



Planning Commission

Agenda

Study Session

July 23, 2018

Noon

Lausmann Annex, Room 151
200 South Ivy Street, Medford, Oregon

10. Introductions
20. Discussion items
 - 20.1 **DCA-17-191** Wireless Communication Facilities Code Amendment
 - 20.2 **DCA-18-092** Offices of Other Health Practitioners in Light Industrial zoning district
30. Adjournment

Meeting locations are generally accessible to persons with disabilities. To request interpreters for hearing impaired or other accommodations for persons with disabilities, please contact the ADA Coordinator at (541) 774-2074 or ada@cityofmedford.org at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

Small cell facilities are low-powered, cellular radio access nodes that are designed to improve the capacity and quality of the larger macro network by spreading numerous small sized antennas across a limited geographic area where a macro network has reached capacity.

Over the past few years wireless providers have begun to install small cells on utility poles and streetlights within the public ROW in communities around the country, and the City of Medford was recently contacted by two companies that are interested in doing so here. Under state and federal law, wireless carriers have enforceable rights to construct new facilities (including within the ROW) in order to fill coverage gaps, and, generally speaking, the City can only regulate a facility's aesthetics (e.g. design, height, placement, and location); however, the MLDC does not include any provisions for the allowance of wireless facilities in the ROW.



Figure 1. Examples of small cell facilities in the public ROW.

Proposed Code Amendments

The full text of the proposed amendment is attached for review, and is summarized below.

Article II

Article II contains the procedural requirements for land use and development permits, and defines the roles and responsibilities of the various decision-making bodies. The proposed Wireless Communication Facilities code amendment necessarily involves

Article II as the procedural requirements for wireless facilities in the public right-of-way need to be incorporated.

Article V

The initial objective of the proposed Article V amendment was to include regulations in §10.284 (Wireless Communication Facilities) for the installation of wireless facilities within the public right-of-way, but Staff is also proposing to use this as an opportunity to update §10.284 in order to:

- Make §10.284 more clear and streamlined by removing duplicative and unnecessary language;
- Better reflect changes in telecommunications technology and federal law;
- Allow for the temporary use of cells-on-wheels (COWs) in non-residential zones for periods not to exceed 14 days;
- Clarify what constitutes a “substantial change” to an existing wireless facility.

The need for the “substantial change” language is driven by Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, which mandates that local governments approve requests for modifications and collocations of wireless transmission equipment on existing towers or base stations that do not result in a “substantial change” to the physical dimensions of such tower or base station. The proposed code language outlining what constitutes a “substantial change” is consistent with the Federal Communications Commission’s (FCC) interpretation of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012.

NEXT STEPS

The proposed hearing schedule includes the following dates:

8/9/18: First evidentiary hearing with Planning Commission
9/6/18: City Council hearing

Attachments

- A. Draft code amendment text

Medford Code

**CHAPTER 10
PLANNING**

[NOTE: This Chapter was enacted 12-18-86 by Ord. No. 5785. This is a revision of sections 10-005 through 10-954 which were repealed by Ord. No. 5785. The effective date of Ord. No. 5785 was 12-24-86.]

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ARTICLE II - PROCEDURAL REQUIREMENTS

- 10.100 Purpose of Article II
- 10.102 Land Use Review
- 10.104 Land Use Decision
- 10.106 Procedural Types
- 10.108 Land Use Review Procedure Types
- 10.110 Designation and Duties of Approving Authorities
- 10.112 Referral Agencies
- 10.114 Concurrent Land Use Review
- 10.116 Application Submittals
- 10.118 Findings of Fact
- 10.120 Due Process
- 10.122 Due Process Element 1: Completeness Review
- 10.124 Due Process Element 2: Notification
- 10.126 Due Process Element 3: Disclosure
- 10.128 Due Process Element 4: Conflict of Interest
- 10.130 Due Process Element 5: Public Hearing
- 10.132 Due Process Element 6: Cross Examination
- 10.134 Due Process Element 7: Action, Decision Time, and Notice of Decision
- 10.136 Due Process Element 8: Findings of Fact
- 10.138 Due Process Element 9: Record
- 10.140 Appeal of Land Use Decision
- 10.142 Type I Land Use Actions
- 10.144 De Minimis Revision(s) to and Approved PUD Plan
- 10.146 Final PUD Plan
- 10.148 Minor Historic Review
- 10.150 Minor Modification to an Approved Conditional Use Permit
- 10.152 Minor Modification to a Site Plan and Architectural Review Approval
- 10.154 Nonconformities
- 10.156 Preapplication Conference
- 10.158 Property Line Adjustment
- 10.160 Riparian Corridors, Reduction or Deviation

