



**CITY OF PHOENIX PLANNING COMMISSION
REGULAR MEETING
MONDAY, MARCH 23, 2015**

I. CALL TO ORDER/ROLL CALL/INTRODUCTION. Chair Summerhays called the Planning Commission meeting to order at 6.30 p.m. In attendance were Commissioners Lewin, Eisenhauer, Couch, Weiss and Chair Summerhays. Commissioner Farlow was absent. There was a quorum. Staff in attendance were Planning Director Matt Brinkley and Assistant Planner Steffen Roennfeldt.

II. CHANGES TO THE AGENDA: None.

III. Consent Calendar:

A. Approval of Minutes from January 26, 2015 – Regular Planning Commission Meeting.

MOVED BY COMMISSIONER LEWIN, SECONDED BY COMMISSIONER EISENHAUER, TO APPROVE THE MINUTES, FROM FEBRUARY 9, 2015 – REGULAR PLANNING COMMISSION MEETING WITH ONE CHANGE.

ROLL CALL VOTE AS FOLLOWS:

AYES: SIX (6)

NAYS: NONE (0)

ABSTENTIONS: NONE (0)

IV. NEW BUSINESS:

A. PUBLIC HEARING: CUP15-01, TYPE III LAND USE ACTION, CONDITIONAL USE PERMIT TO ALLOW FOR A STOREFRONT CHURCH IN SUITE Z AT THE SHOPPES AT EXIT 24, 205 FERN VALLEY ROAD.

Chair Summerhays explained the proceedings of a public hearing. Chair Summerhays then turned to Mr. Brinkley for the Staff Report.

Mr. Brinkley said that the Planning Commission recently approved another storefront church in the same development. He explained the application in detail and added that this is only a temporary location for this church.

He said that retail and religious uses usually complement each other in terms of parking demand and traffic generation. He noted that there would likely be adequate parking available based on the maximum occupancy allowed for each church and that the two churches at 205 Fern Valley Road should not compete for parking with each other and other land uses. The analysis is similar to what the Planning Commission looked at for the recent CUP. He further stated that the application did not propose any physical change to the building or the site.



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Commissioner Couch wanted to know when services would be held. Fr. Andreas Blom, 806 Talent Ave, Talent, OR, said that services are predominantly held on Saturday evenings or Sunday mornings. Youth group and other smaller meetings would occur early in the morning or in the evening on weekdays.

Chair Summerhays asked for comments from the applicant:

Drew Lamb, 1124 Miramar Ave, Medford, OR, said that he is the property Manager for 205 Fern Valley Road and appealed to the Commissioners to approve this Conditional Use Permit. He added that it is the Shoppes goal to have retail uses but this is a challenge at the moment with all the construction going on. He also asked the Planning Commissioners to consider reducing the fee, because, in his opinion, it is too expensive for a small church.

Fr. Blom, explained the history of the church in the Rogue Valley. He said that they have outgrown their current facility at SOU and just bought land in Ashland to build a new church. In the meantime, they are looking for a temporary location to hold services.

Chair Summerhays opened the public hearing to the public:

Kathy Fraser, 300 Luman Road #135, Phoenix, OR, spoke in favor of the project.
Dennis Schepman, 1507 Summer Pl., Talent, OR, spoke in favor of the project.

With no other public comment, Chair Summerhays closed the public hearing to begin deliberations. Commissioner Eisenhauer spoke in favor of the application. A consensus of Commissioners expressed support for Mr. Lamb's suggestion that the application and review fee be reduced. There was no further deliberation.

MOVED BY COMMISSIONER COUCH TO APPROVE, WITH CONDITIONS, ORDER NUMBER CUP15-01 TO ALLOW A CHURCH OPERATE IN THE C-H COMMERCIAL HIGHWAY ZONE AT 205 FERN VALLEY ROAD, SUITE Z; AND TO RECOMMEND TO CITY COUNCIL TO WAIVE PART OF THE FEE. SECONDED BY COMMISSIONER EISENHAUER.

