

**ZONING AND PLANNING MEETING**  
**Regular Meeting**  
**January 17, 2017**

*Roll call: Quiring, Stinocher, Cowell, Barbeau, Rosenbaum*

*Absent:*

*Also in attendance: Andy Welti, Pat Merritt, Lois Nelson, Vince Steinbauer, Chad Langeslag, Heidi Langeslag, Twila Karow, Ron Karow*

Regular meeting called to order by Vice Chairman Quiring at 7:00 p.m.

Zoning Board welcomes new member Matt Rosenbaum

Agenda – No changes

Motion by Cowell, seconded by Rosenbaum to approve the agenda as presented. Carried.

Minutes from the November 21, 2016 meeting were read.

Motion by Cowell, seconded by Rosenbaum to accept the November 21, 2016 meeting minutes. Carried.

Election of Officers- Chair-Rich Quiring, Vice Chair- Rob Barbeau, Secretary- Kris Stinocher

Chairperson Report From Council Meeting- Rich Quiring attended last month. Rich informed council that we were looking into a Shoreline Ordinance.

Concerns from General Public-No concerns

Old Business-None

New Business-

A. Review of 2017 Street Improvement Project-The street improvement does meet the comprehensive plan requirements and is in compliance with it. The zoning board makes a recommendation to council that the 2017 Street Improvement Project is in compliance with the comprehensive plan. Motion by Cowell, seconded by Barbeau to make the recommendation to council. Carried

B. Shoreland Ordinance Review and Discussion-The zoning board discussed the shoreland ordinance and received comments from the general public on their concerns with the ordinance and how it may affect them in the future.

Next Regular Planning & Zoning meeting is Monday, March 20, 2017.

**ZONING AND PLANNING MEETING**  
**Regular Meeting**  
**March 20, 2017**

*Roll call: Quiring, Stinocher, Cowell, Barbeau*

*Absent: Rosenbaum*

*Also in attendance: Andy Welti, Pat Merritt, Chad Langeslag,*

Regular meeting called to order by Chairman Quiring at 7:03 p.m.

Agenda – No changes

Motion by Cowell, seconded by Barbeau to approve the agenda as presented. Carried.

Minutes from the January 17, 2017 meeting were read.

Motion by Cowell, seconded by Barbeau to accept the January 17, 2017 meeting minutes. Carried.

Chairperson Report From Council Meeting-

Concerns from General Public-Chad Langeslag wondered why we are now just looking at making an ordinance and the response from board was that we were being proactive.

Old Business-

A. Shoreland Ordinance Review and Discussion- The zoning board discussed the shoreland ordinance and received comments from the general public on their concerns with the ordinance and how it may affect them in the future.

New Business-

A. Off Parcel Signs-General Consensus of the board is to leave the ordinance as is.

Next Regular Planning & Zoning meeting is Monday, May 15, 2017.

Planning & Zoning Board  
City of Medford  
Public Hearing for an Ordinance Amending the Requirements of Swimming Pools Under Medford City  
Code 4.63  
May 15, 2017 – 7:00 PM

Chairman Rich Quiring opened the hearing at 7:45 PM.

Members present: Kris Stinocher, Rich Quiring, Ivan Cowell, Rob Barbeau and Matt Rosenbaum

Members absent:

Others Attending: Andy Welti

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding the proposed ordinance amending the Requirements Of Swimming Pools Under Medford City Code 4.63.

Chairman Rich Quiring explained the formal procedure and that everyone will be given the opportunity to participate and ask questions.