July 18, 2018

Draft #1

10.162	Subdivision and Partition Final Plats
10.162A	Filing of Final Plat with City Engineer
10.162B	Filing of Final Plat with Planning Department
10.164	Wireless Communication Facilities in Public Right-of-Way
10.168	Type II Land Use Actions
10.170	Partition Tentative Plat
10.172	Portable Storage Containers
10.182	Type III Land Use Actions
10.184	Conditional Use Permit
10.186	Exception
10.188	Historic Review
10.190	Planned Unit Development (PUD) – Application and Approval Provisions
10.192	Preliminary PUD Plan – General Provisions
10.194	Preliminary PUD Plan – Neighborhood Meeting Requirement
10.196	Final PUD Plan – Application Procedures
10.198	Revision or Termination of a PUD
10.200	Site Plan and Architectural Review
10.202	Subdivision Tentative Plat
10.204	Zone Change
10.214	Type IV Land Use Actions
10.216	Annexation
10.218	Land Development Code Amendment Approval Criteria
10.220	Major Type IV Amendments
10.222	Minor Type IV Amendments
10.224	Minor Comprehensive Plan Application Form
10.226	Transportation Facility Development
10.228	Vacation of Public Right-of-Way

July 18, 2018
Draft #1

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10.108 Land Use Review Procedure Types.

Table 10.108-1 identifies the procedural type, applicable standards, and approving authority for each type of land use review as well as whether the 120-day rule in Section 10.104(D) is applicable. Each procedural type is subject to specific due process and administrative requirements of this chapter.

* * *

Table 10.108-1. Land Use Review Procedures				
Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
Nonconformities	I	10.032 – 10.036	Planning Director	No
Portable Storage Container	II	10.840(D)(6)	Planning Director	Yes
Pre-Application	I	10.156	Not Applicable	No
Preliminary PUD Plan	III	10.190–10.198	Planning Commission	Yes
Property Line Adjustment	I	10.158	Planning Director	No
PUD Plan Revision(s)	III	10.198	Planning Commission	Yes
PUD Plan Termination	III	10.198	Planning Commission	Yes
Riparian Corridors, Reduction or Deviation	I	10.927	Planning Director	No
Sign Permit	I	10.1000 – 10.1810	Planning Director	No
Site Plan and Architectural Review	III	10.200	SPAC	Yes
Tentative Plat, Partition	II	10.170	Planning Director	Yes
Tentative Plat, Subdivision	III	10.202	Planning Commission	Yes
Transportation Facility Development	IV	10.226	City Council	No
Urban Growth Boundary Amendment, Major	IV	Urbanization, 10.220	City Council	No
Urban Growth Boundary Amendment, Minor	IV	Urbanization, 10.222	City Council	No
Vacation of Public Right-of-Way	IV	10.226	City Council	No
Wireless Communication Facilities in Public Right-of-Way	I	10.824(G)	Planning Director	Yes
Zone Change, Major	IV	Review & Amendment, 10.220	City Council	No
Zone Change, Minor	III	10.204	Planning Commission	Yes

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APPROVING AUTHORITIES AND REFERRAL AGENCIES. (10.110 & 10.112)

July 18, 2018

Draft #1

10.110 Designation and Duties of Approving Authorities.

* * *

(Q) Planning Director Authority. The Planning Director is hereby designated as the approving authority for Type I and II land use reviews as well as issuance of the Development Permit. This includes the following land use reviews:

Land Use Review

- De Minimis Revision(s) to Approved PUD Plan
- Final PUD Plan
- Final Plat, Partition/Subdivision
- Minor Historic Review
- Minor Modification(s) to Conditional Use Permit
- Minor Modification to Site Plan and Architectural Review
- Nonconformities
- Pre-Application
- Property Line Adjustment
- Riparian Corridor Reduction or Deviation
- Sign Permit
- Subdivision/Partition Final Plat
- Tentative Plat, Partition
- [Wireless Communication Facilities in Public Right-of-Way](#)

* * *

TYPE I APPLICATIONS. (10.142 – 10.1604)

10.142 Type I Land Use Actions.

Type I land use actions comprise the following land use reviews:

Type I Land Use Actions

- De Minimis Revision(s) to an Approved PUD Plan
- Final PUD Plan
- Final Plat, Partition/Subdivision
- Minor Historic Review
- Minor Modification(s) to Approved Conditional Use Permit
- Minor Modification to a Site Plan and Architectural Review Approval

July 18, 2018

Draft #1

Nonconformities
Pre-Application
Property Line Adjustment
Riparian Corridor Reduction or Deviation
Sign Permit
Subdivision/Partition Final Plat
[Wireless Communication Facilities in Public Right-of-Way](#)

* * *

[10.164 Wireless Communication Facilities in Public Right-of-Way.](#) See section 10.824.

July 18, 2018
Draft #1

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ARTICLE V - SITE DEVELOPMENT STANDARDS

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10.824 Wireless Communication Facilities.

A. Purpose and Intent.

~~The purpose of this section is to establish standards that regulate the placement, appearance, and impact of wireless communication facilities while allowing citizens to access and adequately utilize the services provided by such facilities.~~

~~Because of the physical characteristics of wireless communication facilities, the impact imposed by these facilities affects not only neighboring residents, but also the community as a whole. The standards are intended to mitigate such impacts to the greatest extent possible and to preserve the character of the City's zoning districts and historic districts by protecting them from the visual and aesthetic impacts associated with wireless communication facilities.~~

The purpose of this section is to establish standards regulating the placement, appearance, and impact of wireless communication facilities while allowing citizens to access and adequately utilize the services provided by such facilities. The standards are intended to preserve the character of the City's zoning districts and historic overlay districts by protecting them from the visual and aesthetic impacts associated with wireless communication facilities.

