

# PLANNING COMMISSION AGENDA NOVEMBER 9, 2017



## Commission Members

David Culbertson  
Joe Foley  
Bill Mansfield  
David McFadden  
Mark McKechnie  
E. J. McManus  
Patrick Miranda  
Alex Poythress  
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**  
**November 9, 2017**

5:30 PM

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

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**10. Roll Call**

**20. Consent Calendar/Written Communications (voice vote)**

**GF-17-122** Consideration of a citizen initiated request to amend the Land Development Code to allow the wholesale trade of marijuana in the C-C (Community Commercial) zone district. (James Scott, Oregon Grown Cannabis, Inc., Applicant)

**30. Minutes**

30.1 Consideration for approval of minutes from the September 28, 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 Requests**

50.1 **CUP-17-116** Consideration of a request for a Conditional Use Permit (CUP) for a proposed Bed & Breakfast to be located at 15 Geneva Street in the SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) zoning district, and within the Historic Preservation Overlay District (371W30AB TL 16400). (Gloria Thomas & Cecil de Hass, Applicants; Julie Krason, Agent; Dustin Severs, Planner). **The applicants have requested to continue this item to the Thursday, December 14, 2017, Planning Commission meeting.**

50.2 **CUP-17-101** Consideration of a request for a Conditional Use Permit (CUP) to develop a new 5.42 acre neighborhood park located on the north side of Cedar Links Drive approximately 140 feet east of Rosewood Street within the SFR-4 (Single-Family Residential, 4 dwelling units per gross acre) (371W16BC Tax Lots 300) zoning district. (Medford Parks and Recreation Department, Applicant; CSA Planning, Ltd., Agent; Steffen Roennfeldt, Planner). **The applicant has requested to continue this item to the Thursday, December 14, 2017, Planning Commission meeting.**

**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

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## MEMORANDUM

Subject Consideration of a citizen initiated request to amend the Land Development Code to allow the wholesale trade of marijuana in the C-C (Community Commercial) zone district.

File no. GF-17-122

To Planning Commission *for 11/9/2017 meeting*

From Kelly Akin, Assistant Planning Director *KA*

Date November 2, 2017

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### INITIATION REQUEST

On August 25, 2017, a letter was received from James Scott, owner of Oregon Grown Cannabis, Inc. (OGC INC), requesting a code amendment to allow the wholesale trade of marijuana in the C-C (Community Commercial) zone district. OGC INC is currently operating a retail store at 1201 W Stewart Avenue, which is located near the southeasterly corner of Stewart Avenue and Columbus Avenue. The site is within the C-C zoning district.

As the code is currently written, the proposed use is not permitted at that location. Mr. Scott is asking the City to take another look at the marijuana uses and consider allowing wholesale trade of marijuana in the C-C zoning district.

The request was discussed at the October 9, 2017, Planning Commission study session. The Planning Commission is being asked to decide whether or not to initiate the code amendment.

### STAFF RECOMMENDATION

Staff recommends that the Planning Commission not initiate this text amendment based on the following:

In 2014, the Planning Director crafted a policy and procedures on how to handle citizen initiated code amendment requests. The policy contains a general rule that the Planning Commission will initiate no more than two private-party petitions in a calendar year. The Planning Commission has already voted to initiate two amendments in 2017:

- Marijuana production in C-H zone initiated January 26, 2017

- Lone Oak reclassification initiated February 23, 2017

The Long Range Planning division's work program is focused on completing the work related to the Urban Growth Boundary expansion project. Projects such as the completion of the Transportation System Plan update, wetland inventory adoption and protection regulations, and housing program updates required by new legislation are priority.

#### **OPTIONS**

**Do not initiate the code amendment:** Adoption of the consent calendar without removing this item indicates the Planning Commission will not initiate the code amendment and this request will be closed. Staff will inform the citizens requesting the amendment and City Council about the Commission's decision.

**Initiate the code amendment:** If the Commission pulls the item from the consent calendar and votes to initiate the code amendment, staff will add this request to our work tasks.

#### **ATTACHMENT**

- Planning Commission study session minutes from October 9, 2017



## Planning Commission

# Minutes

From Study Session on **October 9, 2017**

The study session of the Medford Planning Commission was called to order at 12:00 p.m. in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

### Commissioners Present

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

### Staff Present

Kelly Akin, Assistant Planning Director  
Carla Paladino, Principal Planner  
Eric Mitton, Deputy City Attorney  
Sarah Sousa, Planner IV

### Commissioner Absent

Patrick Miranda, Chair, Unexcused Absence  
E. J. McManus, Excused Absence  
Alex Poythress, Excused Absence

### Subject:

#### **20.1 GF-17-122 Wholesale Marijuana In Community Commercial Zoning District**

Kelly Akin, Assistant Planning Director, stated that there is now a poultry ordinance. It allows six hens in the City of Medford. Peacocks, ostrich, emu and turkeys are not allowed.