1. Staff presentation-Andy Welti presented to the board the reason for recommended amendment to the pool code. Last year, a large pool was set up within City limits. Andy contacted Steele County Building Inspectors and asked them to inspect the pool. Mike Nelson, one of the building inspectors, stated that Medford pool code was in conflict with the Minnesota's building code. Recommendation is to amend the current pool code for Medford for enforcement purposes. The proposed amendment to the pool code would create the following tiered requirements:
  - a. A swimming pool designed to hold no more than a maximum of 1,100 gallons of water shall not require a zoning or building permit, and shall be exempt from the requirements of this Section.
  - b. A swimming pool designed to hold a maximum of no more than 5,000 gallons of water but more than 1,100 gallons of water shall require a zoning permit prior to construction.
  - c. A swimming pool designed to hold in excess of a maximum of 5,000 gallons of water shall require a zoning permit and a building permit prior to construction.
2. Applicant's presentation-none

3. Statements from the public- none
4. Concluding the public hearing-Chairman Quiring asked for a motion to conclude the public hearing.

Motion by Barbeau, seconded by Cowell to conclude the public hearing.

5. Action-Recommendations made to City Council.
  - A. Motion by Cowell, seconded by Rosenbaum to make a recommendation to City Council to adopt the ordinance as presented/amended. Motion Carried.

Planning & Zoning Board  
City of Medford  
Public Hearing for Ultra Outlets of MN LLC Variance Request  
May 15, 2017 – 7:00 PM

Chairman Rich Quiring opened the hearing at 7:00 PM.

Members present: Kris Stinocher, Rich Quiring, Ivan Cowell, Rob Barbeau and Matt Rosenbaum

Members absent:

Others Attending: Andy Welti, John Coons and Scott Scheel

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding Ultra Outlets of MN LLC sign height variance request for the property located at 6750 Frontage Rd W.

Chairman Rich Quiring explained the formal procedure and that everyone will be given the opportunity to participate and ask questions.

1. Staff presentation-Andy Welti presented to the board the reason for request for a variance. Ultra Outlets of MN LLC would like to install new signage similar to other billboards or digital boards commercial businesses install for motorist to see along interstate roads.
2. Applicant's presentation-John Coons presented that the existing sign is being blocked by a billboard that was put up before they took over as owners. They want to put a new sign that is taller, and closer to the road to attract more customers off the highway and make it digital.
3. Statements from the public- none
4. Concluding the public hearing-Chairman Quiring asked for a motion to conclude the public hearing.

Motion by Cowell, seconded by Rosenbaum to conclude the public hearing.

Discuss the proposal among board members-

**Criteria for Granting Variances.**

1. The proposed variance must be in harmony with the general purposes and intent of the Land Use Ordinance. Yes it is

2. The proposed variance must be consistent with the comprehensive plan. **Yes**

3. The applicant for the proposed variance must establish that there are practical difficulties in complying with the Land Use Ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that;

a. the property owner proposes to use the property in a reasonable manner not permitted by the Land Use Ordinance; yes

b. the plight of the landowner is due to circumstances unique to the property not created by the landowner; and yes

c. the variance, if granted, will not alter the essential character of the locality. yes

4. No variance shall be permitted as to any use that is not allowed under the Land Use Ordinance for property in the zone where the affected person's land is located. **No Issue**

5. The City Council may impose such restrictions or conditions upon the premises benefited by the variance as may be necessary to comply with the standards established by this Land use Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. **No Conditions**

5. Action-Recommendations made to City Council.

A. Motion by Rosenbaum, second by Cowell to make a recommendation to City Council to approve the variance request for Ultra Outlets of MN LLC as presented/amended because the Planning & Zoning Board finds that the property owner proposes to use the property in a reasonable manner, the landowner's problem is due to circumstances unique to the property not caused by the landowner, and granting the variance will not alter the essential character of the locality. Motion Carried.

**ZONING AND PLANNING MEETING**  
**Regular Meeting**  
**May 15, 2017 7:00**

*Roll call: Quiring, Stinocher, Cowell, Barbeau and Rosenbaum*

*Absent:*

*Also in attendance: Andy Welti*

Regular meeting called to order by Chairman Quiring at 7:56 p.m.

Agenda – No changes

Motion by Barbeau, seconded by Cowell to approve the agenda as presented. Carried.

Minutes from the March 20, 2017 meeting were read.

