

# PLANNING COMMISSION AGENDA FEBRUARY 9, 2017



## Commission Members

David Culbertson  
Joe Foley  
Bill Mansfield  
David McFadden  
Mark McKechnie  
E. J. McManus  
Patrick Miranda  
Jared Pulver

Regular Planning Commission meetings  
are held on the second and fourth  
Thursdays of every month  
Meetings begin at 5:30 PM

City of Medford  
City Council Chambers  
411 W. Eighth Street, Third Floor  
Medford, OR 97501  
541-774-2380



## Planning Commission

# Agenda

**Public Hearing**

**February 9, 2017**

**5:30 PM**

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

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10. **Roll Call**
  - 10.1 Election of Officers
  - 10.2 Appointments/Reappointments to the Site Plan and Architectural Commission and Joint Transportation Subcommittee
  20. **Consent Calendar/Written Communications (voice vote)**
  30. **Minutes**
  - 30.1 Consideration for approval of minutes from the January 26, 2017, hearing.
  40. **Oral and Written Requests and Communications**  
Comments will be limited to 3 minutes per individual or 5 minutes if representing an organization. **PLEASE SIGN IN.**
  50. **Public Hearings**  
Comments are limited to a total of 10 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. **PLEASE SIGN IN.**
  - New Business**
  - 50.1 **ZC-16-148** Consideration of a request for a zone change from SFR-00 (Single Family Residential, one dwelling per existing lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on approximately 0.47 acres located approximately 150 feet south of Pluton View Way and adjacent to the southerly boundary of Panorama Heights Phase 1. (Up to Ginger LLC, Applicant; Herb Farber, Agent)
  60. **Reports**
  - 60.1 Site Plan and Architectural Commission
  - 60.2 Joint Transportation Subcommittee
  - 60.3 Planning Department
  70. **Messages and Papers from the Chair**
  80. **Remarks from the City Attorney**
  90. **Propositions and Remarks from the Commission**
  100. **Adjournment**



## Planning Commission

# Minutes

From Public Hearing on January 26, 2017

The regular meeting of the Planning Commission was called to order at 5:35 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

### Commissioners Present

Patrick Miranda, Chair  
David McFadden, Vice Chair  
David Culbertson  
Joe Foley  
Bill Mansfield  
Mark McKechnie

### Staff Present

Matt Brinkley, Planning Director  
Kelly Akin, Principal Planner  
Kevin McConnell, Deputy City Attorney  
Alex Georgevitch, City Engineer  
Terri Rozzana, Recording Secretary  
Carla Paladino, Planner IV  
Dustin Severs, Planner II

### Commissioner Absent

Jared Pulver, Excused Absence

## 10. Roll Call

## TAKEN OUT OF ORDER

## 40. Oral and Written Requests and Communications.

Trina Helfrich, Eads Investments, 853 S. Riverside, Medford, Oregon, 97501, spoke to Agenda Item 20.2. Ms. Helfrich reported that she submitted a letter to the Planning Commission dated December 7, 2016 requesting a reconsideration of the permitted uses in their zoning. After some review and reading the minutes from the study session on Monday, January 9, 2017, she would like to request the Planning Commission to consider conditional use for her area. Their location off of Riverside is not surrounded by any residential properties nor are they in a retail commercial area. They butt up against the freeway and on each side of them are warehouses.

## 20. Consent Calendar/Written Communications.

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

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

Commissioner Mansfield stated that he needs to abstain from this matter. He has expressed his opposition to the growing or processing of marijuana in the past and he is not sure he could properly consider this matter using proper planning criteria. He questions his ability to sit fairly on this matter. Process is more important than his decision.

Vice Chair McFadden stated that CUP-16-084 on the consent calendar was very specific with approving the final order. Does the wording on GF-16-159 need to be changed to indicate the Planning Commission is recommending that it be done?

Carla Paladino, Planner IV, stated that if the Planning Commission would like to initiate the text amendment and have staff work on it would be the approval of the consent calendar. If the Planning Commission does not want to approve initiating the text amendment they would pull it from the consent calendar and state they are not approving the initiation.

Commissioner Culbertson stated that in the Planning Commission's study session it was highlighted that there may be certain areas around the City that need to be reevaluated by staff. Not just this one particular property going from commercial to industrial but different areas that are no longer being utilized the way they were originally setup. This is falling short of what staff should be looking into.

Motion: Adopt CUP-16-084 of the consent calendar as submitted.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 6-0.

Motion: The Planning Commission directed staff to initiate GF-16-159 including options for a code amendment and a conditional use permit process.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 5-0-1 with Commissioner Mansfield abstaining.

### 30. Minutes

**30.1.** The minutes for January 12, 2017, were approved as submitted.

Commissioner Culbertson reported that in the Planning Commission study session minutes of Monday, January 9, 2017, page 4, last paragraph it reads: *"If DLCD changes it..."* and it should read: *"If OLCC changes it..."*

Kevin McConnell, Deputy City Attorney, read the Quasi-Judicial Statement.

40. Public Hearings – Continuance Request

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

Chair Miranda stated that if there were members in the audience that have come to testify on this agenda item and cannot attend the Thursday, March 9, 2017, Planning Commission hearing, please come forward and the Planning Commission will hear their testimony at this time. Please keep in mind that it is possible that your questions may be answered when staff presents their staff report on Thursday, March 9, 2017. There will be no decisions made this evening on this agenda item.

The public hearing was opened and there being no testimony the public hearing was closed.

Motion: The Planning Commission continued LDS-16-152, per the applicant's request to the March 9, 2017, Planning Commission meeting.

Moved by: Commissioner Mansfield

Seconded by: Commissioner McKechnie

Roll Call Vote: Motion passed, 6-0.

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

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

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

Dustin Severs, Planner II, stated that staff received a letter. A copy was forwarded to the Planning Commission. The letter will be submitted into the record as Exhibit M. Mr. Severs read the conditional use permit criteria and gave a staff report.