Ms. Akin reported that staff received a request from James Scott, who is present today, owner of Oregon Grown Cannabis in Medford at the end of August. Oregon Grown Cannabis operates on the south side of Stewart Avenue, located near Columbus Avenue. Fire Station 2 was recently completed next door. Mr. Scott is requesting a code amendment to allow the wholesale trade of marijuana in the Community Commercial (C-C) zoning district.

As currently written, wholesale trade of marijuana is not permitted in the C-C zoning district. In October 2015, the code was amended to include marijuana related uses including 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 to permit retail sales of marijuana in specific zoning districts. The code was amended again in May of this year to allow marijuana production and the manufacture of sugar and confectionary products in the C-H zone.

Wholesale trade of non-durable goods is not permitted in the C-C zone district. When marijuana uses were first introduced into the code it was considered equal to tomatoes and classified the various related uses accordingly. In this case, staff used classes 512

(Drugs, Proprietaries, and Sundries), 516 (Chemicals and Allied Products), and 519 (Miscellaneous Nondurable Goods) as a basis to determine the appropriate location of marijuana related uses. These are not allowed in the C-C zone district.

In researching other cities, Ashland does not allow wholesale uses in the commercial zones but does in the industrial zones. Central Point allows retail sales but staff could not find information on wholesale uses. Roseburg allows wholesale uses in their industrial zones.

The policy staff has been working under related to citizen requests. The policy states that the Commission will initiate no more than two citizen requested text amendments in a calendar year. The Planning Commission has already done that. Also, staff's focus is on the Urban Growth Boundary expansion project. Based on those two factors, staff is recommending that this amendment not be initiated. Staff will place this item on the Thursday, November 14, 2017 agenda for the Planning Commission's decision.

The Thursday, October 12, 2017, Planning Commission meeting has been cancelled due to no business. There are no business items for Thursday, October 26, 2017, Planning Commission so that meeting may be cancelled.

Commissioner Pulver asked, when this comes before the Planning Commission, is it for the Planning Commission to direct staff to research this or to process it because the Commission thinks it has validity? Ms. Akin stated that if the Planning Commission initiates this it is important enough to add it into staff's workload.

Commissioner McKechnie asked Mr. Scott, what is the difference between retail and wholesale? Mr. Scott reported that the retail sells to the consumer. The only reason he is requesting this is that he constructed an FDA approved bank vault which is considered wholesale storage inside this dispensary. There is one camera to the OLCC designated to one rack in the vault. Wholesale is that he sells for farms. There would be no more traffic than what is there now.

Commissioner McKechnie asked, does a farm bring Mr. Scott cannabis in bulk and then Mr. Scott sells that cannabis bulk to other cannabis stores? Mr. Scott replied yes.

Mr. Scott asked, is there a variance allowed on his location? Ms. Akin reported no. Under the code he cannot apply for a variance to the use tables.

## **20.2 DCA-16-072 / CP-17-114 / ZC-17-115 Public Zoning Amendment**

Sarah Sousa, Planner IV, reported that in July of 2016 there was a study session on public zoning. At that time, staff proposed two public zones that included zoning for parks, schools, government facilities, utilities, and the airport. The Planning Commission agreed that there was no need to rezone government buildings as uses are already



## Planning Commission

# Minutes

From Public Hearing on **September 28, 2017**

The regular meeting of the Planning Commission was called to order at 5:30 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  
E.J. McManus  
Jared Pulver

### Staff Present

Kelly Akin, Assistant Planning Director  
Eric Mitton, Deputy City Attorney  
Terri Rozzana, Recording Secretary

### Commissioner Absent

Alex Poythress, Excused Absence

10. Roll Call

20. Consent Calendar/Written Communications.

**20.1 ZC-17-089** Final Order of a zone change on 0.45 acre parcel located immediately northwest of the intersection of W McAndrews Road and N Ross Lane in Northwest Medford from SFR-00 (Single Family Residential – 1 dwelling unit per lot) to SFR-6 (Single Family Residential – 6 dwelling units per acre). (372W26AA3900). (Craig Horton, Applicant; Richard Stevens & Associates, Agent; Steffen Roennfeldt, Planner III)