Motion by Cowell, seconded by Rosenbaum to accept the March 20, 2017 meeting minutes. Carried.

Chairperson Report From Council Meeting-

Concerns from General Public-None

Old Business-

A. Shoreland Ordinance Review and Discussion- The zoning board discussed the shoreland ordinance and made a motion to move forward with the Shore Land Ordinance. Motion by Rosenbaum, seconded by Barbeau to move forward with the Shore Land Ordinance.

New Business-

A. None

Adjourn the meeting-

Motion by Cowell, seconded by Rosenbaum to adjourn the meeting at 8:30 pm. Carried.

Next Regular Planning & Zoning meeting is Monday, July 17, 2017.

Planning & Zoning Board  
City of Medford  
Public Hearing for William E Regan's  
Preliminary and Final Plat and Zoning Designation  
July 17, 2017 – 7:00 PM

Chairman Rich Quiring opened the hearing at 7:01 PM.

Members present: Kris Stinocher, Rich Quiring, Rob Barbeau

Members absent: Ivan Cowell and Matt Rosenbaum

Others Attending: Andy Welti, Bill Regan, Curt Hayes, Sharon Hayes, Marie Sexton, John Shulte-Jones Haugh & Smith, Kevin Edel, Mark Walbran, and Greg Lammers

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding William E. Regan's Preliminary and Final Plat and Zoning Designation.

Chairman Rich Quiring explained the formal procedure and that everyone will be given the opportunity to participate and ask questions.

1. Staff presentation-Andy Welti presented to the board the request of William E. Regan. Bill Regan is proposing to build a bus garage on the parcel of land located east of the Medford School. Medford City Council entered into a Developer's Agreement with William E Regan, LLC. Council also passed an annexation resolution that has been sent to Medford Township for approval.

The developer has requested that Lot 1 Block 1 of the Agnes Addition be zoned I-1, and Lot 2 Block 1 of Agnes Addition be zoned R-2. City staff reviewed the plats and zoning designation. The plats and zoning designations meet City zoning requirements.

2. Applicant's presentation-William E. Regan explained what he was building and board also viewed maps of the site and building model.
3. Statements from the public-Several citizens present had concerns for surface water runoff. Kevin Edel was concerned for water running onto his property east of the site. Regan assured citizens that a pond would be constructed to make sure such runoff did not occur. Another concern was where the entrance of the driveway would be located. Site models showed citizens the proposed location of the driveway and street easement.
4. Concluding the public hearing-Chairman Quiring asked for a motion to conclude the public hearing.

Motion by Barbeau, seconded by Stinocher to conclude the public hearing.

Discuss the proposal among board members-

5. Action-Make a recommendation to the City Council to either approve or not approve the preliminary and final plat and zoning designation.

Motion by Barbeau, second by Stinocher to make a recommendation to City Council to approve the preliminary and final plat and recommend that the City zone Lot 1 Block 1 of the Agnes Addition as I-1, and Lot 2 Block 1 of the Agnes Addition as R-2.

**ZONING AND PLANNING MEETING**  
**Regular Meeting**  
**July 17, 2017 7:00**

*Roll call: Quiring, Stinocher, Barbeau*

*Absent: Cowell and Rosenbaum*

*Also in attendance: Andy Welti*

Regular meeting called to order by Chairman Quiring at 7:30 p.m.

Agenda – No changes

Motion by Barbeau, seconded by Stinocher to approve the agenda as presented. Carried.

Minutes from the May 15, 2017 meeting were read.

Motion by Barbeau, seconded by Quiring to accept the May 15, 2017 meeting minutes. Carried.

Chairperson Report From Council Meeting - Council approved the pool ordinance and Outlet Center sign variance. Council has not made a decision about whether to proceed with the Shoreland Ordinance.

Concerns from General Public-None

Old Business-

A. None

New Business-

A. None

Adjourn the meeting-

Motion by Barbeau, seconded by Stinocher to adjourn the meeting at 7:37 pm. Carried.