Vice Chair McFadden asked if the applicant has determined a location for the sign? Mr. Severs reported that the narrative does not state a location for the sign. He believes it

will go on the corner of Dragon Tail and Mallard. Mr. Severs deferred the question to the applicant.

Commissioner McKechnie asked, in case of a sale, what happens to the conditional use permit? Mr. Severs stated that he would defer the question to Kelly Akin.

Kelly Akin, Principal Planner, reported that conditional use permit would run with the land.

Commissioner McKechnie stated that his understanding is when there is a driveway with a garage that the area in front of the garage cannot be counted as parking spaces because that is the access to the parking space in back. Where are the other two parking spaces?

Ms. Akin stated that the code was changed last fall to allow the parking in the driveway to count as required parking. It is permissible as proposed.

The public hearing was opened.

The applicant did not feel it was necessary to speak.

Vice Chair McFadden stated that it is not unusual to have a large house on a postage stamp lot. Single family dwellings do not necessarily get reviewed by the Site Plan and Architectural Commission or the Planning Commission. He is assuming that staff has done all the calculations for the percentage of lot coverage and reviewed the requirements that the house was built to standard. Mr. Severs reported that it did meet all the requirements for a legal nonconforming structure.

Commissioner Mansfield disclosed that in many years past he has enjoyed the friendship with Mr. Forrest. He has not talked to him in many years. He does not feel this is a conflict of interest.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and adopts the Final Order for approval of CUP-16-139 per the staff report dated January 19, 2017, including Exhibits A through M.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Friendly Amendment made by Commissioner Foley: The Planning Commission does not allow additional occupancy above six (6).

Roll Call Vote: Motion passed, 6-0.

**60. Reports****60.1 Site Plan and Architectural Commission.**

Ms. Akin reported that the Site Plan and Architectural Commission met on Friday, January 20, 2017. They approved two projects. They approved plans for the development of a 4,299 square foot one-story commercial building on 0.57 acres located at 3550 National Drive in the Light Industrial zoning district. Also, they approved the development of a four-story hotel composed of 93 rooms to be located on the vacant lot located at 1375 Center Drive within the Regional Commercial zoning district.

**60.2 Report of the Joint Transportation Subcommittee.**

Matt Brinkley, Planning Director reported that the Joint Transportation met on Wednesday, January 25, 2017. They talked a lot about the Transportation System Plan (TSP). The Planning Department is developing a work plan looking at updated goals and objectives. The contract with Kittelson & Associates is back on track. Kittelson & Associates will provide an updated scope of work that will be reviewed by the Joint Transportation Subcommittee. Staff is hoping to have the TSP to the Planning Commission and the City Council by early fall.

**60.3 Planning Department**

Kelly Akin, Principal Planner, reported that today the County Planning Commission did not have a quorum for the hearing on the UGB. It is rescheduled for February 9, 2017.

The Boards and Commissions Luncheon is scheduled for Friday, February 10, 2017, at 11:30 a.m. at the Country Club.

E. J. McManus will be joining the Planning Commission at the next meeting on Thursday, February 9, 2017, as a new Commissioner. He has quite a bit of municipal experience.

Election of officers occurs at the Thursday, February 9, 2017, Planning Commission meeting. The Planning Commission will vote on the Chair and Vice Chair. The Chair will appoint/reappoint Planning Commission liaisons to the Site Plan and Architectural Commission and Joint Transportation Subcommittee.

The next Planning Commission study session is scheduled for Monday, February 13, 2017. Currently, there is no business scheduled but staff will keep the Commissioners informed.

There is business scheduled for the Planning Commission through March.

**70. Messages and Papers from the Chair.**

70.1 Chair Miranda reiterated the election of officers and appointments/reappointments to the Site Plan and Architectural Commission and Joint Transportation Subcommittee.

80. Remarks from the City Attorney. None.

90. Propositions and Remarks from the Commission. None.

Adjournment

The meeting was adjourned at 6:20 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

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Terri L. Rozzana  
Recording Secretary

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Patrick Miranda  
Planning Commission Chair

Approved: February 9, 2017



**STAFF REPORT**

For a Type-C quasi-judicial decision: Zone Change

PROJECT Up to Ginger Zone Change  
Applicant: Up to Ginger LLC – Jantzer Loving Trust  
Agent: Farber Surveying, Herbert Farber

FILE NO. ZC-16-148

TO Planning Commission *for February 9, 2017 hearing*

FROM Liz Conner, Planner II

REVIEWER Kelly Akin, Principal Planner *ka*

DATE January 31, 2017

**BACKGROUND**

Proposal

Request for a zone change from SFR-00 (Single Family Residential – one dwelling unit per existing lot) to SFR-4 (Single Family Residential – four dwelling units per gross acre) on 0.47 acres located approximately 150 feet south of Pluton View Way and adjacent to the southerly boundary of Panorama Heights Phase 1.

Subject Site Characteristics

Zoning SFR-00  
GLUP UH (Urban High Density Residential)  
Use Vacant

Surrounding Site Characteristics

North	SFR-4	Vacant, with active SFR building permits
South	SFR-00	Vacant
East	SFR-00	Vacant
West	County	Vacant

Related Projects

A-07-15 Annexation  
LDS-15-91 Subdivision Panorama Heights, Phase 1

Applicable Criteria

**ZONE CHANGE APPROVAL CRITERIA – MEDFORD LAND DEVELOPMENT CODE SECTION 10.227**

The zone change criteria that are not relevant to this particular application are hereby omitted from the following citation and noted by \*\*\*.