**20.2 LDS-17-079 / E-17-080** Final Orders of a request for tentative plat approval for Cherrybrook Subdivision, a 4-lot residential subdivision on approximately 1.13 acres located north of Prune Street and east of Cherry Street within an SFR-10 (Single Family Residential-10 dwelling units per gross acre) zoning district. The request includes an Exception to the standards for lot dimensions. (Rick Schiller, Applicant; Amy Gunter, Agent; Steffen Roennfeldt, Planner III)

**20.3 E-16-087** Consideration of request for a one-year time extension of the approval to allow a public commercial street to vary from the development code standard. The subject street lies between Farmington Avenue and Yamsay Drive, approximately 575 feet north of Cedar Links Drive, within the Cedar Landing Planned Unit Development. (Cedar Investment Group LLC; Applicant; CSA Planning Ltd., Agent, Kelly Akin, Assistant Planning Director)

Motion: The Planning Commission adopted the consent calendar as submitted.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 8-0.

30. Minutes

30.1. The minutes for September 14 2017, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Due to no public hearings the Quasi-Judicial statement was not read.

50. Public Hearings – None.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner Culbertson reported that the Site Plan and Architectural Commission met Friday, September 15, 2017. They considered a proposed development consisting of the construction of a 6,962 square foot Crisis Resolution Center for Columbia Care located at 3200 Juanipero Way. They also considered plans for the construction of 10<sup>th</sup> Fairway Office Park, three office buildings totaling 23,050 square feet, each with two suites on their own lot for a total of six lots located on the southeast corner of North Phoenix Road and Signature Court. Both applications were approved.

60.2 Report of the Joint Transportation Subcommittee.

Commissioner Pulver reported that the Joint Transportation Subcommittee currently known as the Super Citizen Advisory Committee, met on Wednesday, September 27, 2017. They were provided with the presentation that the Planning Commission discussed at their study session on Monday, September 25, 2017. There was additional information on the goals and objectives, cross-sections and intersections. It was a lot of information for the body to digest. There was feedback from several of the members. They anticipate more feedback at their next meeting. They will meet monthly. The next meeting is late October. The Tier 1 and Tier 2 list of projects came from the consultants.

60.3 Planning Department

Kelly Akin, Assistant Planning Director, reported that the Transportation System Plan Technical Advisory Committee met today, Thursday, September 28, 2017.

The Housing Advisory Committee that Commissioner Foley and Commissioner McManus volunteered to attend is scheduled for Tuesday, October 17, 2017.

There is a Planning Commission study session scheduled for Monday, October 9, 2017. Discussion will be on public zoning amendments and a request for another text amendment related to marijuana wholesaling in a Community Commercial zoning district. Also, a study session is scheduled for Monday, October 23, 2017. Discussion will be on the Transportation System Plan draft document. It may be delayed depending on the advisory committees.

There are two Planning Commission vacancies coming up. Vice Chair McFadden's and Commissioner Foley's terms will expire January 31, 2018.

There is no business scheduled for the Planning Commission on Thursday, October 12, 2017. That meeting has been canceled. There is business scheduled for Thursday, October 26, 2017 and Thursday, November 9, 2017. The second meeting in November is canceled due to Thanksgiving. Usually there is only one meeting scheduled for November and December. This year December 28, 2017, is the second meeting. It may be canceled. Staff will poll the Commissioners the first part of December to inquire if there will be a quorum.

Last week the City Council continued Belknap street vacation. They set a hearing for Stewart Meadows vacation.

Next week the City Council will entertain a chicken ordinance.

October is National Community Planning month. Staff will have a booth at the Farmer's Market.

Commissioner McManus asked, at the last City Council meeting did they have further discussion on the transitional housing? Eric Mitton, Deputy City Attorney, reported that the City Council wants to get in place the warming shelters before winter sets in and take more time on the transitional housing.

70. Messages and Papers from the Chair.

70.1 Chair Miranda asked, does the Joint Transportation Subcommittee still need three members from the Planning Commission and is that expectation in place moving to the Super Citizen Advisory Committee? Ms. Akin replied, yes.

Chair Miranda mentioned that if any Commissioner was interested in volunteering for that subcommittee. Right now they are meeting the last Wednesday of the month from 3:30 to 5:00 p.m.

80. Remarks from the City Attorney.

80.1 Mr. Mitton reported that the City Attorney's office has hired a new person. He has moved up to Deputy City Attorney and will be legal counsel for the Planning Commission.