Next Regular Planning & Zoning meeting is Monday, September 18, 2017.

Planning & Zoning Board  
City of Medford  
Public Hearing for Lot Split/Combination Request  
September 18, 2017 – 7:00 PM

Chairman Quiring opened the hearing at 7:00 PM.

Members present: Kris Stinocher, Rich Quiring and Matt Rosenbaum

Members absent: Ivan Cowell and Rob Barbeau

Others Attending: Andy Welti, Rick Hager and Karol Milbrath

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding the administrative land survey lot split/combination request for the property located at Medford, Steele County, Minnesota, Lots 1, 2 and 3, Block 3, Scenic Heights; Parcels 16-117-0301, 16-117-0302, 16-117-0303.

Chairman Quiring explained the formal procedure and that everyone will be given the opportunity to participate and ask questions.

1. Staff presentation-Andy Welti presented to the board the reason for the lot split/combination. Jean and Paul Gillis (Marie J. Gillis Trust) own the property at Medford, Steele County, Minnesota, Lots 1, 2 and 3, Block 3, Scenic Heights; Parcels 16-117-0301, 16-117-0302, 16-117-0303. They intend to build a single family home on one of the lots. A survey has been conducted to create two lots out of the three existing lots. The newly created lots would meet the City's minimum lot size for a buildable residential lot (75' x 120'). The land is currently zoned R-1 and the lots are intended to be used for residential home construction.

Applicant's presentation-Rick Hager was present for Jean and Paul Gillis. He just stated they wanted to combine lots and split into two larger ones.

2. Statements from the public-None
4. Concluding the public hearing-Chairman Quiring asked for a motion to conclude the public hearing.

Motion by Rosenbaum, seconded by Stinocher to conclude the public hearing.

Discuss the proposal among board members-

5. Action-Recommendations made to City Council.

A. Motion by Rosenbaum, second by Stinocher to make a recommendation to City Council to approve the administrative land survey lot split/combination and vacation of utility easement request as presented/amended. Motion passed.

City of Medford  
Public Hearing for William E Regan's  
Conditional Use Permit  
September 18, 2017 – 7:00 PM

Chairman Rich Quiring opened the hearing at 7:00 PM.

Members present: Kris Stinocher, Rich Quiring, Matt Rosenbaum

Members absent: Ivan Cowell and Rob Barbeau

Others Attending: Andy Welti, Karol Milbrath

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding William E. Regan's request for the approval of a conditional use permit to continue to use farmed land for agricultural purposes for property located at Lot 2 Block 1 of the Agnes Addition, City of Medford, Steele County, Minnesota.

Chairman Rich Quiring explained the formal procedure and that everyone will be given the opportunity to participate and ask questions.

1. Staff presentation-Andy Welti presented to the board the request of William E. Regan to continue using Lot 2 Block 1 of Agnes Addition to be farmed. Medford City Code requires that farmed land only be allowed if the City approves a conditional use permit for "agricultural uses so long as the use was pre-existing a the time the property was annexed into the City, for a period of five years from the date of annexation. At the expiration of the five years conditional use permit term, the landowner may reapply for a new conditional us permit, but the City shall be under no obligation to grant a new conditional use permit.
  
2. Applicant's presentation-None
  
3. Statements from the public-Karol Milbrath wanted to be on record that there is a storm water issue on the property that is being farmed. She wanted to make aware of the erosion problems and the length she has taken to help with the runoff.
  
4. Concluding the public hearing-Chairman Quiring asked for a motion to conclude the public hearing.  
Motion by Quiring, seconded by Rosenbaum to conclude the public hearing. Motion passed.

Discuss the proposal among board members-

The Planning and Zoning Committee considered William Regan's request for a CUP to continue to allow Lot 2, Block 1 of Agnes Addition to be used for agricultural purposes. The Planning and Zoning Board found the following:

- 1.** The use will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area.
- 2.** The use will be sufficiently compatible or separated by distance or sheltered from public view from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- 3.** The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
- 4.** The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use.
- 5.** The use is consistent with the purposes of this Land Use Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- 6.** The use is not in conflict with the Comprehensive Plan of the City.
- 7.** The use will not cause a traffic hazard or congestion.

