionally, it is stated in the applicants' submitted narrative that, "There will not be activity conducted outdoors so neighbors will only see the occasional guests coming and going."

Parking (standard b)

The applicants are required to provide one off-street parking space for each room proposed for guests, in addition to providing two off-street parking spaces for the residents of the home (MLDC 10.743-1). Per MLDC 10.746(16), the minimum dimensional standard for a parking space is nine feet in width by nineteen feet in length. Accordingly, the off-street driveway

located on the subject residence meets the minimum dimensional requirements for the two required off-street parking spaces to be provided for the guests.

Number of guests (standard c)

Though the Code states that the number of guests at any one time is limited to six persons, the Commission does have the discretionary authority to approve a greater number of guests if the Commission concludes that existing sanitation facilities are sufficient to accommodate additional guests. However, the Oregon State Building Code does limit the maximum number of guests - which is not discretionary - to a maximum of ten persons per the memo received from the Building Department (Exhibit J).

At the request of staff, the applicant has formally requested that the Commission approve the proposed Bed & Breakfast to exceed six persons, and is requesting to be allowed the maximum of ten persons as permitted by the Building Department (Exhibit J).

Signage (standard d)

Included in the applicants' submitted narrative is a sketch drawing for one six square foot ground sign for the proposed use (Exhibit E) consistent with the sign standards for Bed & Breakfasts outlined in MLDC 10.828. The applicants will be required to submit a sign permit application for the proposed sign to the Planning Department to ensure compliance with MLDC 10.823(d).

Other permits required (standard E)

The Jackson County Health and Human Services is the public health authority responsible for the enforcement of public health regulations related to lodging facilities. The regulation of Bed & Breakfasts by Jackson County includes licensing and providing annual inspections for sanitation standard compliance. However, Bed & Breakfast establishments offering less than three rooms for rent are exempt from these requirements.

Initially, the applicants were requesting approval of four bedrooms as stated in their submitted narrative (Exhibit E). The applicants have since reconsidered, and are now requesting to incorporate only two bedrooms as part of the proposal, exempting them from the licensing and inspection of Jackson County Health and Human Services. At the request of staff, the applicants formally requested this change to their request via email (Exhibit L). The applicants understand that if they intend to include additional rooms as part of the Bed & Breakfast in the future, they will be required to submit a new CUP application in order to revise their previously approved request.

Neighbor input

At the time of this writing, staff has not received any written comments, or any phone call inquiries, by any neighbors of the subject residence.

Committee Comments

No comments were received from committees such as BPAC.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit E) and recommends the Commission adopt the findings as submitted.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare the Final Order for approval for CUP-16-139 per the staff report dated January 19, 2017, including Exhibits A through L.

EXHIBITS

- A Conditions of Approval drafted January 19, 2017.
- B Site Plan received November 1, 2016.
- C Floor plans (1-2) received November 1, 2016.
- D Assessor's Map received November 1, 2016.
- E Applicant's Narrative, Questionnaire, and Findings of Fact received November 1, 2016.
- F Public Works staff report received December 14, 2016.
- G Medford Water Commission memorandum received November 16, 2016.
- H Medford Fire Department report received November 16, 2016.
- I Oregon Department of Aviation (ODA) email received December 9, 2016.
- J Building Department memo received December 14, 2016.
- K Email from applicant requesting 10 persons received December 14, 2016.
- L Email from applicant requesting to reduce request to two rooms received December 23, 2016.
Vicinity map

PLANNING COMMISSION AGENDA:

January 26, 2017

EXHIBIT A

**Mallard House Bed and Breakfast
CUP-16-139
Conditions of Approval
January 19, 2016**

CODE REQUIRED CONDITIONS

Prior to the issuance of a business license, the applicant shall:

1. Comply with all conditions stipulated by the Medford Building Department (Exhibit J)
2. Comply with all conditions stipulated by the Medford Water Commission (Exhibit G).
3. Comply with requirements of the Medford Fire Department (Exhibit H).