B. Exemptions.

The following uses and activities shall be exempt from these standards except as otherwise provided herein:

(1) Any repair, reconstruction, or maintenance of an Existing Wireless Communication Support Structures and Wireless Communication Systems Antennas and any repair, reconstruction or maintenance, which does not increase the height of the tower Facility.

(2) Amateur radio station towers, citizen band transmitters and antennas.

(3) Microwave and satellite dishes accessory to a permitted use and/or unrelated to a wireless telecommunication service system.

July 18, 2018

Draft #1

(4) All military, Federal, State, local government communication facilities, and ~~P~~public safety communication towers.

(5) Cells-on-Wheels (COW), which are permitted as a temporary use in non-residential zones for a period not to exceed 14 days, or during a period of emergency as declared by the City, County, State, or Federal government.

(6) Modifications to existing wireless communication facilities that do not result in a substantial change to the dimensions of the facility. For purposes of this section a “substantial change” includes:

- (a) The mounting of a proposed antenna on a Wireless Communication Support Structure will increase the existing height of the support structure by more than ten percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater.
- (b) An appurtenance is added to a Wireless Communication Support Structure that would protrude from the edge of the structure more than twenty feet, or more than the width of the support structure at the level of the appurtenance, whichever is greater.
- (c) Installation of more than four new equipment cabinets.
- (d) Any excavation or deployment outside the current site.
- (e) It would defeat the concealment elements of the support structure.

C. Permitted Use.

~~Wireless Communication Facilities that do not include a Wireless Communication Support Structure are permitted in all commercial and industrial zones, and on parcels that contain legally established nonresidential uses within the SFR and MFR zones, subject to the design standards in Section 10.824(D). Only concealed wireless communication facilities are allowed within a Historic (H) Overlay District or on parcels containing a use or structure on the National Historic Register, subject to approval of the Historic Commission per Section 10.406; and on parcels containing a residential use, subject to the design standards in Section 10.824(D).~~

~~(1) Submittals: Applications for building permits for such facilities shall demonstrate compliance with the applicable design standards contained in Section 10.824(D) to include:~~

~~(a) A site plan, which includes all structures, land uses, and zoning designations within 150 feet of the facility boundaries.~~

~~(b) Exterior elevations of the proposed wireless communication facility that include a set of manufacturer's specifications of the support structure, Wireless Communication Systems Antennas, and accessory buildings with a listing of materials and colors being proposed.~~

~~(c) A landscape plan, when required per Section 10.824(D)(3).~~

~~(d) Details and specifications for exterior lighting, when required.~~

~~(e) A written explanation of the methods of concealment that are to be utilized for the remainder of the facility.~~

~~(f) A written explanation of collocation issues per Section 10.824(D)(4). the following locations subject to the design standards in Section 10.824(F) and approval of a building permit:~~

~~(1) Commercial and Industrial Zones;~~

~~(2) Parcels containing legally established non-residential uses within the SFR and MFR zones;~~

July 18, 2018

Draft #1

(3) Any property owned by the City of Medford;

(4) Within a Historic (H) Overlay District or on parcels containing a use or structure that is listed on the National Register of Historic Places. All such wireless communication facilities must be concealed and are also subject to the Historic Review procedural requirements of Section 10.188.

DC. Conditional Use.

Approval of a Conditional Use Permit is required for new Wireless Communication Support Structures (as defined in Section 10.012), subject to the Conditional Use Permit procedural requirements of Sections 10.246—10.250184.

~~(1) Submittals—Applications for conditional use permit approval of Wireless Communication Facility Support Structures shall include any materials necessary to demonstrate compliance with the design standards contained in Section 10.824(D), any submittals required in Section 10.247, and the following:~~

- ~~(a) A site plan indicating all structures, land uses and zoning designations within 150 feet of the site boundaries, or 300 feet if the height of the structure is greater than 80 feet.~~
- ~~(b) Exterior elevations of all sides of the proposed wireless communication facility that include a set of manufacturers specifications of the support structure, Wireless Communication Systems Antennas, and accessory buildings with a listing of materials and colors being proposed.~~
- ~~(c) A landscape plan per Section 10.824(D)(3).~~
- ~~(d) A photo of each of the major components of a similar installation, including a photomontage of the overall facility at its proposed location.~~
- ~~(e) An explanation of what stealth capabilities are being proposed for the Wireless Communication Facility Support Structures, and methods of concealment from public view, if any, are to be utilized for the remainder of the facility.~~
- ~~(f) Details and specifications for exterior lighting, when required or proposed.~~
- ~~(g) A map that includes the following information:
 - ~~i. the coverage area of the proposed wireless communication facility;~~
 - ~~ii. all other wireless communication facilities within 1,250 feet of the proposed site and all residential development within 300 feet of the proposed site;~~
 - ~~iii. the existing and approved wireless communication system facilities operated by the applicant within a 5 mile radius of the proposed site;~~~~
- ~~(h) A written explanation of collocation issues per Section 10.824(D)(4).~~
- ~~(i) Findings, which address each of the design standards in Section 10.824(D).~~
- ~~(j) A copy of the lease agreement for the proposed site showing that the agreement does not preclude collocation.~~
- ~~(k) Documentation detailing the capacity of the Wireless Communication Facility Support Structures in terms of the number and type of Wireless Communication Systems Antennas it is designed to accommodate.~~

DE. Design Standards Application Requirements.