90. Propositions and Remarks from the Commission. None.

100. Adjournment

The meeting was adjourned at 5:42 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

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Terri L. Rozzana  
Recording Secretary

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Patrick Miranda  
Planning Commission Chair

Approved: October 26, 2017



City of Medford

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# Planning Department

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## STAFF REPORT – CONTINUANCE REQUEST

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

PROJECT Lady Geneva Bed & Breakfast  
Applicant: Gloria Thomas & Cecil Thomas de Haas  
Agent: Julie Krason

FILE NO. CUP-17-116

TO Planning Commission *for November 9, 2017 hearing*

FROM Dustin Severs, Planner III

REVIEWER Kelly Akin, Assistant Director

DATE November 2, 2017

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### BACKGROUND

#### Proposal

Consideration of a request for a Conditional Use Permit (CUP) for a proposed Bed & Breakfast to be located at 15 Geneva Street in the SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) zoning district, and within the Historic Preservation Overlay District (371W30AB TL 16400).

#### Request

The applicant has requested that the item be continued to December 14, 2017, in order to allow additional time to obtain a parking agreement with the adjoining property.

### EXHIBITS

- A Continuanance request, received October 31, 2017.  
Vicinity Map

PLANNING COMMISSION AGENDA:

NOVEMBER 9, 2017  
DECEMBER 14, 2017

**Dustin J. Severs**

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**From:** Gloria Thomas <ladygenevabb@gmail.com>  
**Sent:** Tuesday, October 31, 2017 8:22 AM  
**To:** Dustin J. Severs  
**Subject:** Request for postponement of Public Hearing

Good Morning Dustin,

Per our previous conversation I am formally requesting for the Nov. 9th hearing to be postponed. I am in the process of finalizing the parking requirements but I will not have anything ready before the public hearing. Please confirm receipt of this email as well as the date of December 14th as the new hearing date.

In addition, when you have the new sign available for me to pick up.

Thank you again for your assistance

Regards,  
Gloria Thomas and Cecil de Haas

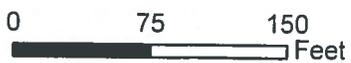


Project Name:

Lady Geneva  
Bed & Breakfast

Map/Taxlot:

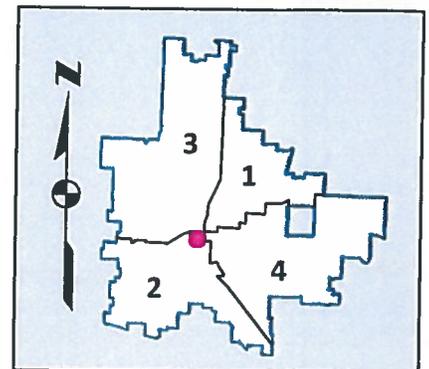
371W30AB TL 16400



09/26/2017

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots





City of Medford

# Planning Department

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## STAFF REPORT – CONTINUANCE REQUEST

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

PROJECT Cedar Links Park  
Applicant: Parks Department  
Agent: CSA Planning

FILE NO. CUP-17-101

TO Planning Commission *for November 9, 2017 hearing*

FROM Steffen Roennfeldt, Planner III

REVIEWER Kelly Akin, Assistant Director *KA*

DATE November 2, 2017

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### BACKGROUND

#### Proposal

Consideration of a request for a Conditional Use Permit (CUP) to develop a new 5.42 acre neighborhood park located on the north side of Cedar Links Drive approximately 140 east of Rosewood Street within the SFR-4 (Single-Family Residential, 4 dwelling units per gross acre) zoning district.

#### Request

The applicant has requested that the item be continued to December 14, 2017, in order to allow additional time to work on minor revisions to the park design.

### EXHIBITS

- A Continuance request, received November 2, 2017.  
Vicinity Map

**PLANNING COMMISSION AGENDA:**

**NOVEMBER 9, 2017  
DECEMBER 14, 2017**



**CSA Planning, Ltd**

4497 Brownridge, Suite 101  
Medford, OR 97504

Telephone 541.779.0569  
Fax 541.779.0114

Jay@CSAplanning.net

**RECEIVED**

**NOV 02 2017**

**PLANNING DEPT**

November 1, 2017

City of Medford Planning Commission  
200 S. Ivy Street  
Medford, OR 57501

**RE: *Continuance of CUP-17-101 (Cedar Links Park)***

Dear Commissioners:

Our client, the City of Medford Parks and Recreation Department, would like to request the above captioned matter be continued 30 days. Parks and Rec is working on some relatively minor revisions to the park design that may require some changes to the findings as well. Also, the final park design parking lot access is from a new local street that has not yet been constructed and public works has requested we address this.