The approving authority (Planning Commission) shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:

- (1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

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- (2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the *Comprehensive Plan* "Public Facilities Element."
  - (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
  - (b) Adequate streets and street capacity must be provided in one of the following ways:
    - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
    - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required

- condition and capacity, at the time building permits for vertical construction are issued; or
- (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:
    - (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or
    - (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.
  - (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.
- (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction of covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:
- (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject

- property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,
- (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,
  - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

## ISSUES AND ANALYSIS

### Subject Site History

At the time of annexation in 2008, the subject property was given a holding zone of SFR-00 (Single Family Residential, one dwelling unit per existing lot) (A-07-15-29). Following annexation, two land use applications were submitted and approved for the property directly north of the subject area: a zone change to the current SFR-4 zone in 2009 (ZC-09-12) and Panorama Heights, a 10-lot subdivision in 2015 (LDS-15-91). Panorama Heights Phase I has completed the final plat requirements and has active building permits for various lots. Panorama Heights Phase II has not received final plat approval at this time.

### Issues/Analysis

The applicant intends to add the subject area to Lots 6 and 7 of Panorama Heights, Phase I and Tract A – Reserve Acreage (future Lots 12 and 13 of Panorama Heights Phase II) through a property line adjustment (Exhibit I). The final configuration of these four lots will conform to the SFR-4 size standards and could potentially be divided further. The Public Works report raises two issues regarding facility adequacy that may occur if Lots 6, 7, 12 and 13 are divided (Exhibit E).

For sanitary sewer, the current Sanitary Sewer Master Plan shows future capacity constraints downstream from the subject site. If any of the lots are divided, an analysis of the system will be required to demonstrate that capacity is available.

Storm drainage facilities for Panorama Heights were sized to accommodate development within the original subdivision boundary. The area that is the subject of this zone change lies in a different drainage basin than Panorama Heights and must be conveyed via an easement through an adjacent property.

The applicant has stipulated that a deed restriction will be placed on Lots 6, 7, 12 and 13 of Panorama Heights Phases I and II that prevents any future land divisions without

addressing these facility issues (Exhibit C). A condition accepting the stipulation and requiring recordation of a deed restriction has been included.

### **FINDINGS AND CONCLUSIONS**

Staff has reviewed the Applicant's Findings (Exhibit B) and recommends the Commission adopt the findings as presented with the following modifications.

With regard to Criterion 2, the Agent's comment included as Exhibit C demonstrates that a deed restriction will be placed on lots 6, 7, 12, and 13 of Panorama Heights Phases I and II to restrict further division to prevent a future constraint on sanitary sewer and storm drainage systems. This restriction will not preclude future development on the subject property or surrounding properties; it provides notice to future owners that an analysis of Category A facilities is required prior to a future land division.

### **RECOMMENDED ACTION**

Adopt the Findings as recommended by staff and direct staff to prepare a Final Order for approval of ZC-16-148 per the staff report dated January 31, 2017, including Exhibits A through K.

### **EXHIBITS**

- A Conditions of Approval
- B Applicant's Findings of Fact received November 23, 2016
- C Herb Farber-Agent email received January 19, 2017
- D Legal Description received November 23, 2016
- E Public Works Department Staff Report received January 11, 2017
- F Medford Fire Department Report received January 3, 2017
- G Medford Water Commission memo received January 11, 2017
- H Traffic Impact Analysis Form received November 8, 2016
- I Tentative Property Line Adjustment Site Plan received November 23, 2016
- J Panorama Heights Phase I Final Plat
- K General Land Use Map  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**FEBRUARY 9, 2017**

**EXHIBIT A**

Up to Ginger Zone Change  
ZC-16-148  
Conditions of Approval  
January 31, 2017

**DISCRETIONARY CONDITIONS**

1. Accept the applicant's stipulation to record a deed restriction regarding the potential for future subdivision of Lots 6, 7, 12, and 13 of Panorama Heights Phases I and II.

**CODE CONDITIONS**

1. Per MLDC 10.227(2)(c), within 30 days of the Final Order the applicant shall produce recorded deed restrictions for Lots 6, 7, 12 and 13 of Panorama Heights Phases I and II acknowledging that further facility adequacy testing for sanitary sewer and storm drain is required prior to the future subdivision of any or all of said lots as noted in Exhibit C received January 19, 2017.



• FARBER & SONS, INC. • POST OFFICE BOX 5286 • CENTRAL POINT, OR 97502 •  
• OFFICE • 431 OAK STREET • CENTRAL POINT •

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## Findings of Fact for

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Up to Ginger LLC-Jantzer Loving Trust  
Tax Lots 400-207, Assessor's Map No. 371W15

A ZONE CHANGE APPLICATION IN THE  
CITY OF MEDFORD, OREGON

ADDRESSING THE CRITERIA OF MLDC §10.297  
November 22, 2016

PREPARED BY:  
FARBER SURVEYING  
431 Oak Street  
Central Point, OR 97502

***10.227 Zone Change Criteria Findings: 37 2W 25CC T/L 5913 & 5500***

*The approving authority (Planning Commission) shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:*

*(1) The proposed zone is consistent with the Oregon Transportation Planning Rule (OAR 660) and the General Land Use Plan Map designation. (When the City of Medford's Transportation System Plan (TSP) is adopted, a demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.*

• HERBERT A. FARBER PRESIDENT / SURVEYOR • SUSAN M. FARBER BUSINESS MANAGER •  
PHONE: 541-664-5599 • FAX: 541-664-5603

**Finding: 1) The proposed zone will be added into the existing SFR-4 zone that was found to be consistent with the Oregon Transportation Planning Rule (OAR 660) and the General Land Use Plan Map designation of Urban Residential.**

*(a) For zone changes to SFR-2, the zoning shall be approved under either of the following circumstances: (i) if at least 70 percent of the area proposed to be rezoned exceeds a slope of 15%, (ii) if other environmental constraints, such as soils, geology, wetlands, and flooding, restrict the capacity of the land to support higher densities.*

**Finding: 1a) Not applicable**

*(b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one of the following conditions must exist: (i) At least one parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or (ii) The area to be rezoned is five (5) acres or larger; or (iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five (5) acres.*