DISCRETIONARY CONDITIONS

1. The Bed and Breakfast establishment shall be limited to a maximum of 10 guests at any one time.

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NOV 01 2016

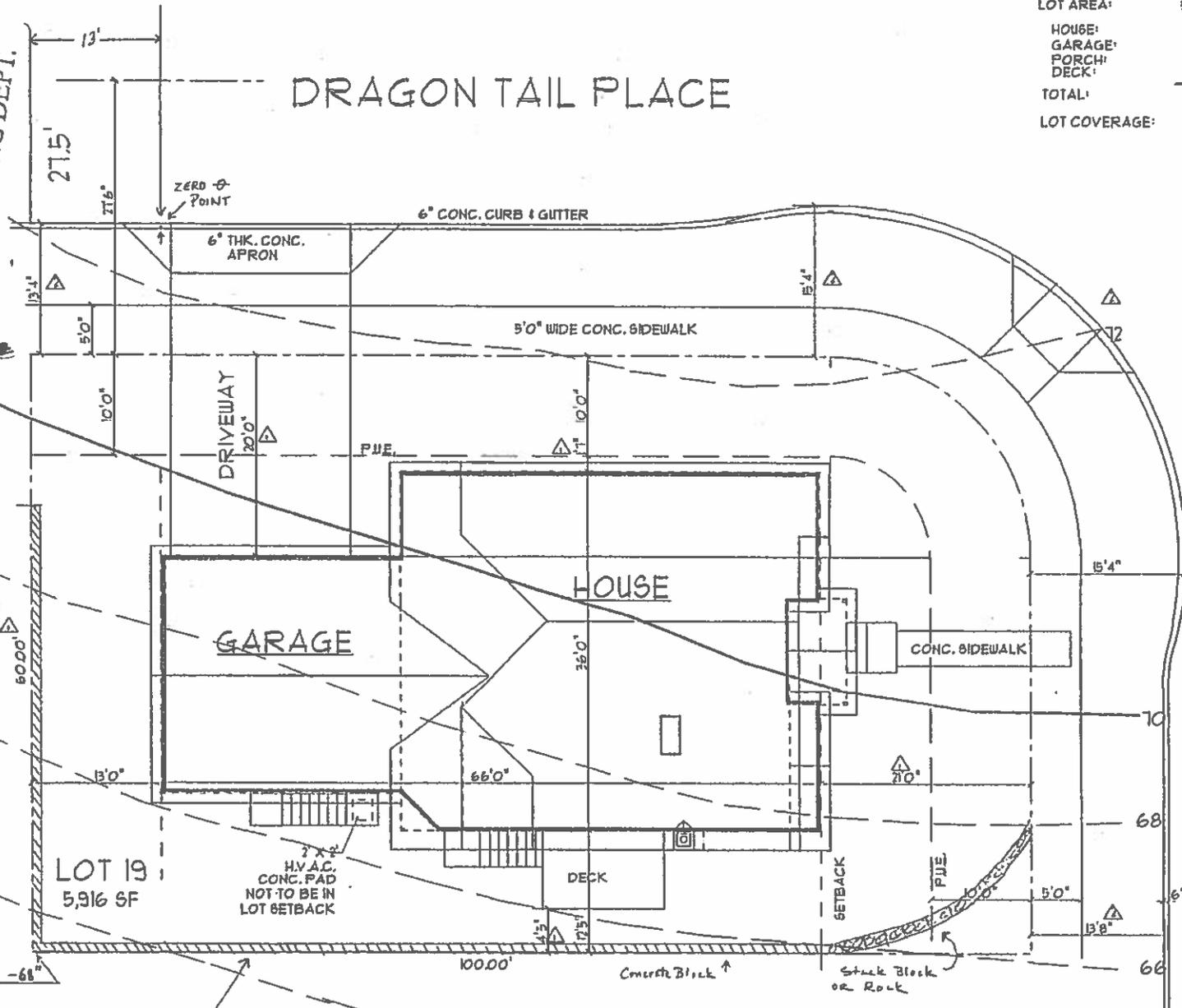
PLANNING DEPT.

DRAGON TAIL PLACE

SITE DATA:

LOT AREA:	5,916 SF \triangle
HOUSE:	1,474 SF
GARAGE:	576 SF
PORCH:	58 SF
DECK:	166 SF
TOTAL:	2,274 SF
LOT COVERAGE:	38.4% \triangle