5. Action-Make a recommendation to the City Council to either approve or not approve the preliminary and final plat and zoning designation.

Motion by Rosenbaum, second by Stinocher to make a recommendation to City Council to approve the conditional use permit to allow agricultural use to be continued for Lot 2 Block 1 of the Agnes Addition. Motion passed.

**ZONING AND PLANNING MEETING**  
**Regular Meeting**  
**September 18, 2017 7:00**

*Roll call: Quiring, Stinocher, Rosenbaum*

*Absent: Cowell and Barbeau*

*Also in attendance: Andy Welti*

Regular meeting called to order by Chairman Quiring at 7:19 p.m.

Agenda – No changes

Motion by Rosenbaum, seconded by Stinocher to approve the agenda as presented. Carried.

Minutes from the July 17, 2017 meeting were read.

Motion by Rosenbaum, seconded by Quiring to accept the July 17, 2017 meeting minutes. Carried.

Chairperson Report From Council Meeting -

Concerns from General Public-None

Old Business-

A. None

New Business-

A. Improvement N. 2018-01

Board discussed whether or not the project complies with the comprehensive plan.

Motion by Quiring, seconded by Rosenbaum to report to council that the Planning & Zoning Board has determined Improvement No. 2018-01 is in compliance with Medford's Comprehensive Plan. Carried.

Adjourn the meeting-

Motion by Rosenbaum, seconded by Stinocher to adjourn the meeting at 7:25 pm. Carried.

Next Regular Planning & Zoning meeting is Monday, November 20, 2017 at 7:00 PM

Planning & Zoning Board  
City of Medford  
Public Hearing for Borwege Fence Variance Request  
October 16, 2017 – 7:00 PM

Chairman Quiring opened the hearing at 7:00 PM.

Members present: Kris Stinocher, Rich Quiring, Matt Rosenbaum and Ivan Cowell

Members absent: Rob Barbeau

Others Attending: Andy Welti, Todd Borwege, Koreen Borwege, Judy Weirsma, Gary Weirsman, Jerrie Wencil and Chuck Wencil

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding Todd & Koreen Borwege's fence variance request for the property located at 535 Woodland Trail.

Chairman Quiring explained the formal procedure and that everyone will be given the opportunity to participate and ask questions.

1. Staff presentation-Andy Welti presented background information about the fence variance request. Todd and Koreen Borwege have submitted a fence permit application to replace the existing fence with a 6 foot tall fence. Their lot is a corner lot which in city code is considered to have two front yards. Current city code does not allow a 6 foot fence in the front yard. Currently their fence would be considered in their front yard. They are looking for variance to replace what is already existing.
2. Applicant's presentation-Todd and Koreen Borwege presented the board with an example of their new fence and pictures of the small yard they have in the back corner of their property. They also are concerned for the privacy of their neighbors if they are not allowed the variance. Their house sits very close to their neighbor's property and the fence is the only source of privacy for either of them.
3. Statements from the public-Neighbors of the Borwege's were present at the meeting to give support for the new fence. All agreed that the fence would improve the look of the yard and keep everyone's privacy intact.
4. Concluding the public hearing-Chairman Quiring asked for a motion to conclude the public hearing.

Motion by Cowell, seconded by Rosenbaum to conclude the public hearing.

Discuss the proposal among board members-

Criteria for Granting Variances. Board discussed the 5 criteria that need to be met to make a variance to the Land Use Ordinance. The variance may be granted only in the event that all of the criteria are satisfied. The board has concluded that all the criteria have been met for the variance request.