**Finding: 1b) Not applicable**

*(c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought: (i) The overall area of the C-N zoning district shall be three (3) acres or less in size and within, or abutting on at least one boundary, residential zoning. In determining the overall area, all abutting property(s) zoned C-N shall be included in the size of the district. (ii) The overall area of the C-C zoning district shall be over three (3) acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district. (iii) The overall area of the C-R zoning district shall be over three (3) acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below. (iv) The C-H zone shall front upon an arterial street or state highway. The C-H zone may abut the General Industrial (I-G), Light Industrial (I-L), and/or any commercial zone. The C-H zone is ordinarily considered to be unsuitable if abutting any residential and I-H zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.*

**Finding: 1c) Not applicable**

*(d) For zone changes to any industrial zoning district, the following criteria shall be met for the applicable zoning sought: (i) The I-L zone may abut residential and commercial zones, and the General Industrial (I-G) zone. The I-L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I-H) zone, unless the applicant can show it would be suitable pursuant to (1)(e) below. (ii) The I-G zone may abut the Heavy Commercial (C-H), Light Industrial (I-L), and the Heavy Industrial (I-H) zones. The I-G zone is ordinarily considered to be unsuitable when abutting the other commercial and residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below. (iii) The I-H zone may abut the General Industrial (I-G) zone. The I-H zone is ordinarily considered to be unsuitable when abutting other zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.*

**Finding: 1d) Not applicable**

*(e) For purposes of (1)(c) and (1)(d) above, a zone change may be found to be "suitable" where compliance is demonstrated with one or more of the following criteria: (i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows for only one zone; (ii) At least 50% of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above; (iii) At least 50% of the subject property's boundaries abut properties that contain one or more existing uses which are permitted or conditional uses in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing uses; or (iv) Notwithstanding the definition of "abutting" in MLDC 10.012 and for purposes of determining suitability under Section (1) (e), the subject property is separated from the "unsuitable" zone by a public right-of-way of at least 60 feet in width.*

**Finding: 1e) Not applicable**

*(2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."*

**Finding: 2) Category "A" urban services and facilities are available and will be**

**provided to adequately serve the subject properties with the permitted uses allowed under the proposed zoning. The area will be added into the existing and approved lots of Panorama Heights as a result will not require any additional services.**

*(a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.*

**Finding: 2a) Storm drainage, sanitary sewer, and water facilities of Panorama Heights are adequate in condition, capacity, and location to serve the property.**

*(b) Adequate streets and street capacity must be provided in one of the following ways: (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs: (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits. (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.*

**Finding: 2b) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity.**

*I In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following: (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards, (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule, (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.*

**Finding: 2c) Not applicable**

Respectfully submitted,

Herbert A Farber

**Liz A. Conner**

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**From:** Herb Farber <herb@farbersurveying.com>  
**Sent:** Thursday, January 19, 2017 2:45 PM  
**To:** Liz A. Conner; Kelly A. Akin; Douglas E. Burroughs; Jodi K. Cope  
**Cc:** Wayne VanWey (ginvan76@hotmail.com)  
**Subject:** Panorama Heights ZC-16-148

Good afternoon,

All of the land associated with this Zone Change will be added to the existing lots in Phase I and the pending lots in Phase II. We hereby stipulate that there will no additional lots added to Panorama Heights over what has been presently platted or has been approve for platting. We will place a restriction on those lots receiving additional area to prevent future land divisions thereby maintaining the existing approved service levels for Sanitary Sewer and Storm Water facilities.

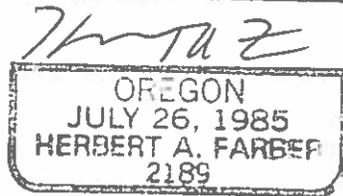
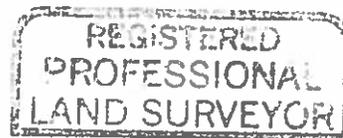
Thanks,  
Herb  
Farber Surveying  
431 Oak Street  
Central Point Oregon 97502  
Phone 541-664-5599  
Fax 1-541-610-1588  
[www.farbersurveying.com](http://www.farbersurveying.com)

Property Description  
Up to Ginger LLC  
Zone change area 371W15-400

Beginning at a 5/8 inch iron point located North 0°00'50" East, 1090.29 feet from the Southwest corner of Section 15, Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, also being the Southwest corner of Panorama Heights, Phase I, recorded in Volume 42, Page 23 in the Plat Records of said county and state; thence South 89°43'00" East, along the south boundary of said Phase I, 459.90 feet to a 5/8 inch iron pin located at the Southeast corner of Tract A of said Phase I; thence South 0°01'16" West, 45.00 feet; thence North 89°43'00" West, 459.89 feet; thence North 0°00'50" East, 45.00 feet to the POINT OF BEGINNING.

Prepared By: Farber & Sons, Inc.  
Farber Surveying  
431 Oak Street  
Central Point OR, 97502  
(541) 664-5599

Date: November 22, 2016



RENEWALS: 12/31/2017



Continuous Improvement Customer Service

## CITY OF MEDFORD

LD Date: 1/11/2017  
File Number: ZC-16-148

### **PUBLIC WORKS DEPARTMENT STAFF REPORT** **Panorama Heights Subdivision** **(Taxlots 207 & 400)**

- Project:** Consideration of a request for a zone change from SFR-00 (Single Family Residential – one dwelling per existing lot) to SFR-4 (Single Family Residential – four dwelling units per gross acre) on approximately 0.47 acres.
- Location:** Located approximately 150 feet south of Pluton View Way and adjacent to the southerly boundary of Panorama Heights Phase 1.
- Applicant:** Applicant, Up to Ginger LLC; Agent, Herbert A. Farber; Planner, Liz Conner.

The Medford Land Development Code (MLDC), Section 10.227 (2) requires a zone change application demonstrate Category 'A' urban services and facilities are available or can and will be provided to adequately serve the subject property. The Public Works Department reviews zone change applications to assure the services and facilities under its jurisdiction meet those requirements. The services and facilities that Public Works Department manages are sanitary sewers within the City's service boundary, storm drains, and the transportation system.