ROLL CALL VOTE AS FOLLOWS:

AYES: SIX (6)

NAYS: NONE (0)

ABSTENTIONS: NONE (0)

B. STUDY SESSION: FLOODPLAIN REGULATIONS.

Mr. Brinkley informed the Planning Commission about some deficiencies in the current floodplain ordinance. He said that minor projects right now are required to apply for a full



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floodplain development permit. He would like to add some exceptions to speed up the process for smaller projects.

Also, there are some references in the current ordinance to the City Engineer which should be changed to the Floodplain Administrator.

Mr. Brinkley also said that the State of Oregon has recently changed its Building Codes and wants to take Building Officials out of the Floodplain Administration. Current regulations may need to be updated to reflect that change.

He added that there is a Community Rating System, which is a program that will discount floodplain insurance and the question to the Planning Commissioners is whether they think Phoenix should become part of the rating system or not. The Commissioners agreed that Phoenix should become part of this rating system. There is no cost of being in the program but planning and preparation will cost some staff time. The higher a rating the city achieves, the larger the discount for the citizens in their Floodplain Insurance will be. All Commissioners agreed that staff should move forward with this project.

C: STUDY SESSION: TREE REMOVAL

Mr. Brinkley said that right now, the landscape conservation ordinance has some rather restrictive requirements when it comes to tree removal. To remove a tree over 6" DBH, a Tree Removal Permit is required. Currently, many people just cut down trees without acquiring a permit first. The goal of this ordinance should be to allow some form of flexibility while preserving and enlarging the overall tree canopy. Commissioner Couch proposed to better educate citizens and arborists. The consensus was to reexamine the ordinance and bring it back to the Planning Commission for further deliberation.

D. STUDY SESSION: MARIJUANA CULTIVATION

Mr. Brinkley explained the state statute for medical marijuana grows and recreational marijuana to the Commissioners. He explained some of the surrounding City's approaches to reducing negative impacts from marijuana cultivation. There are many different approaches. Arcata, CA and Eureka, CA, for example, do not allow outdoor grows and limit indoor grows by to a maximum number of square feet. Mr. Brinkley added that indoor grow sites often create problems with the Building Code and higher electricity usage.

Commissioner Couch pointed out that one has to differentiate between growing marijuana for medical or recreational reasons, and strongly recommended that those growing marijuana for medical purposes be allowed to grow outdoors.

Commissioner Eisenhauer emphasized the problem that some City residents have already had problems with odors from existing outdoor medical marijuana grow sites.



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Chair Summerhays wanted to know how many complaints there were before City Council about odor associated with outdoor grow sites. Councilor Luz, who was in attendance, replied that several people complained to City Council in the past.

E. STUDY SESSION: FOOD CART COURTS

Mr. Brinkley explained that right now, we allow for mobile food carts but the Land Development Code does not address permanent food cart courts. There was discussion. The Commissioners want staff to further pursue this project and come back with some examples.

V. OLD BUSINESS: None.

VI. PUBLIC COMMENTS: None.

VII. COMMENTS FROM COMMISSIONERS: Commissioner Lewin pointed out several signs within the City that he thinks are illegal. Mr. Brinkley said that he is still waiting for City Council to adopt the updated sign ordinance.

Commissioner Lewin also said that there was a public meeting by the Metropolitan Planning Organization about greenhouse gas reduction. The State is going through the statistical process at the moment and there will be another meeting with RVCOG coming up soon.

VIII. PLANNING DIRECTOR'S REPORT: Mr. Brinkley said that the City received the preliminary population forecast report and reviewed several key findings with the Commissioners. He said that numbers suggest steady growth over the 50 year study period. The final, certified projections will come out in June.

Also, there will be two meetings in April. On the 14th, there will be a joint study session with the Council, Planning Commission, and PHURA Board and, two days later, on the 16th, there will be an open house to the public where the City will present all upcoming projects.

IX. ADJOURNMENT: Chair Summerhays adjourned the meeting at 8.20 p.m.

Micki Summerhays, Chair

Matt Brinkley, Planning Director