~~All wireless communication facilities shall be located, designed, constructed, treated, and~~

July 18, 2018

Draft #1

maintained in accordance with the following applications for new Wireless Communication Facilities shall demonstrate compliance with the applicable design standards contained in Section 10.824(F), and include the following documentation:

- (a) A site plan indicating all structures, land uses and zoning designations within 150 feet of the facility boundaries; or 300 feet if the height of the support structure is greater than 80 feet.
- (b) Exterior elevations of the proposed wireless communication facility that include a set of manufacturer's specifications for ~~the any~~ support structure(s), Wireless Communication Systems Antennas, and accessory buildings or equipment, with a listing of all materials and colors being proposed.
- (c) A landscape plan, when required per Section 10.824(F)(3).
- (d) Photosimulations of the overall facility at its proposed location, and a photo of each of the major components from a similar installation.
- (e) An explanation of the stealth capabilities being proposed for ~~the any~~ Wireless Communication Facility Support Structure(s), and the methods of concealment from public view, if any, that are to be utilized for the remainder of the facility.
- (f) Details and specifications for exterior lighting, when required or proposed.
- (g) A map that includes the following information:
 - i. the coverage area of the proposed wireless communication facility;
 - ii. all other wireless communication facilities within 1,250 feet of the proposed site, and all residential development within 300 feet of the proposed site;
 - iii. the existing and approved wireless communication system facilities operated by the applicant within a 5-mile radius of the proposed site;
- (h) A written explanation of collocation issues per Section 10.824(F)(4).
- (i) Written findings addressing each of the design standards in Section 10.824(F).
- (j) A copy of the lease agreement for the proposed site demonstrating that the agreement does not preclude collocation.
- (k) Documentation detailing the capacity of the Wireless Communication Facility Support Structures in terms of the number and type of Wireless Communication Systems Antennas it is designed to accommodate.

F. Design Standards.

All wireless communication facilities shall be located, designed, constructed, treated, and maintained in accordance with the following:

(1) Preferred Designs:

- (a) ~~Where possible, the use of existing facility sites for new installations shall be encouraged. Collocation of new equipment on or at existing Wireless Communication Facilities~~ Wherever possible, the co-location of new equipment at existing wireless communication facility sites shall be the preferred option.
- (b) If (a) above is not feasible, an attempt shall be made to attach to existing structures.
- (c) If (a) or (b) above are not feasible, alternative structures shall be used. Such structures shall include ~~with~~ design ~~—~~ features that conceal, obscure, or mitigate the visual impacts

July 18, 2018

Draft #1

created by the proposed _____ facility. All New Wireless Communication Facility Support Structures shall include stealth capabilities. In most cases, monopole Wireless Communication Support Structures are _____not considered to incorporate stealth capabilities.

(d) If (a), (b), or (c) listed above are not feasible, a monopole design shall be used with the attached Wireless Communication Systems Antennas positioned in a flush-mounted, vertical manner to lessen the visual impact when compared to the Wireless Communication Systems Antennas in a platform design. Platform designs may be used, if approved by the Planning Commission as a conditional use, upon a finding that the use of an alternate attached Wireless Communication Systems Antenna design is not feasible.

_____(e) Relief from collocation and attachment of Wireless Communication Systems Antennas to _____existing Wireless Communication Support Structures under this section may be granted, _____at the discretion of the approving authority, upon submittal of either a mutually agreeable _____third party professional verification of provider's data or mutually agreeable third party _____engineering evaluations that support one or more of the following:

i. Existing Wireless Communications Facilities or existing structures do not fall within location tolerances based upon Radio Frequency mapping.

ii. Existing site(s) do not meet minimum height requirements based upon Radio Frequency engineering data.

_____iii. Existing Wireless Communications Facilities do not meet structural integrity _____requirements for the proposed Wireless Communication Systems Antenna array.

_____iv. Placement of the proposed Wireless Communications Facility and/or Wireless _____Communication Systems Antenna array would impair, or be impaired by, the _____emission of Radio Frequencies.

_____v. That the owners of existing Wireless Communication Support Structures or _____structures within 1,250 feet will not allow the applicant to place its _____telecommunications facility thereon, or such owners are requiring payment that _____substantially exceeds commercially reasonable rates.

_____(fe) Applicants are encouraged to place the facilities on City ~~owned~~ or other publicly _____owned property.

(f) Should it be deemed necessary in their review of a Conditional Use Permit for a _____Wireless Communication Support Structure, by the Planning Commission ~~for the~~ _____~~mitigation of visual impact of the facility, may require~~ additional design measures ~~may be required to mitigate the visual impact of the facility.~~ _____ ~~These~~Such measures may include, but are not limited to: additional concealingment materials and designs, _____~~facades,~~ specific colors and materials, ~~masking, shielding techniques,~~ and landscaping.