#### **I. Sanitary Sewer Facilities**

This site lies within the City of Medford Sewer Service area. The proposed zoning to SFR-4 has the potential to increase flows to the sanitary sewer system. Our current Sanitary Sewer Master Plan shows "future" capacity constraints in the sanitary sewer downgradient of the subject property. Based on this information the Public Works Department recommends this zone change be denied, or the applicant stipulate to not create any more developable lots, or the developer hire an engineer to perform an analysis on the downgradient system and make improvements if necessary to alleviate any capacity constraints.

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P:\Staff Reports\CP, DCA, & ZC\ZC only\2016\ZC-16-148 Panorama Heights Subdivision (TLs 207 & 400)\ZC-16-148 Staff Report\_JKC.docx

Page 1

PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET  
MEDFORD, OREGON 97501  
[www.ci.medford.or.us](http://www.ci.medford.or.us)

TELEPHONE (541) 774-2100  
FAX (541) 774-2552

**CITY OF MEDFORD**  
**EXHIBIT # E 1 of 2**  
**File # ZC-16-148**

## II. Storm Drainage Facilities

The subject property currently drains to the southwest. Storm drainage facilities for Panorama Heights Subdivision was sized to accommodate development within the original subdivision. Storm drainage south of the subdivision boundary is to a different drainage basin. Any development within the newly created areas shall provide for storm drainage by easement through Pacific Power property (37-1W-16D TL 3600), or engineered to not exceed predevelopment flow.

The City is responsible for operational maintenance of the detention facility and irrigation. Maintenance of landscape components shall be the responsibility of the developer or a HOA. The developers engineer shall provide an operations and maintenance manual for the facility that addresses responsibility for landscape maintenance prior to subdivision acceptance. Regarding water quality maintenance, the Rogue Valley Stormwater Quality Design Manual states: "Vegetation shall be irrigated and mulched as needed to maintain health plants with a density that prevents soil erosion."

## III. Transportation System

No traffic impact analysis (TIA) will be required for this zone change. The proposed application doesn't meet the requirements for a TIA, per MMC 10.461 (3).

No conditions pertaining to streets, street capacity, or access are requested by Public Works at this time. As a reminder, once Plateau Drive is planned to be extended to the south, Public Improvement Plans will need to be submitted to the Engineering Division of Medford Public Works Department for approval.

At the time of future land division or development permit, Public Works may require additional right-of-way and public utility easement (PUE) dedications and will condition the developer to improve their street frontage to the City's current standards. Improvements shall include paving, drainage, and curb, gutter, street lighting, sidewalk, and planter strips.

Prepared by: Jodi Cope

The above report is based on the information provided with the Zone Change Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection shall be provided with a Development Permit Application.

---

P:\Staff Reports\CP, DCA, & ZC\ZC only\2016\ZC-16-148 Panorama Heights Subdivision (TLs 207 & 400)\ZC-16-148 Staff Report\_JKC.docx

Page 2

PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET  
MEDFORD, OREGON 97501  
[www.ci.medford.or.us](http://www.ci.medford.or.us)

TELEPHONE (541) 774-2100  
FAX (541) 774-2552

CITY OF MEDFORD  
EXHIBIT # E 2 of 2  
File # ZC-16-148



# Medford Fire Department

200 S. Ivy Street, Room #180  
Medford, OR 97501  
Phone: 774-2300; Fax: 541-774-2514;  
E-mail [www.fire@ci.medford.or.us](mailto:www.fire@ci.medford.or.us)

## LAND DEVELOPMENT REPORT - PLANNING

To: Liz Conner

LD Meeting Date: 01/11/2017

From: Fire Marshal Kleinberg

Report Prepared: 01/03/2017

File #: ZC - 16 - 148

### Site Name/Description:

Consideration of a request for a zone change from SFR-00 (Single Family Residential - one dwelling per existing lot) to SFR-4 (Single Family Residential - four dwelling units per gross acre) on approximately 0.47 acres located approximately 150 feet south of Pluton View Way and adjacent to the southerly boundary of Panorama Heights Phase 1; Applicant, Up to Ginger LLC; Agent, Herbert A. Farber; Planner, Liz Conner.

DESCRIPTION OF CORRECTIONS	REFERENCE
<p><u>Approved as Submitted</u> Meets Requirement: No Additional Requirements</p>	