5. Action-Recommendations made to City Council.

A. Motion by Cowell, second by Rosenbaum to make a recommendation to City Council to approve the variance request for a fence to be built at a height of 6 feet; 52 feet setback from Woodland Trail and 25 feet setback from 6<sup>th</sup> St SE as measured from the street, and 4 feet setback measured from the north and west property lines, to be built upon the property located at 535 Woodland Trail as presented because the Planning & Zoning Board finds that the property owner proposes to use the property in a reasonable manner, the landowner's problem is due to circumstances unique to the property not caused by the landowner, and granting the variance will not alter the essential character of the locality.

Planning & Zoning Board  
City of Medford  
Vacation of Utility Easement Request  
October 16, 2017 – 7:00 PM

Chairman Rich Quiring opened the hearing at 7:30 PM.

Members present: Kris Stinocher, Rich Quiring, Ivan Cowell and Matt Rosenbaum

Members absent: Rob Barbeau

Others Attending: Andy Welti

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding the vacation of utility easement request for the property located at Medford, Steele County, Minnesota, Lots 1, 2, and 3, Block 3, Scenic Heights.

Chairman Rich Quiring explained the formal procedure and that everyone will be given the opportunity to participate and ask questions.

1. Staff presentation-Andy Welti presented to the board the request of Vacation of Easement. In September, Planning and Zoning, and Council approved the administrative land survey lot split/combination request for Jean Gillis and Paul Gillis (Marie J. Gillis Trust), the property is located at Medford, Steele County, Minnesota, Lots 1, 2, and 3, Block 3, Scenic Heights. The owners intend to build a single family home on one of the lots. The land is currently zoned R-1 and the lots are intended to be used for residential home construction. Utility easements exist between lots 1, 2 and 3; no city utilities exist in the easements. Center Point energy, SWEC, Mid Continent, Jaguar, Sprint, and AT & T confirmed that they have no utilities there and are ok with the easements being vacated.
2. Applicant's presentation-None
3. Statements from the public-None
4. Concluding the public hearing-Chairman Quiring asked for a motion to conclude the public hearing.

Motion by Cowell, seconded by Rosenbaum to conclude the public hearing.

Discuss the proposal among board members-

5. Action-Make a recommendation to the City Council to either approve or not approve the preliminary and final plat and zoning designation.

Motion by Rosenbaum, second by Cowell to make a recommendation to City Council to approve the vacation of the utility easement recommend in Resolution 2017-39 as presented.

Planning & Zoning Board  
City of Medford  
Public Hearing for Right of Way and Small Wireless Facilities and Zoning Designation Ordinances  
November 20, 2017 – 7:00 PM

Chairman Rich Quiring opened the hearing at 8:10 PM.

Members present: Rich Quiring, Ivan Cowell, Rob Barbeau

Members absent: Matthew Rosenbaum

Others Attending: Andy Welti

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding the proposed right of way and small wireless facilities and zoning designation ordinances.

Chairman Rich Quiring explained the formal procedure and that everyone will be given the opportunity to participate and ask questions.

Staff presentation-Andy Welti presented to the board the reason for the right of way ordinances being proposed. The 2017 legislature passed legislation allowing small cell wireless utilities to be installed in cities' rights of way throughout the state. It has been suggested that cities without right of way ordinances or ordinances related to small cell wireless pass ordinances to proactively address these utilities prior to applications being submitted to cities by utility companies. The City of Medford does not have an ordinance regulating usage of right of way nor does the City have an ordinance regulating small cell wireless infrastructure.

The proposed ordinance is the model right of way ordinance that includes regulation of small cell wireless, that the League of Minnesota Cities has made available for Cities to consider adopting. The City's engineer and attorney have reviewed the ordinances.

The City must adopt an enabling ordinance in order for it to be able to regulate the rights of way. However, local governments are not required to regulate rights of way.