We are working with Parks and Rec to propose an interim use/design plan for the park that could allow the park to serve some neighborhood utility during an interim period. This interim use/design plan would only apply in the event there is any unanticipated delay in the local street construction. We expect to have these revisions to the City within the next two weeks so that staff will have time to review the changes and prepare a report for the second week in November.

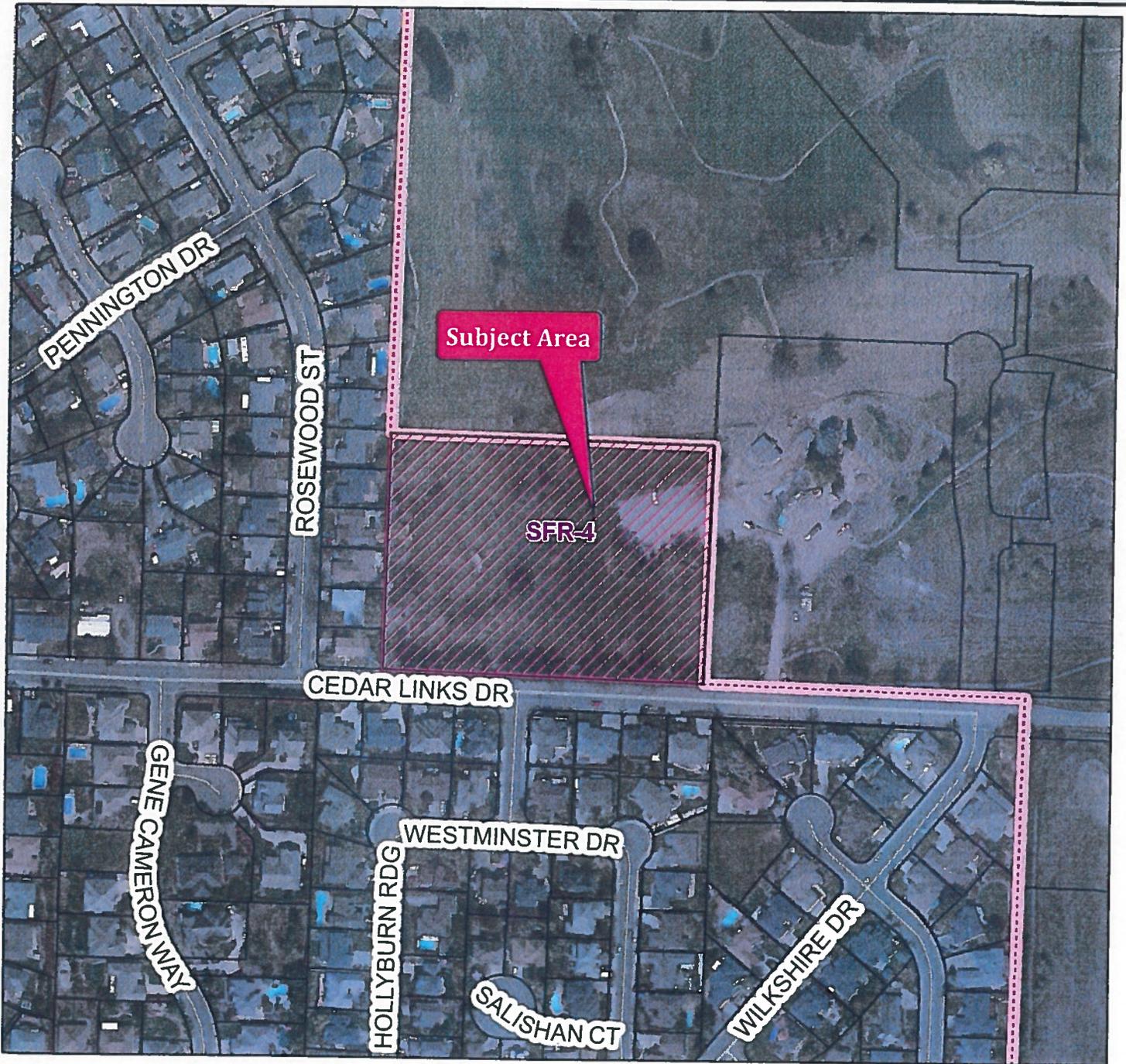
Very Truly Yours,

CSA Planning, Ltd.

Jay Harland  
Principal

cc. File

**CITY OF MEDFORD  
EXHIBIT # A  
File # CUP-17-101**



Project Name:

**Cedar Links Park**

Map/Taxlot:

**371W16BC TL 300**



08/31/2017

**Legend**

-  Subject Area
-  Medford Zoning
-  Tax Lots