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

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

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

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

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



## Staff Memo

**TO:** Planning Department, City of Medford

**FROM:** Rodney Grehn P.E., Water Commission Staff Engineer

**SUBJECT:** ZC-16-148

**PARCEL ID:** 371W15 TL 207-400

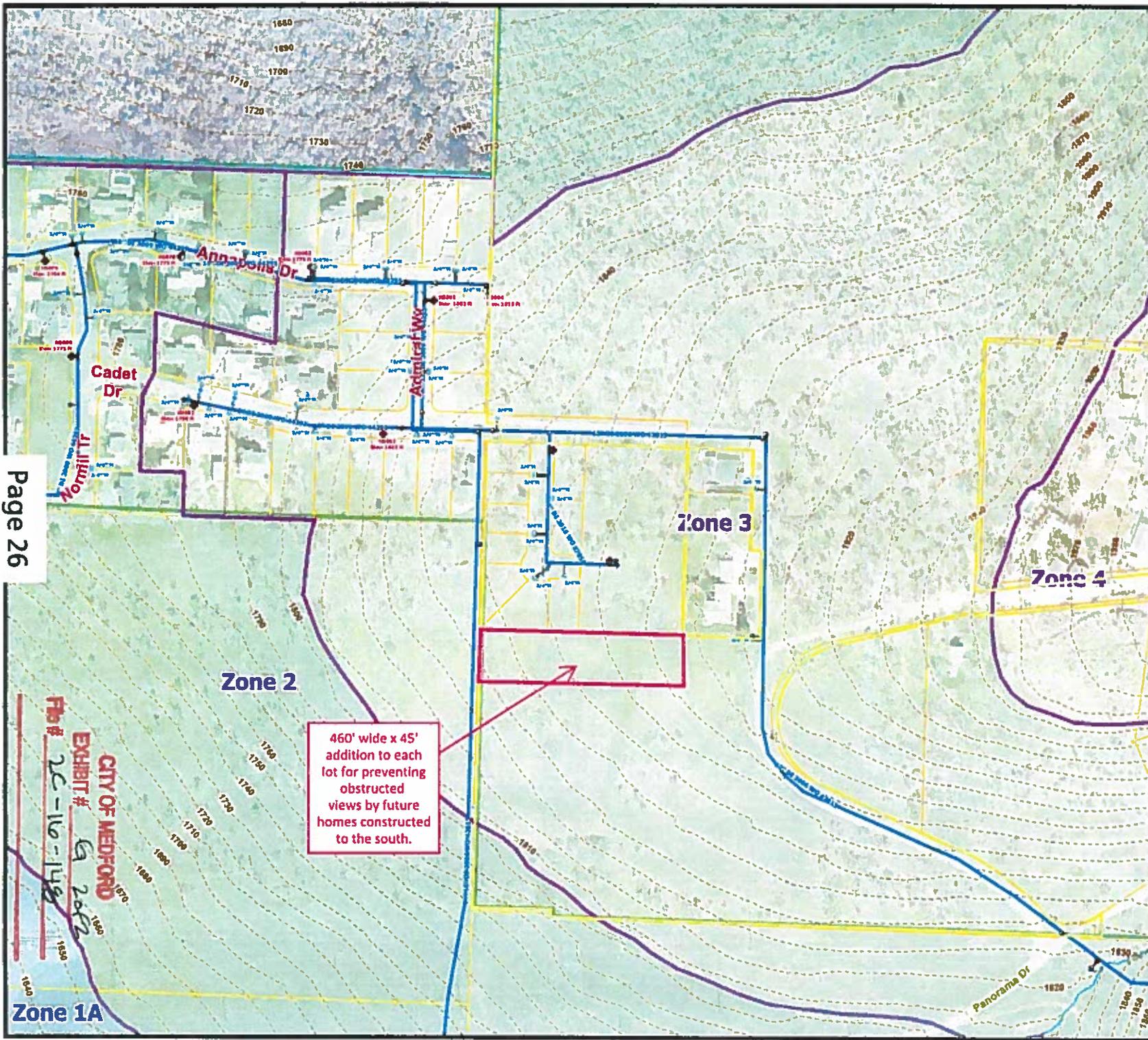
**PROJECT:** Consideration of a request for a zone change from SFR-00 (Single Family Residential – one dwelling per existing lot) to SFR-4 (Single Family Residential – four dwelling units per gross acre) on approximately 0.47 acres located approximately 150 feet south of Pluton View Way and adjacent to the southerly boundary of Panorama Heights Phase 1; Applicant, Up to Ginger LLC; Agent, Herbert A. Farber; Planner, Liz Conner.

**DATE:** January 11, 2017

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

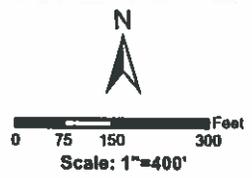
### COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The MWC system does have adequate capacity to serve the proposed expansion of these parcels.
4. Off-site water facility construction is not required.
5. MWC-metered water service does exist to these properties via the development of Panorama Heights Subdivision Phase 1. Each existing lot within Phase 1 is served domestic water via a 3/4-inch water meter.
6. Access to MWC water lines for connection or extension is available. There is an 8-inch water line located in Basalt Drive and Pluton View Way.



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File # 2C-116-148  
 EXHIBIT # G 2022  
 CITY OF MEDFORD



**Water Facility Map for PLA-16-147 & ZC-16-148**

**Legend**

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



This map is intended as a general reference and should not be used for legal purposes. The City of Medford is not responsible for any errors or omissions. Please contact the City of Medford for more information.

RECEIVED

NOV 08 2016

ZONE CHANGE APPLICATION

TRAFFIC IMPACT ANALYSIS FORM

PLANNING DEPT.

A. Form to be filled out and signed by a representative from the Public Works Department – Traffic Section prior to submittal of this Zone Change application.

Map and Tax Lot(s) 371W15-part of 400, 20700 sq ft

Current Zoning District: SFR-00 0.475 Ac

Proposed Zoning District: SFR-4 0.475 Ac \* 4 \* 10 = 19 ADT

B. Based upon the information submitted with this application:

- A Traffic Impact Analysis is not required
- A Traffic Impact Analysis is required and has been submitted to the Public Works – Traffic Section.
- A Traffic Impact Analysis is required and has NOT been submitted to the Public Works – Traffic Section.
- Insufficient information to determine if TIA is required.

Peter T Mackprang  
Printed Name

P.T. Mackprang  
Signature

Associate Traffic Engineer  
Title





**PANORAMA HEIGHTS PHASE I  
A SUBDIVISION**  
located in the  
SOUTHWEST QUARTER OF SECTION 15,  
TOWNSHIP 37 SOUTH, RANGE 1 WEST,  
WILLAMETTE MERIDIAN, IN THE CITY OF MEDFORD  
JACKSON COUNTY, OREGON

for  
**UP TO GINGER, LLC.**  
PO BOX 841  
MEDFORD, OREGON 97501

**LEGEND**

- ⊕ = FOUND 1/2" BRASS CAP - SECTION CORNER
  - = FOUND 5/8" IRON P.M. AS DESCRIBED
  - ⊙ = SET 3/8" x 30" IRON P.M. w/ 1/2" ALUMINUM CAP MARKED "FARBER PLS 2188"
  - ⊙ = SET 5/8" x 30" IRON P.M. w/ YELLOW PLASTIC CAP MARKED "FARBER PLS 2188"
  - ⊙ = SET 3/8" x 24" IRON P.M. w/ YELLOW PLASTIC CAP MARKED "FARBER PLS 2188"
- S/N = RECORD FILED SURVEY NUMBER  
W.M. = WITNESS MONUMENT
- RECORD SURVEY DATA IS SHOWN ON PARENTHESIS ADJACENT TO MEASURED SURVEY DATA WHERE APPLICABLE.  
- INST. NO. = INSTRUMENT NUMBER AS RECORDED IN THE OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.  
- PUE = PUBLIC UTILITY EASEMENT FOR POWER, PHONE, GAS, AND CABLE TV.