Reasons local units of government regulate rights of way:

Develop a record of the location of utilities located within the rights of way

- 1) Allow cities to coordinate/influence the placement of infrastructure within the rights of way

- 2) Provide cities with ability to regulate telecommunications infrastructure, including small wireless infrastructure, within rights of way
- 3) Prevent city utility infrastructure from being damaged or covered
- 4) Protect city from costs of right of way restoration

Reasons local units of government may choose to not regulate rights of way:

- 1) Additional time and administrative expense to administer and enforce
- 2) Creates additional rules and regulations for utilities
- 3) Some communities have not regulated rights of way in the past
- 4) Lack of staff or resources within cities to regulate rights of way; consultants may need to assist with regulation of rights of way
- 5) Technology rapidly changes and the wireless legislation and technology may be obsolete within a few years

Administrator Welti then summarized the right of way, zoning designations for small wireless facilities, and master fee and master fine schedule ordinances:

- 1) The city administrator or designee will be responsible for administering the right of way regulations and permitting. The designee will likely be the lead public works employee or the city engineer
- 2) Any entity proposing to work in the right of way must register
- 3) Permits are required for excavation, obstruction, and small wireless facilities
- 4) Conditions are included for issuance of a permit, including for small wireless facilities
- 5) Small wireless facility agreement for collocation of wireless infrastructure on a structure owned by the City is established and rent is stipulated per statute
- 6) Fees are required for all permits, City can recover management and engineering costs
- 7) Patching or restoration of rights of way is required
- 8) Denial or revocation of a permit is allowed for reasons stated in the ordinance
- 9) Inspection of the work is specified
- 10) Conditions for emergency work without a permit are included, permits must be obtained within two days of the emergency

11) Mapping data must be submitted to the City

12) The City may recover costs of damaged infrastructure

The proposed ordinance adding zoning designations for small wireless facilities to Medford City Code would state that small wireless facilities are conditional uses in R-1 and R-2 districts; and are permitted in C-1, C-2, C-3, I-1 and I-2 districts, which is required by law.

4. Applicant's presentation-none
5. Statements from the public- none
4. Concluding the public hearing-Chairman Quiring asked for a motion to conclude the public hearing.

Motion by Barbeau, seconded by Cowell to conclude the public hearing.

5. Action-Recommendations made to City Council.

Planning and Zoning members felt that it would be good policy to regulate right of way within the City of Medford. The members felt that control over the right of way and protection of the utilities within the right of way justified the adoption of the ordinances.

- A. Motion by Barbeau, seconded by Cowell to make a recommendation to the City Council to adopt the ordinances as presented. Motion Carried.

Planning & Zoning Board  
City of Medford  
Public Hearing for Sorensen Impervious Surface Variance Request  
November 20, 2017 – 7:00 PM

Chairman Quiring opened the hearing at 7:00 PM.

Members present: Rich Quiring, Rob Barbeau and Ivan Cowell

Members absent: Matt Rosenbaum

Others Attending: Andy Welti, Michael Sorensen and Joan Pirkl

Introduction:

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding Michael Sorensen's impervious surface variance request for the property located at 307 4<sup>th</sup> St NE.

Chairman Quiring explained the formal procedure and that everyone will be given the opportunity to participate and ask questions.

1. Staff presentation-Andy Welti presented background information about the impervious surface variance request.

Michael Sorensen is requesting an impervious surface variance request of two feet for the property located at 307 4<sup>th</sup> St NE.

Upon seeing that cement forms were placed upon the property at 307 4<sup>th</sup> St NE, on Thursday, July 27, Administrator Welti placed a letter in the front door of Mr. Sorensen's home notifying him that he needed to obtain an impervious surface zoning permit prior to pouring concrete. On Tuesday, August 1, 2017, Administrator Welti conducted a visual inspection and found that concrete had been poured. He placed a follow up letter in his door and mailed a follow up letter to the property on August 2, 2017.

Mr. Sorensen had hired a contractor to complete the project while he was out of town. The contractor stated the paperwork had not been found until after the concrete had been poured. Mr. Sorensen asked for a variance.