Handwritten: Sand Vault



MALLARD LANE

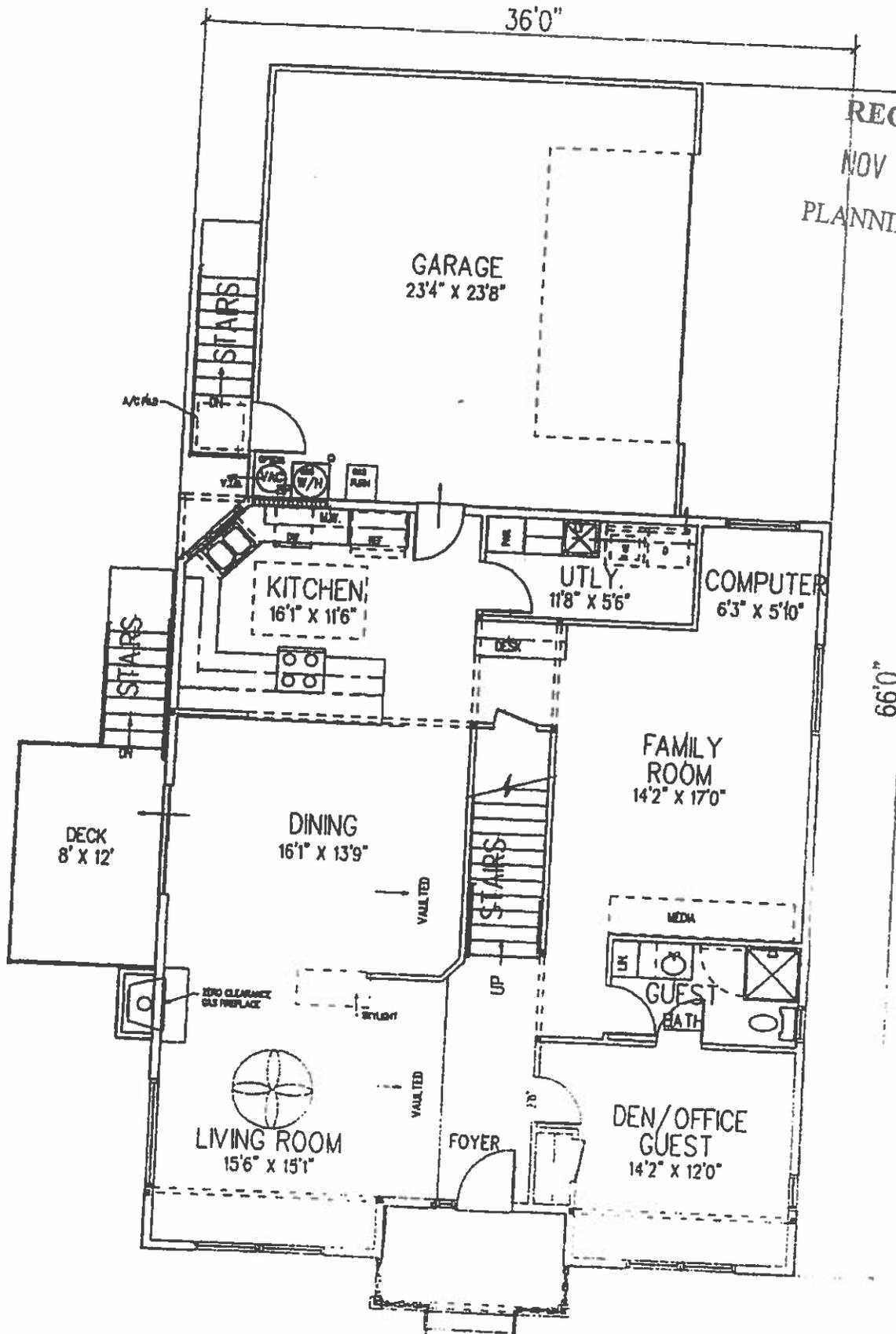
SITE PLAN

SCALE: 1/8" = 1'-0"



CITY OF MEDFORD
EXHIBIT # \triangle
File # CUP-16-139

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NOV 01 2016
PLANNING DEPT.