**SURVEY NARRATIVE  
TO COMPLY WITH O.R.S. 209.250**

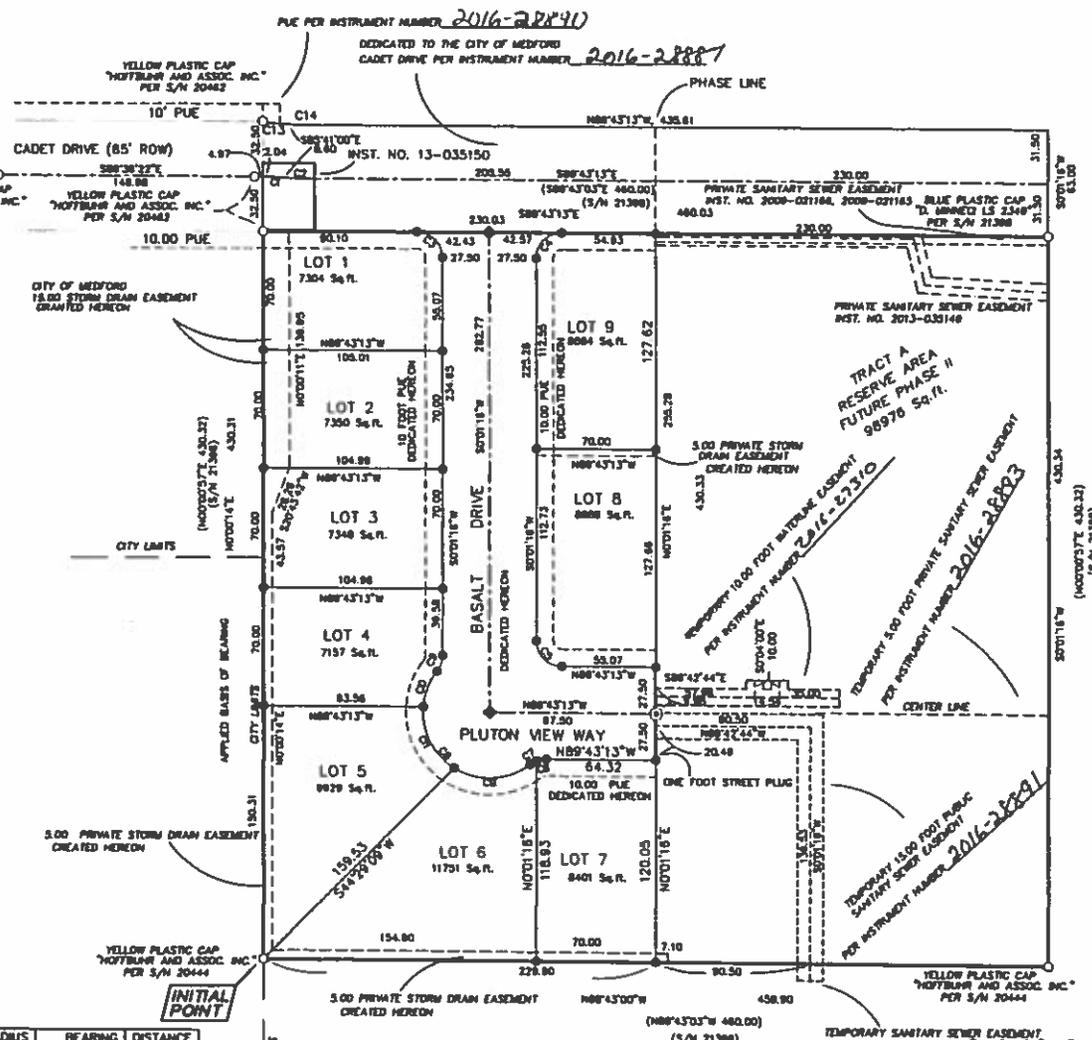
PURPOSE: TO SURVEY AND MONUMENT THE SUBDIVISION OF THAT PARCEL OF LAND DESCRIBED IN INSTRUMENT NUMBER 2015-013485, OFFICIAL RECORDS OF JACKSON COUNTY, OREGON AS APPROVED BY CITY OF MEDFORD PLANNING DEPARTMENT, PER FILE NUMBER 105-15-061, DATED SEPTEMBER 10, 2015.  
PROCEDURE: A SEARCH FOR MONUMENTS OF RECORD WAS CONDUCTED AND FOUND MONUMENTS WERE TIED AS SHOWN. THE BOUNDARY WAS HELD BETWEEN FOUND MONUMENTS PER SURVEY NUMBER 21384.

Surveyed by:  
**FARBER & SONS, INC. dba**



PO BOX 5286  
431 OAK STREET  
CENTRAL POINT, OREGON 97502  
(541) 664-5599

DATE: June 22, 2018  
JOB NO.: 2015-2340  
DRAWING FILE: JOBS\Medford\_NE\Cadet Drive\Wayway Memos 2015-2340\  
MiroSurvey\FINAL PLATS\PHASE1\_FINAL\_050218.dwg



BASIS OF BEARING IS TRUE NORTH, NAD 83/91 DATUM, AS DERIVED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS.

REGISTERED PROFESSIONAL LAND SURVEYOR  
**Herbert A. Farber**  
CREATED JULY 28, 2008  
MEDFORD, OREGON  
RENEWAL DATE 12-31-17

FILED  
DATE 7/1/18 BY PB  
This survey consists of:  
2 sheet(s) Map  
2 page(s) Narrative  
JACKSON COUNTY SURVEYOR

I, Herbert A. Farber, do hereby certify that this is an exact copy of the original.