(2) General Requirements:

(a) All facilities shall be installed and maintained in compliance with the requirements of the Building Code. Building Permit applications shall include written statements from the

July 18, 2018

Draft #1

Federal Aviation Administration (FAA), Oregon Aeronautics Division, and the Federal Communication Commission (FCC) that the proposed wireless communication facility complies with regulations administered by that agency, or that the facility is exempt from regulation.

(b) When facilities are located within a C-N, C-S/P, or any residential zone, all ~~_____~~ associated transmittal equipment shall be housed in an all-weather equipment cabinet, ~~or _____~~ in the alternative, an equipment building, above or below ground level, which must be ~~_____~~ designed to achieve minimal visual impact with the surrounding environment.

~~_____~~(c) ~~Any ground-mounted accessory equipment~~ ~~The perimeter of the facility~~ shall be enclosed ~~with by~~ a security fence or wall subject to ~~_____~~ Sections 10.731 through 10.735. Such barriers shall be landscaped in a manner that ~~provides~~ a natural sight-obscuring screen around the barrier to a minimum height of six ~~_____~~ feet.

(d) Wireless Communication Support Structures shall not exceed a height of 135 feet as measured from the finished grade at the base of the tower.

(e) New ~~wireless communication~~ facilities in any zone must be set back from any ~~residentially zoned~~ parcel ~~in a residential zone~~ a ~~_____~~ distance equal to the overall height of the Wireless Communication Support Structure. ~~_____~~ The setback requirement may be reduced if, as determined by the Planning Commission, ~~_____~~ it can be demonstrated through findings of fact that increased mitigation of visual impact ~~can~~ be achieved within the setback area. In no case shall a new Wireless Communication ~~Support~~ Structure be setback less than the minimum requirement of the underlying zone. ~~Underground~~ accessory equipment is not subject to the setback requirement.

(f) For wireless communication facilities ~~col~~ located on an existing support structure, the design of any accessory structures or equipment shall use materials, colors and textures that will match the existing support structure to which the equipment of the collocating provider is being attached, subject to the concealment standards of Section 10.782

(g) When Wireless Communication Systems Antennas are attached to the exterior of an existing building, they shall be architecturally integrated into the existing building, and shall have a non-reflective finish and color that blends with the color and design of the structure to which it is attached. Roof-Mounted Wireless Communication Facilities shall be concealed, subject to the standards of Section 10.782.

(h) Any proposal that has elements that deviate from the standards of (f) and/or (g) above may be approved by the Site Plan and Architectural Commission or Landmarks and Historic Preservation Commission through a ~~Class "C" plan authorization~~ Type III Land Use Action, based upon ~~_____~~ evidence showing that the standards cannot otherwise be met and that the degree of ~~relief~~ approved by said Commission is the minimum necessary to allow for facility operation. ~~—(Effective Dec. 1, 2013.)~~

(i) ~~Any modification of an existing Wireless Communication Support Structure that would result in a "substantial change" as outlined in Section 10.824(B)(6), Each addition of a Wireless Communication Systems Antenna to an existing support structure must be in conformance with any approved Conditional Use Permit, with the exception _____ of buildings, only requires administrative approval of a building permit, unless _____~~

July 18, 2018

Draft #1

~~the additional Wireless Communication Systems Antenna increases the height of the support structure more than ten feet, in which case it~~ must be approved by the Planning Commission as a new Conditional Use Permit in accordance with Sections 10.184248—10.250.

(j) Signage for wireless communication facilities shall consist of a maximum of two (2) non-illuminated signs, not to exceed two (2) square feet in area each, stating the name of the facility operator and a contact phone number, and any other applicable FCC, OSHA required information.

(k) No lighting shall be permitted except as required by the Oregon Aeronautics Division, Federal Aviation Administration (FAA), or other state or federal agency.

(3) Landscaping: The following standards apply to all facilities with any primary or accessory equipment located on the ground and visible from any public right-of-way or from an abutting residential~~abutting residential~~ use.

_____ (a) The ~~outer~~ perimeter security fence or wall of the facility shall have a minimum 5-foot wide landscaped area ~~that will screen the facility from public view.~~

(b) The selected ~~✓~~vegetation shall be fast-growing and reasonably expected to form a continuous hedge with a minimum height of six (6) feet within two (2) years of planting. and materials shall be selected and sited to produce a landscaped area ~~consistent with Section 10.780.~~

(c) The landscaped area shall be irrigated and maintained to provide for proper growth and health of the vegetation.

(4) Wireless Communication Facility Collocation:

(a) All new Wireless Communication Support Structures shall be constructed so as to allow a second user to collocate on the facility, unless limited by aesthetics as determined by the Planning Commission.

(b) Relief from co-location under this section may be granted, at the discretion of the approving authority, upon submittal of either a mutually agreeable third party professional verification of provider's data or mutually agreeable third party engineering evaluations that support one or more of the following:

_____ i. Existing Wireless Communications Facilities do not fall within location _____ tolerances based upon Radio Frequency mapping.