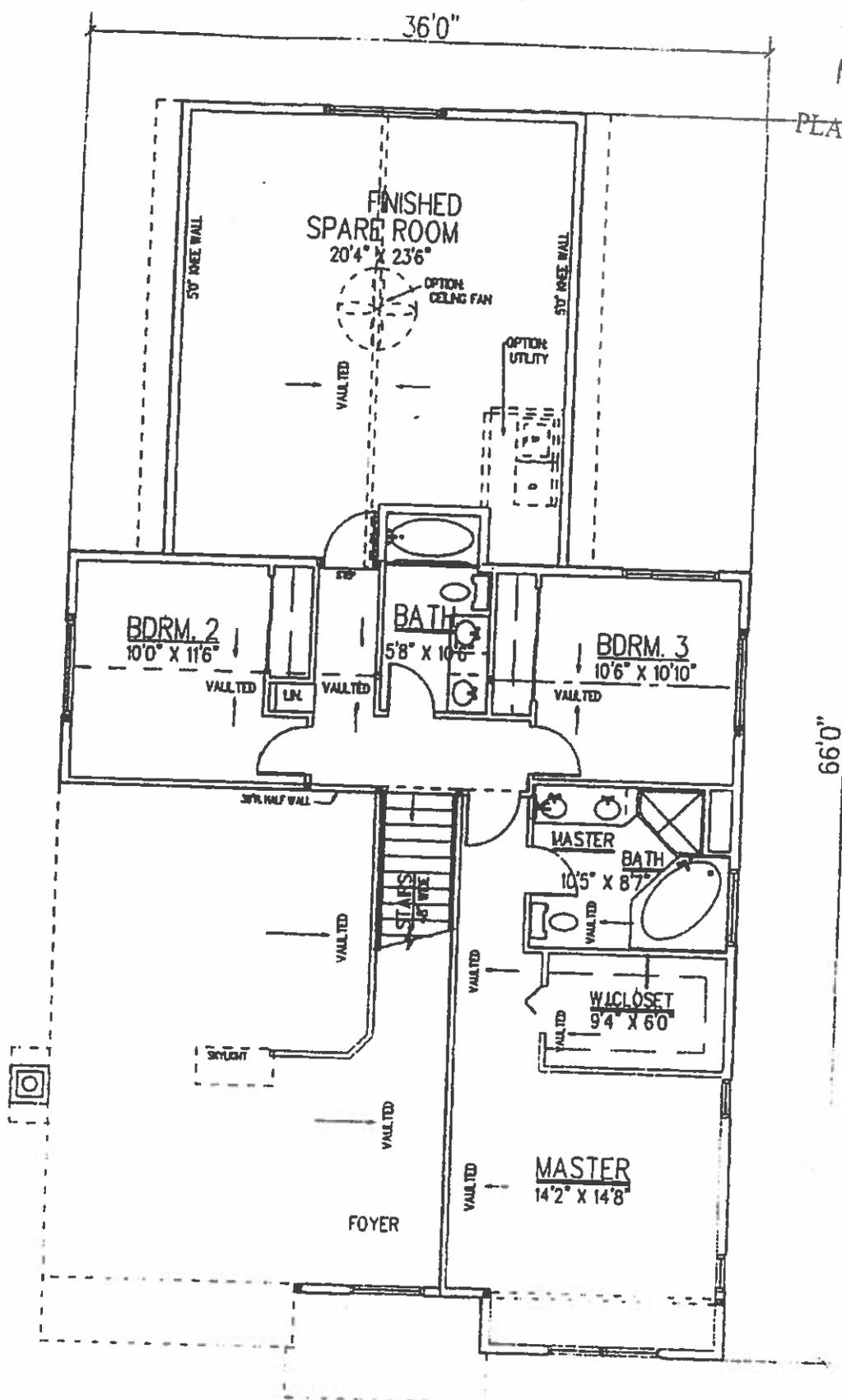
1ST FLOOR PLAN

2,372 SF
11/14/00

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EXHIBIT # C 1092
File # CUP-16-139