Current City Code states that an impervious surface shall maintain a minimum setback from all property lines and public right-of-way of at least 2 feet. Mr. Sorensen's concrete surface directly south of the garage has been poured within one to two inches of the property line.

Administrator Welti also brought to the attention of the Board the ordinance stating that vehicles must be parked more than two feet from a property line.

2. Applicant's presentation-Michael Sorensen stated he is requesting a variance because several of his customers stop by his home. He stated the street in front of his home is too narrow and that customers parking on the street causes safety issues. Mr. Sorensen wanted to widen his driveway to accommodate more vehicles. Mr. Sorensen also stated that he poured the concrete to the south property line so that he could park his RV on the south side of his garage. Upon working with the contractor to layout on the initial plan, Mr. Sorensen stated he knew the location of the front or southeast property pin, but never located the rear or southwest property pin.
3. Statements from the public-Joan Pirkl, owner of the property located at 411 2<sup>nd</sup> Ave NE stated she wanted to make sure that water runoff from the impervious surface would cause her basement to become wet. If runoff was not an issue, she did not have an issue with the impervious surface. Mr. Sorensen said the water running down his driveway would run in front of the garage and toward the north side of his property.
4. Concluding the public hearing-Chairman Quiring asked for a motion to conclude the public hearing.

Motion by Cowell, seconded by Barbeau to conclude the public hearing.

Discuss the proposal among board members-

Criteria for Granting Variances. The Board discussed the 5 criteria that need to be met to grant a variance to the Land Use Ordinance. The variance may be granted only in the event that all of the criteria are satisfied. The board concluded that not all of the criteria have been met for the variance request.

The Board felt the slope of his driveway and the narrow street are issues and that trying to accommodate more parking in his driveway was reasonable. However, the two foot setback has not been met. Mr. Sorensen placed the concrete up to the property line so that he could park his RV on the side of the garage. The RV would be on or near the property line, which is not allowed under code and would not be in harmony with the general purpose and intent of the land use ordinance. Board members stated that granting the variance would set a precedent and other residents would ask for a 2 foot variance for similar reasons.

5. Action-Recommendations made to City Council.

A. Motion by Cowell, second by Quiring to make a recommendation to City Council to deny the variance request for the 2 foot impervious surface variance request because the Planning & Zoning Board finds that the impervious surface is not in harmony with the general purpose and intent of the land use ordinance, the proposed use is consistent with the comprehensive plan, property owner proposes to use the property in a reasonable manner, the landowner's problem

is due to circumstances unique to the property not caused by the landowner, granting the variance will not alter the essential character of the locality, and the applicant would use the property in a manner that is not allowed under the Land Use Ordinance.

**ZONING AND PLANNING MEETING**  
**Regular Meeting**  
**November 20, 2017 7:00**

*Roll call: Quiring, Cowell, Barbeau*

*Absent: Rosenbaum*

*Also in attendance: Andy Welti*

Regular meeting called to order by Chairman Quiring at 8:35 p.m.

Agenda – No changes

Motion by Barbeau, seconded by Cowell to approve the agenda as presented. Carried.

Minutes from the September 18, 2017 and October 16, 2017 meetings and public hearings were read.

Motion by Barbeau, seconded by Cowell to accept the September 18, 2017 and October 16, 2017 minutes. Carried.

Chairperson Report From Council Meeting - Chair Quiring informed members that Council agreed with and approved the Planning & Zoning recommendations made in September and October.

Concerns from General Public-None

Old Business-

A. None

New Business-

The board reviewed the fence ordinance for corner lots. After reviewing aerial images and discussing the ordinance, the board chose to leave the fence ordinance as written.

The board was informed the Kris Stinocher's position is vacant, and Ivan Cowell's position will be vacant as of the end of 2017.

Adjourn the meeting-

Motion by Barbeau, seconded by Cowell to adjourn the meeting at 8:55 pm. Carried.

Next Regular Planning & Zoning meeting is Tuesday, January 16, 2018 at 7:00 PM