*Herbert A. Farber*



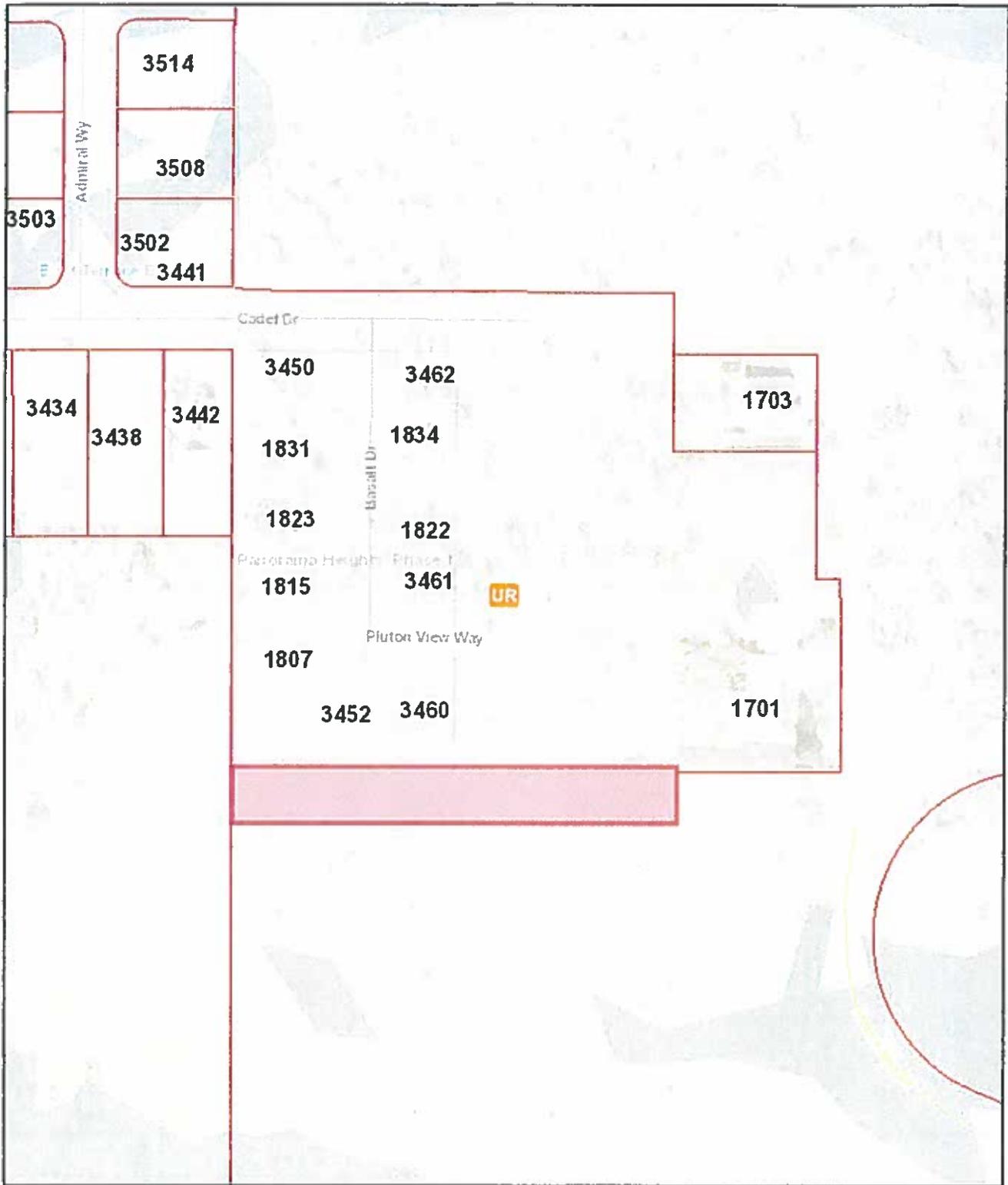
NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	3°55'23"	6.85	100.00	N87°38'41"W	6.85
C2	4°02'14"	7.05	100.00	N87°42'07"W	7.04
C3	89°44'28"	23.49	15.00	N44°50'58"W	21.17
C4	80°15'31"	23.63	15.00	S45°08'01"W	21.28
C5	89°44'28"	23.49	15.00	S44°50'59"E	21.18
C6	22°14'27"	5.82	15.00	S78°08'33"W	5.79
C7	15°50'30"	4.15	15.00	S60°07'03"W	4.13
C8	185°54'52"	112.93	39.00	S44°50'44"E	77.41
C9	38°03'28"	9.87	15.00	N19°03'58"E	9.79
C10	33°45'37"	22.98	39.00	S21°13'53"W	22.85
C11	82°21'34"	42.45	39.00	S26°49'42"E	40.38
C12	89°47'40"	47.51	39.00	N87°05'40"E	44.62
C13	3°55'23"	6.85	131.50	N87°38'41"W	6.85
C14	4°02'14"	7.05	131.50	N87°42'07"W	7.04

PER JACKSON COUNTY RE-ESTABLISHMENT NOTES DATED SEPTEMBER 7, 1999

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CITY OF MEDFORD  
EXHIBIT # 1  
FILE # 7C-16-14R

# City of Medford Map



January 20, 2017

Site Addresses

Taxlots



**CITY OF MEDFORD**  
**EXHIBIT #** K  
**File # ZC-16-148**

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeBCo, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community  
 City of Medford



City of Medford  
**Planning Department**

Vicinity  
 Map

File Number:  
**PLA-16-147**  
**ZC-16-148**



Project Name:  
**Up to Ginger LLC**  
**Zone Change &**  
**Property Line Adjustment**  
**SFR-00 to SFR-4**

Map/Taxlot:  
**371W15 TL 207-400**

0 100 200  
 Feet

12/20/2016

**Legend**

-  Subject Area
-  Medford Zoning
-  Tax Lots
-  Streets