9

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2nd FLOOR PLAN

11/14/00

CITY OF MEDFORD

EXHIBIT # *C 202*

File # CUP-16-139

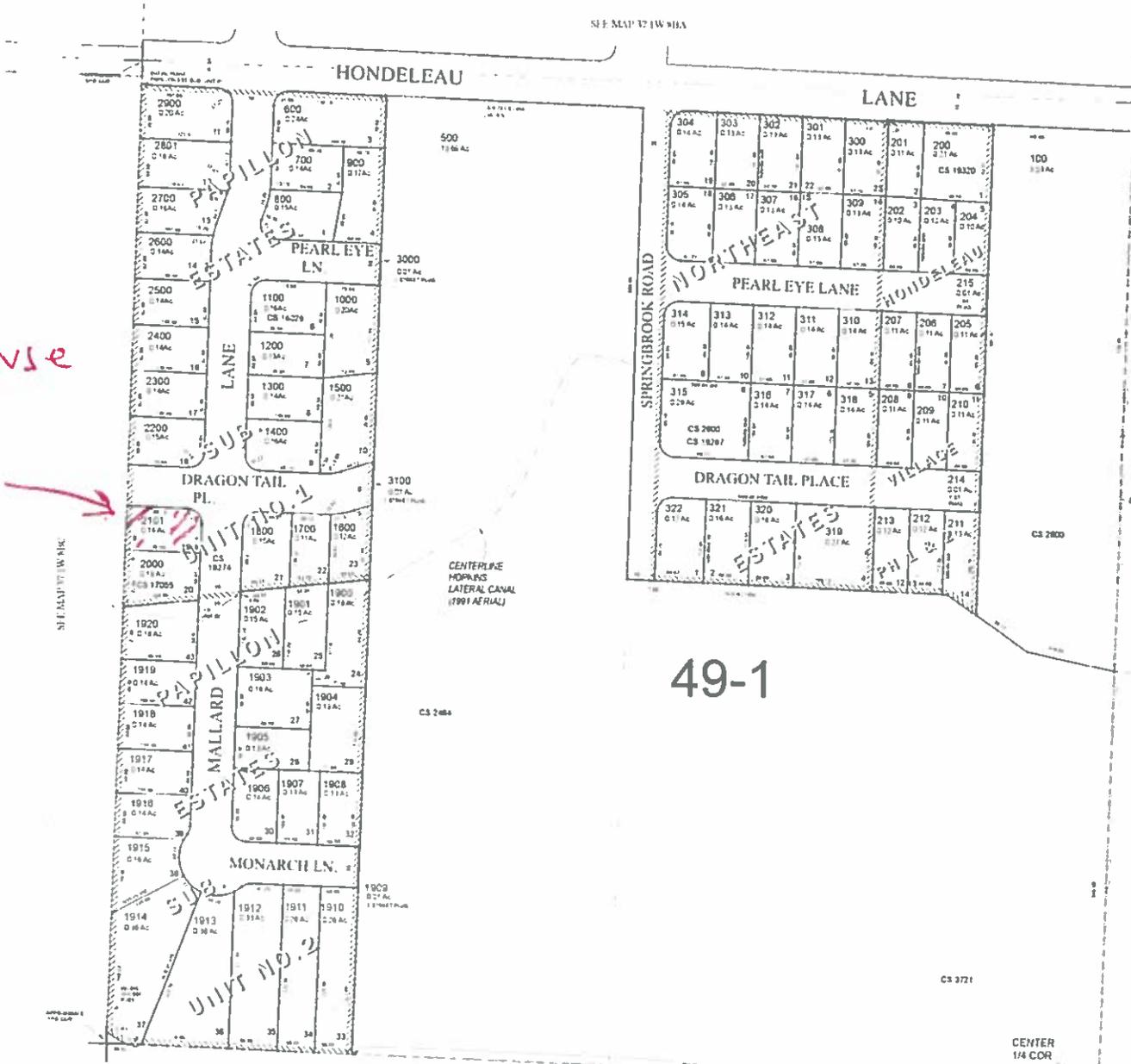
FOR ASSASSINMENT AND TAXATION ONLY

S.E.1/4, N.W.1/4, SEC.8, T.37S., R.1W., W.M.
JACKSON COUNTY
1" = 100'

37 1W 08BD
MEDFORD

SEE MAP 17 1W 01A

APPROXIMATE
1:18 COR



*Mallowd House
B # B*



CANCELLED TAX
LOT NUMBERS
200 ADDED TO 2000
2001
2002 KILLED TO STREET
2003 KILLED TO STREET
400 ADDED TO 400

49-3

49-1

RECEIVED
NOV 01 2016
PLANNING DEPT.

37 1W 08BD
MEDFORD
NEW MAP FEBRUARY 08, 1999
REV MARCH 29, 2011

RECEIVED

NOV 01 2016

PLANNING DEPT.

FINDINGS OF FACT AND NARRATIVE

APPLICATION: Request for a Conditional Use Permit to allow for the operation of a Bed & Breakfast at 3663 Mallard Lane, Medford, Oregon, on the SW corner of Mallard Lane and Dragon Tail Place, within an SFR-6 Zoned district.

APPLICANT: Robert S. Forrest and Ninthorn Buaklang
3663 Mallard Lane
Medford, Oregon 97504

BUSINESS: Mallard House B&B
3663 Mallard Lane
Medford, Oregon 97504

BACKGROUND INFORMATION

We propose to use four bedrooms and two bathrooms in our house for overnight lodging and breakfast. We will be the proprietors and we live there.

PROPOSAL AND SCOPE

We propose to offer the best fitting accommodations in regard to which bedrooms and bathrooms best fit the parties. One bedroom is quite large and could easily accommodate a couple and up to four kids. The other three bedrooms are small and would be suitable for two people. We would offer a liberal continental breakfast.

THE SITE

The house is two stories, 2,938 square feet, sitting on a .14 acre city lot in an SFR-6 Zone with City water, sewer, natural gas and electricity. We built the house in 2001 and 2002. The neighborhood is built up with houses 14 years old or newer. There is a 58 unit apartment house one block away. There is a large vacant lot on the west side of our lot. There are also some duplexes and four-plexes in the larger neighborhood. It is fully landscaped with sprinklers and five large trees in the

BOBF/users_share/forrestb/mydocuments/Mallard Lane House/bed & Breakfast App Sept 2016/FINDINGS OF FACT.DOCX October 31, 2016

CITY OF MEDFORD
EXHIBIT # 5
File # CUP-16-139

5

grassy strip along the curb and others on the south side. There is an attached two car garage and paved off street parking on concrete for four cars. There is also ample on street parking on two sides being a corner lot. The garage and off street parking is accessed off of Dragon Tail and the front entrance of the house is on Mallard Lane.

MEDFORD LAND DEVELOPMENT CODE SECTION 10.248

We believe that our proposed use complies with Section (1)

The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional. The proposed use would be comparable to a family with three or four kids.

MITIGATION OF IMPACTS SECTION 10.249

1) It will preserve any unique assets of the community and neighborhood. We will develop the one large room first and then as business grows we will develop each additional bedroom.

*No alterations of any kind are planned to the outside or inside of the house or the property.

2) It will provide a public facility to the immediate area or community.