_____ ii. Proposed site(s) does not meet minimum height requirements based upon _____ Radio Frequency engineering data.

_____ iii. Existing Wireless Communications Facilities do not meet structural integrity _____ requirements for the proposed Wireless Communication Systems Antenna array.

_____ iv. Placement of the proposed Wireless Communications Facility and/or Wireless _____ Communication Systems Antenna array would impair, or be impaired by, the _____ emission of Radio Frequencies.

_____ v. That the owners of existing Wireless Communication Support

July 18, 2018

Draft #1

Structures or _____ structures within 1,250 feet will not allow the applicant to place its _____ telecommunications facility thereon, or such owners are requiring payment that _____ substantially exceeds commercially reasonable rates.

G. Public Right-of-Way.

Applications for Wireless Communication Facilities within the public right-of-way (ROW) shall be approved by the Planning Director as a Type I Land Use Action if the facility complies with the following design standards. All such facilities shall be required to enter into a Franchise Agreement with the City, and to obtain a right-of-way permit from the Public Works Department. Any facility involving the use of a City-owned utility support structure (e.g. street lights) or the installation of a new utility support structure must be concurrently reviewed and approved by the Public Works Department as part of the Type I Land Use Action process. Facilities that do not comply with the following design standards are subject to approval of a Conditional Use Permit pursuant to Section 10.824(D).

(1) Design Standards:

- (a) Wherever possible, the facility shall be attached to an existing utility support structure. Such structure may be replaced with a new utility support structure so long as the replacement structure is at the same location and is of the same design as the original structure.
- (b) All transmission and power cables shall be contained within the utility support structure or concealed within a single conduit line or housing that is flush-mounted to the structure. Where the National Electric Code (NEC) requires separation from the support structure, installations at the NEC required separation shall be considered flush-mounted.
- (c) Any accessory equipment shall be placed underground to the maximum extent possible. Accessory equipment that is attached to the utility support structure shall be enclosed in cabinets with no one dimension exceeding 30 inches.
- (d) In commercial and industrial zones, antenna arrays shall be mounted within six (6) inches of the utility support structure, or contained in a covering cylinder that is a continuation of the diameter of the utility support structure, and the array shall be painted to match the utility support structure.
- (e) If (d) above is not feasible, antenna arrays in commercial and industrial zones may be attached to horizontal support arms no greater than five (5) feet in length measured from the center of the utility support structure, and the antennas shall be placed within a covering cylinder.
- (f) In residential zones, antenna arrays shall be contained within the utility support structure, or contained in a covering cylinder that is a continuation of the diameter of the utility support structure, and the array shall be painted to match the utility support structure. Antenna arrays shall not project more than 36 inches above the existing utility support structure.
- (g) Any facility involving the use of a City-owned utility support structure (e.g. street lights) or the installation of a new utility support structure shall be subject to the following conditions:

July 18, 2018

Draft #1

- i. The location of the support structure shall be subject to the approval of the City Engineer, or designee.
- ii. Installations shall not be allowed on traffic signal poles.
- iii. The applicant shall submit plans and calculations, stamped and signed by a licensed professional engineer in the State of Oregon, which identify the location of the proposed facilities and verify the structural capacity of supports and foundations. The City Engineer may request additional information as needed.
- iv. The City may require a street light arm and fixture be included as part of a new utility support structure, at the discretion of the City Engineer.
- v. Installation on City-owned street light poles shall meet all the requirements of the NEC, including power cut-off requirements.
- vi. If a combined street light and cellular facility is proposed that does not use the City's standard street light pole, the applicant shall maintain the pole and cellular facilities in a safe condition. The City shall maintain the street light fixture.
- vii. The applicant shall pay the on-going power costs associated with the facility. This may include the costs to power the street light if the power sources and billing cannot be separated.
- viii. The City shall have access to the power cut-off in all cases, for emergency response.

EH. Prohibited.

The following wireless communication facilities are prohibited:

- (1) Wireless Communication Support Structures that exceed 40 feet in height ~~are prohibited~~ in the Airport-Radar (A-R) Overlay District.
- (2) Wireless Communication Facilities utilizing a support structure ~~are prohibited~~ within 300 feet of a Historic (H) Overlay District.
- (3) Wireless Communication Facilities ~~are prohibited~~ in a riparian corridor as identified in Section 10.926.
- (4) Placement on a Wireless Communication Support Structure of satellite and microwave dishes that are not part of the Wireless Communication System.

F. Exemptions.

~~The following uses and activities shall be exempt from these standards except as otherwise provided herein:~~

- ~~(1) Existing Wireless Communication Support Structures and Wireless Communication Systems Antennas and any repair, reconstruction or maintenance, which does not increase the height of the tower.~~
- ~~(2) Amateur radio station towers, citizen band transmitters and antennas.~~
- ~~(3) Microwave and satellite dishes accessory to a permitted use and/or unrelated to a wireless telecommunication service system.~~
- ~~(4) Public safety communication towers.~~

GI. Abandonment.