- There are no Bed and Breakfasts within one mile of our proposed location in North East Medford. We are within walking distance to Costco, Lowe's, Super Walmart, Michael's, Pet Smart, Safeway and several banks and restaurants. We are about two miles from the Medford airport and about one mile from the large, Lithia Motors super store complexes of auto dealerships. The closest motel is about two miles away adjacent to Interstate 5.

3) It will "Otherwise provide for a development that is consistent with the overall needs of the community in a location that is reasonably suitable for the purpose."

- It is close to a huge shopping and business "Power Center" and will provide a convenient place to stay to enjoy the shopping or be able to stay close to the airport. It will be a first class place to stay.
- It is only 25 minutes drive from downtown Ashland and the Oregon Shakespearean Festival and about 25 minutes drive from Historic Jacksonville and the Britt Music Festival.

NOISE

The area is in a mixed use area with a large church down Owens Drive, a 58 unit apartment about one block west, many single family homes and some duplexes and four plexes surround the area. It is a really stable, nice, fairly quiet neighborhood in an urban area and yet very close to many stores and businesses. The area is well maintained and people feel safe and enjoy walking in the mornings and evenings.

LIGHTING GLARE

We propose no outdoor lighting other than the existing porches and doors.

NEIGHBORHOOD VISIBILITY

There will be no activity conducted outdoors so neighbors will only see the occasional guests coming and going.

TRAFFIC

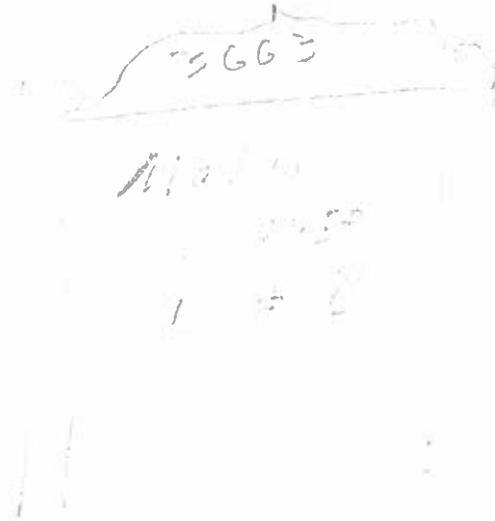
We mostly anticipate occasional cars being at the Bed and Breakfast. There is no activity at the bed and breakfast except sleeping and resting and relaxing. Most guests will have a full schedule either continuing their travels after a nights rest or going to Shakespeare or the Britt Festivals or shopping.

PARKING

It is difficult to know how much business our facility will attract. Hopefully enough customers two or three days a week to make it feasible. Our paved parking spots are accessed off of Dragon Tail. There are two paved parking spots in front of the attached double garage, and there are two paved spots on the west side of the garage. We may make available one spot in the garage also. Our kids are gone away and my wife works out of town and only comes over occasionally. I also have parking for some of our vehicles at my office on Delta Waters road.

SIGNS

I propose a sign consistent with the standards of the sign ordinance of the Land Development Code; not to exceed 6 square feet.





Continuous Improvement Customer Service

CITY OF MEDFORD

LD Date: 12/14/2016
File Number: CUP-16-139

PUBLIC WORKS DEPARTMENT STAFF REPORT Mallard House B & B 3663 Mallard Lane

- Project:** Consideration of a request for a Conditional Use Permit (CUP) for a proposed Bed & Breakfast.
- Location:** Located at 3663 Mallard Lane in the SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) zoning district (371W08BD TL 2101).
- Applicant:** Robert S. Forrest, Applicant. Dustin Severs, Planner.
-

Public Works Department comments:

Additional use of the on-street parking would be expected for this use and we are concerned about people potentially parking along the curb extensions at the intersection. Public works does not typically sign these areas because State Law already prohibits parking there and it is fairly obvious given that a car parked in this area would be blocking the travel lane. Rather than signing the area, the owner/operator of the Bed & Breakfast should monitor their guests to ensure that visitors, who may not be familiar with local laws, do not park along the curb extensions.

Prepared by: Doug Burroughs



BOARD OF WATER COMMISSIONERS
Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: CUP-16-139
PARCEL ID: 371W08BD TL 2101
PROJECT: Consideration of a request for a Conditional Use Permit (CUP) for a proposed Bed & Breakfast to be located at 3663 Mallard Lane in the SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) zoning district (371W08BD TL 2101); Robert S. Forrest, Applicant. Dustin Severs, Planner.
DATE: December 17, 2016

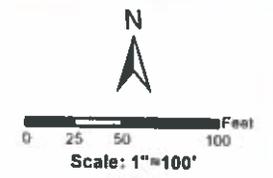
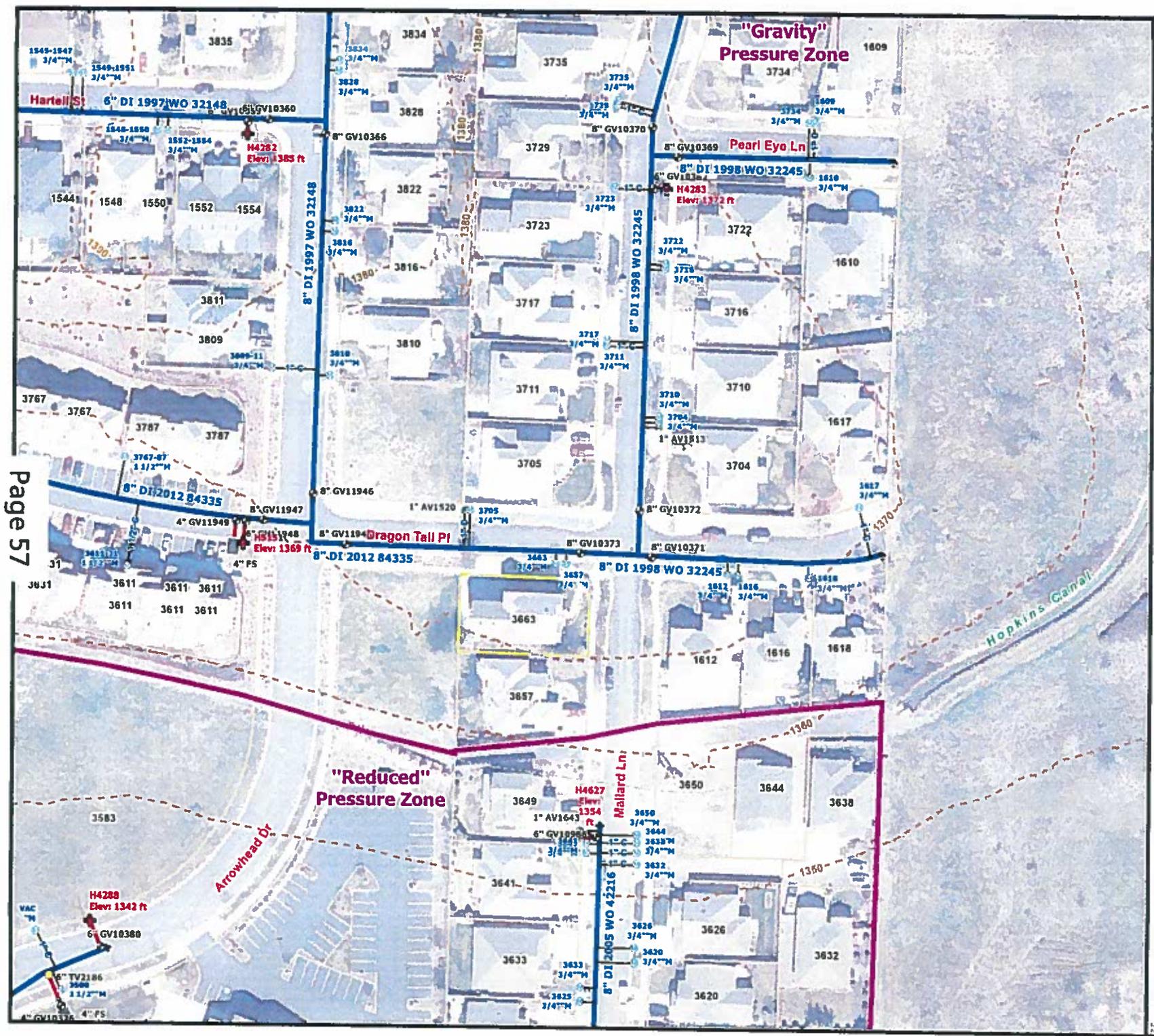
I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. Static water pressure at this existing building is approximately 100 psi. Installation of a Pressure Reducing Valve is required when public water supply service pressure is over 80 psi, if not already installed when the home was constructed. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. Nearest fire hydrant is located near the northeast property corner.
4. MWC-metered water service does exist to this property. There is an existing ¾-inch water meter with a 1-inch copper service line from the water main to the water meter location.
5. Access to MWC water lines is available. There is an existing 8-inch water line in Dragon Tail Place.



Water Facility Map for CUP-16-139

Legend

- Air Valve
- Sample Station
- Fire Service
- Hydrant
- Reducer
- Blow Off
- Plugs-Caps
- Water Meters:**
 - Active Meter
 - On Well
 - Unknown
 - Vacant
- Water Valves:**
 - Butterfly Valve
 - Gate Valve
 - Tapping Valve
- Water Mains:**
 - Active Main
 - Abandoned Main
 - Reservoir Drain Pipe
 - Pressure Zone Line
- Boundaries:**
 - Urban Growth Boundary
 - City Limits
 - Tax Lots
- MWC Facilities:**
 - Control Station
 - Pump Station
 - Reservoir



This map is based on a 2016 GIS dataset provided by the Midford Water Commission. It is not a warranty of accuracy. The Midford Water Commission is not responsible for errors or omissions in this map. All information is provided as a service to the community. © 2016 Midford Water Commission. All rights reserved.