July 18, 2018

Draft #1

All readily visible wireless telecommunications facilities, which are not in use for six (6) consecutive months, shall be removed by the wireless telecommunications facility owner. This removal shall take place within three (3) months of the end of such six-month period. Upon removal, the site shall be revegetated to blend with the existing surrounding vegetation. Landscaping that is established and viable, and appurtenances that would serve an existing permitted or accessory use on the property, as determined by the Planning Director, may remain.

(1) Removal extension: Upon written application, prior to the expiration of the six-month period, the Planning Director may, in writing, grant a six-month time extension for reuse of the facility. Additional extensions beyond the first six-month extension may be granted by the Planning Director subject to any conditions required to bring the project or facility into compliance with current regulation(s) and make it compatible with surrounding development.

[Added, Sec. 2, Ord. No. 8349, May 1, 1997; Amd. Sec. 3, Ord. No. 1998-146, June 18, 1998, Replaced, Sec. 5, Ord. No. 2008-04, Jan. 3, 2008; Amd. Sec. 4, Ord. No. 2013-30, Feb. 21, 2013; Amd. Sec. 24, Ord. No. 2013-131, Sept 5, 2013, effective Dec. 1, 2013.]

July 18, 2018

Draft #1



MEMORANDUM

Subject Offices of Other Health Practitioners
File no. DCA-18-092
To Planning Commission *for 07/23/2018 study session*
From Steffen Roennfeldt, Planner III
Date July 13, 2018

AMENDMENT

A request for a code amendment to allow Standard Industrial Classification (SIC) Group 804 – Offices of Health Practitioners in the I-L (Light Industrial) zoning district.

PROPOSAL

In June of 2018 the City received a request for an occupational and speech therapist business license. The business is engaged in occupational and speech therapy for pediatrics and young adults. The proposed location is at a property zoned light-industrial. Both uses are specifically listed in SIC group 8049 and are permitted uses in all commercial zones but not in a Light, General, or Heavy Industrial zone.

The draft language considers allowing establishments, that are part of SIC group 804, which are engaged in in the practice of health fields like offices of Audiologists, Dental Hygienists, Nutritionists, Occupational Therapists, Speech Clinicians, etc. in the Light Industrial zoning district as a permitted use.

Similar uses like occupational health facilities, miscellaneous recreational services, or educational facilities are already permitted in the light-industrial zoning district. The applicant stated that even though their business is specifically listed in SIC 8049, the above mentioned uses also play a big part in their day-to-day operations.

A copy of the draft is below for your review. The hearing with the Planning Commission is scheduled for August 23, 2018.

10.337

SIC USE ZONING DISTRICT

80 HEALTH SERVICES. This major group includes establishments primarily engaged in furnishing medical, surgical, and other health services to persons.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
801	Offices of Doctors of Medicine	P	P	P	P	P	X	X	X
802	Offices of Dentists	P	P	P	P	P	X	X	X
803	Offices of Osteopathic Physicians	P	P	P	P	P	X	X	X
804	Offices of Other Health Practitioners	P	P	P	P	P	XP	X	X
805	Nursing and Personal Care Facilities	P	X	P	P	P	X	X	X
806	Hospitals	Cs	X	X	X	X	X	X	X
807	Medical and Dental Laboratories	P	P	P	P	P	P	X	X
808	Home Health Care Services	P	P	P	P	P	X	X	X
809	Health and Allied Services, nec.	P	P	P	P	P	X	X	X
	-Occupational Health Facility	P	P	P	P	P	P	P	P

The special use reference for hospitals in the C-S/P zone corresponds with special use section 10.816 (2).

Kelly A. Akin

From: Kelly A. Akin
Sent: Thursday, June 14, 2018 12:01 PM
To: 'DeNell Gallagher'
Subject: RE: 3265 Biddle Rd Light Industrial zoning

Hi DeNell –

Tomorrow morning works best for me. How about 10:00?

Kelly

From: DeNell Gallagher [mailto:denell@morethanwordsst.com]
Sent: Thursday, June 14, 2018 11:51 AM
To: Kelly A. Akin <Kelly.Akin@cityofmedford.org>; Jay Harland <Jay@csaplanning.net>
Subject: Re: 3265 Biddle Rd Light Industrial zoning

Hello Kelly,

Thank you for your response.

We would still like to meet to discuss this in person.

Jay and I are available this afternoon and tomorrow before noon. Are you available during any of these times?

Thank you!

DeNell

DeNell Gallagher, MS, CCC-SLP
More Than Words Speech Therapy, LLC
P: 541-816-4747 F: 541-787-4011
<http://www.morethanwordsst.com>

On Thu, Jun 14, 2018 at 11:38 AM, Kelly A. Akin <Kelly.Akin@cityofmedford.org> wrote:

DeNell –

Thanks for your patience. I've really struggled with fitting your occupational and speech therapy business to the referenced site and have done quite a bit of research. No matter how hard I try, the truth is your business is not permitted in the zone.