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Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
www.medfordfirerescue.org

LAND DEVELOPMENT REPORT - PLANNING

To: Dustin Severs

LD Meeting Date: 12/14/2016

From: Greg Kleinberg

Report Prepared: 12/07/2016

Applicant: Robert S. Forrest, Applicant. Dustin Severs, Planner.

File #: CUP - 16 - 139

Site Name/Description:

Consideration of a request for a Conditional Use Permit (CUP) for a proposed Bed & Breakfast to be located at 3663 Mallard Lane in the SFR-6 (Single-Family Residential - 6 dwelling units per gross acre) zoning district (371W08BD TL 2101); Robert S. Forrest, Applicant. Dustin Severs, Planner.

DESCRIPTION OF CORRECTIONS

REFERENCE

Requirement ADDITIONAL REQUIREMENTS/COMMENTS

MEDFORD

OTHER

1. This home was built in 2001 when smoke alarms were required to be interconnected and located in every sleeping room, in the hall leading to sleeping rooms, and on every floor. The design life of smoke alarms is 10 years. If the smoke alarms are older than 10 years they must be replaced. Ensure the smoke alarms are compliant before leasing. (ORS 479.250-479.300)

2. Carbon monoxide alarm(s) are required (ORS 90.316; OAR 837.047)

Development shall comply with access and water supply requirements in accordance with the Fire Code in affect at the time of development submittal.

Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on the information provided only.

Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.

CITY OF MEDFORD

EXHIBIT # A

File # CUP-16-139

Page 1

Dustin J. Severs

From: CAINES Jeff <Jeff.CAINES@aviation.state.or.us>
Sent: Friday, December 09, 2016 12:43 PM
To: Dustin J. Severs
Subject: CUP-16-139 - ODA Comment

Dustin:

Thank you for allowing ODA to review the proposed Bed & Breakfast located at 3663 Mallard Land (CUP-16-139). ODA has reviewed the proposed project and have the following comment:

Since the residential structure is already constructed and there is other residential development surrounding the site; ODA determines that the proposed use will not cause a hazard to air navigation. Therefore no FAA from 7460-1 will be required.

Thank you again. Please feel free to contact me if you or the applicant have any questions.

Jeff

Jeff Caines, AICP
Oregon Department of Aviation
Aviation Planner / SCIP Coordinator
3040 25th St. SE | Salem, OR 97302
Office: 503.378.2529
Cell / Text: 503.507.6965
Email: Jeff.Caines@aviation.state.or.us

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.



Memo

To: Dustin Severs, Planning Department
From: Mary Montague, Building Department
CC: Mallard House B&B, Agent
Date: December 14, 2016
Re: CUP-16-139; Mallard House B&B

Building Department:

Please Note: This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.

1. Applicable Building Codes are 2014 ORSC with additional Oregon amendments to the 2011 ORSC; 2014 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.
3. Obtain application and follow Oregon Health Authority guidelines.
4. Not more than 10 persons and not more than 5 guest rooms. R101 (1.3).

Dustin J. Severs

From: Bob Forrest <forrestb@bobforrestloans.com>
Sent: Wednesday, December 14, 2016 12:37 PM
To: Dustin J. Severs
Subject: Bob Forrest B &B Mallard House

Hi Dustin, It was nice to meet you today and thanks for the help.

As we discussed I would like the number of people that we can rent to at one time to be as high as possible. So I would ask for 10 people limit if that is the highest number allowed. Thanks. Bob Forrest

File # CUP 16-139

Dustin J. Severs

From: Bob Forrest <forrestb@bobforrestloans.com>
Sent: Friday, December 23, 2016 10:12 AM
To: Dustin J. Severs
Subject: bob Forrest adjusts B & B application

Hi Dustin, Like I said on the telephone yesterday, I want to only apply for two rooms for my B & B at Mallard Lane instead of applying for four rooms.

The requirements of the Healthy Authority of Oregon and the Jackson County branch are going to be to formidable for me to accomplish in the short run.

Please modify my B&B application for 3663 Mallard Lane accordingly.

By the way I was putting out my garbage yesterday at Mallard Lane and I glanced at my Conditional Use Permit sign and realized that it shows the date of the Public Hearing for my B & B. I knew I had seen it somewhere but I couldn't find it on any of the documents presently in my file.

Best regards, Robert S. Forrest



City of Medford Planning Department

Vicinity
Map

File Number:
CUP-16-139



Project Name:

Mallard House B & B

Map/Taxlot:

371W08BD TL 2101

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots
-  Streets



01/19/2017