The Medford Land Development Code (MLDC) is structured in a way that relies on the Standard Industrial Classifications (SIC) codes that are administered by the Federal government (OSHA). Within the MLDC, the uses represented by SIC codes are either permitted, conditionally permitted or prohibited in each of the commercial and industrial zones. The determination on whether a use is permitted in a certain zone is based on a variety of factors, including intensity of the use, impacts, infrastructure needs and overall public health and safety. As we discussed Monday, this approach to identifying permitted uses is both a blessing and a curse. It's great because it leads to certainty, but it's problematic because the amount of wiggle room for interpretation is nearly nonexistent.

Both occupational and speech therapists are specifically listed in SIC 8049, which is the classification on your current business license for 110 W 11th Street. I've looked at the accessory uses you've listed below and agree that those activities are permissible in the light industrial zone. I considered reversing the analysis and considering those as the primary uses and the therapy services as accessory; however, the language allowing accessory uses in the industrial zones is limited to retail sale of items manufactured on site. (MLDC 10.822) I also looked at the definition of Use, Accessory as a last ditch effort. I cannot find that the therapeutic services are customarily incidental to the permitted uses; rather, the permitted uses are accessory to occupational and speech therapy.

I appreciate that you contacted the city before committing to this site. Know that your business is permitted in all of the commercial zones. When you find another site, please give us a call or an e-mail and we'll take a look at it for you.

Please share this information with Jay Harland. If you'd still like to meet and discuss I'm happy to do so.

Thanks again, DeNell.

Kelly Akin

From: Kyle W. Kearns
Sent: Monday, June 11, 2018 4:29 PM
To: Kelly A. Akin <Kelly.Akin@cityofmedford.org>
Subject: FW: [3265 Biddle Rd](#) Light Industrial zoning

Kyle Kearns | Planner II

City of Medford Planning Department

Phone: 541-774-2380

From: DeNell Gallagher [<mailto:denell@morethanwordsst.com>]
Sent: Monday, June 11, 2018 4:03 PM
To: Kyle W. Kearns <Kyle.Kearns@cityofmedford.org>
Subject: [3265 Biddle Rd](#) Light Industrial zoning

Hello Kyle and Kelly,

Kyle, I want to thank you for your help on so many questions on multiple buildings as we pursue our urgent expansion.

Kelly,

Kyle has let me know that you would be the person I would need to speak with regarding the building at [3265 Biddle Rd](#) and its Light Industrial zoning. After speaking with Kyle further, I do believe we would fall into this category due to many areas that our clinic touches on through our work. The work we do and our professions have a very wide scope of practice. We work on speech sounds, voice, language, reading, writing, social skills, play skills, feeding, muscle strengthening, range of motion, sensory processing, stuttering, parent education, community outreach/education, hearing screening, traumatic brain injury/concussion and much more!

We do occupational and speech therapy for pediatrics and young adults.

Kyle mentioned occupational health-work related, educational use, gym use, and recreational use as areas that are okay in light industrial.

-We fall under Occupational Health work related because we are actively work with traumatic brain injuries and other injuries/developmental disabilities that prevent children from doing their work (which is schooling).

-We fall under educational because we work on speech and language disorders which include teaching reading, writing, spelling, grammar, and social skills.

- We fall under gym because we work in neuromuscular weaknesses and strengthening. We will have a gym in place for kids to build their strength.

-We fall under recreational as we work on and teach play skills for children with Autism and other disabilities. We also have been planning to open our gym/play space to families with disabilities in more of a recreational experience on Saturdays. This is something a larger space would allow us to do.

I understand a response may take some time. I am currently looking at a few options and would be thankful if I could be provided with a timeframe so I can make a decision on another building if this will take too long. This building has the best space we have seen in over 30 buildings in our city and would help many kids currently on our waitlist. I have had 4 buildings fall out during negotiations this last 2 months. I find myself in a time crunch now as I have staff moving from out of town in 2 weeks and need to make a decision on space by next week.

Thank you so much for your help in this process of growing pains. I apologize for asking for a quick decision and hope that if we cannot get a fast decision you can respond with a timeframe.

I am attaching a letter that is for a different building that fell through but gives you an introduction to our business.

Thank you

DeNell Gallagher.

Cell 541-441-5473

File Number	Description	Plnr	Submit	10 Days	30 days	180 Days
PUD-17-003	Stewart Meadows final PUD Plan	Dustin	10/04/17	10/14/17	11/03/17	04/02/18
AC-18-029	Heartland Express - Sage x McAndrews - 10000sf addition	Liz	03/12/18	03/22/18	04/11/18	09/08/18
GF-18-033	Regional Housing Strategy	Paladino				
AC-18-061	Lock & Key - Vilas x Runway - mini storage	Steffen	05/04/18	05/14/18	06/03/18	10/31/18
PUD-01-155	Navigator's Landing Final PUD Plan	Steffen	06/01/18	06/11/18	07/01/18	11/28/18
CUP-18-076	ABK - N Phoenix x Barnett - add aquatic facilities & parking	Liz	05/29/18	06/08/18	06/28/18	11/25/18
LDS-18-077	Marsha Meadows - Sweet x N Ross - 20 lots & 22 units	Liz	06/01/18	06/11/18	07/01/18	11/28/18
LDS-18-078	Pioneer Marketplace - McAndrews x Ross - 12 commercial lots	Dustin	06/01/18	06/11/18	07/01/18	11/28/18