

PLANNING COMMISSION

AGENDA

DECEMBER 13, 2018



Commission Members

David Culbertson

Joe Foley

Bill Mansfield

David McFadden

Mark McKechnie

E. J. McManus

Patrick Miranda

Alex Poythress

Jared Pulver

Regular Planning Commission meetings

are held on the second and fourth

Thursdays of every month

Meetings begin at 5:30 PM

City of Medford

City Council Chambers

411 W. Eighth Street, Third Floor

Medford, OR 97501

541-774-2380



Planning Commission

Agenda

Public Hearing
December 13, 2018

5:30 PM

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

10. Roll Call

20. Consent Calendar/Written Communications (voice vote)

20.1 **E-18-137** Final Order of a request for an Exception to the lot depth requirement for Lot 10 of Phase 7 of West View Village Subdivision, located north of Lozier Court, approximately 300 feet east of Lozier Lane within the SFR-10 (Single Family Residential, 6 to 10 dwelling units per gross acre) zoning district (372W26DD900). Applicant: PDK Properties; Agent: Scott Sinner Consulting; Planner: Steffen Roennfeldt.

20.2 **LDP-18-140 / ZC-18-141** Final Orders of a request for tentative plat approval of a proposed two-lot partition, along with a request for a change of zone from C-C (Community Commercial) to, in part, MFR-30 (Multi Family Residential, 20 to 30 dwelling units per gross acre) on a 4.31-acre parcel located at 59, 75 & 101 Lozier Lane and 2267 & 2287 W Main Street within the C-C zoning district (372W26DA1000). Applicant: Manjoh LLC; Agent: Scott Sinner Consulting; Planner: Steffen Roennfeldt.

30. Minutes

30.1 Consideration for approval of minutes from the November 29, 2018, 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 **LDS-18-078** Consideration of tentative plat approval for Pioneer Marketplace Subdivision, a proposed two-phase, 12-lot land division consisting of six standard lots, four pad lots and two common area tracts on two contiguous parcels totaling 7.6-acres located at the southeast corner of

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

West McAndrews Road and North Ross lane in the C-C (Community Commercial) zoning district (372W26AD TL 2400 & 2600). Applicant: CDT-Bar LLC.; Agent: CSA Planning, Ltd.; Planner: Dustin Severs.

- 60. Reports**
- 60.1 Site Plan and Architectural Commission
- 60.2 Planning Department
- 70. Messages and Papers from the Chair**
- 80. Remarks from the City Attorney**
- 90. Propositions and Remarks from the Commission**
- 100. Adjournment**

BEFORE THE MEDFORD PLANNING COMMISSION
STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF APPROVAL OF AN EXCEPTION FOR)
WEST VIEW VILLAGE SUBDIVISION, PHASE 7, LOT 10 [E-18-137]) **ORDER**

ORDER granting approval for a request of an exception for *West View Village Subdivision, Phase 7, Lot 10*, as described below:

Requesting an Exception to the lot depth requirement for Lot 10 of Phase 7 of West View Village Subdivision, located north of Lozier Court, approximately 300 feet east of Lozier Lane within the SFR-10 (Single Family Residential, 6 to 10 dwelling units per gross acre) zoning district (372W26DD900).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Section 10.186; and
2. The Medford Planning Commission has duly held a public hearing on the exception for *West View Village Subdivision, Phase 7, Lot 10*, as described above, with the public hearing a matter of record of the Planning Commission on November 29, 2018.
3. At the public hearing on said exception, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted exception approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of the exception approval.

THEREFORE LET IT BE HEREBY ORDERED that the exception for *West View Village Subdivision, Phase 7, Lot 10*, as described above, stands approved per the Planning Commission Report dated November 29, 2018, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for exception approval is hereafter supported by the findings referenced in the Planning Commission Report dated November 29, 2018.

BASED UPON THE ABOVE, the Planning Commission determined that the exception is in conformity with the provisions of law and Section 10.186(B) criteria for an exception of the Land Development Code of the City of Medford.

Accepted and approved this 13th day of December, 2018.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



COMMISSION REPORT

for a Type-III quasi-judicial decision: **Exception**

Project PDK Properties
 Applicant: PDK Properties; Agent: Scott Sinner Consulting Inc.

File no. E-18-137

Date November 29, 2018

BACKGROUND

Proposal

Request for an Exception to the lot depth requirement for Lot 10 of Phase 7 of West View Village Subdivision, located north of Lozier Court, approximately 300 feet east of Lozier Lane within the SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre) zoning district (372W26DD900).

Vicinity Map



Figure 1 - Vicinity Map

Subject Site Characteristics

Zoning: SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre)
GLUP: UR (Urban Residential)
Overlay(s): None
Use: Vacant

Surrounding Site Characteristics

North	Zone:	SFR-10
	Use(s):	Vacant & Low Density Residential
South	Zone:	SFR-10
	Use(s):	Vacant & Low Density Residential
East	Zone:	SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre & SFR-10
	Use(s):	Low Density Residential
West	Zone:	SFR-00 (Single Family Residential – 1 dwelling unit per existing lot) & SFR-10
	Use(s):	Low Density Residential

Related Projects

A-00-122	Annexation of 14 parcels totaling 22.87 acres (Ord. # 2001-223)
PUD-03-198	West Meadows Village Planned Unit Development Preliminary Development Plan, Zone Change from Jackson County SR2.5 to SFR-10 & MFR-20 and Tentative Subdivision Plat
AC-11-095	Site Plan for development of five duplex lots
LDS-15-118	West Meadows Village Subdivision
E-16-001	West Meadows Village Exception to reduce right-of-way dedication
PLA-16-080	West Meadows Estates Property Line Adjustment
PA-18-003	Pre-Application regarding right-of-way vacation

Applicable Criteria

Medford Municipal Code §10.186(B). Criteria for an Exception

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an

exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

- (1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.
- (2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.
- (3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.
- (4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

Corporate Names

Kyle Taylor is the Registered Agent and Manager for PDK Properties, LLC according to the Oregon Secretary of State Business Registry. Paul Schultz and is listed as a Member.

Scott Sinner is the Registered Agent and President for Scott Sinner Consulting, Inc. according to the Oregon Secretary of State Business Registry. Colleen Sinner is listed as the Secretary.

ISSUES AND ANALYSIS

Background

PUD-03-198: West Meadows Preliminary Planned Unit Development, including a zone change from County SR-2.5 (Suburban Residential – 2.5 acre minimum lot size) to SFR-10 on 2.62 acres and MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre) and tentative subdivision plat approval for 13-lots for West Meadows Village, a mixed-use planned unit development consisting of 5 single family lots, 5 duplex lots, 2 commercial lots and a multi-family lot with future intent to divide further.

The applicant received approval for the Final PUD Plan on November 11, 2011. With the approval of the Final PUD Plan for Phase 1, the applicant has five years from that date, November 11, 2016, to obtain approval of a Final PUD plan for a second phase to ensure the PUD zoning remains active. The Tentative Plat which was reviewed and approved concurrently with the PUD in 2008 received two extensions and expired on August 29, 2011. A revised Tentative Plat was submitted as part of LDS-15-118. The Tentative Plat was substantially consistent with the 2008 Preliminary Development Plan. However, there were some subtle changes from the Preliminary Plan, though none of the changes would raise the level of being significant in causing a Final PUD Plan to become inconsistent with the Preliminary PUD Plan. The date of the Final Order of Approval was February 11, 2016 with an Expiration date of February 11, 2021.

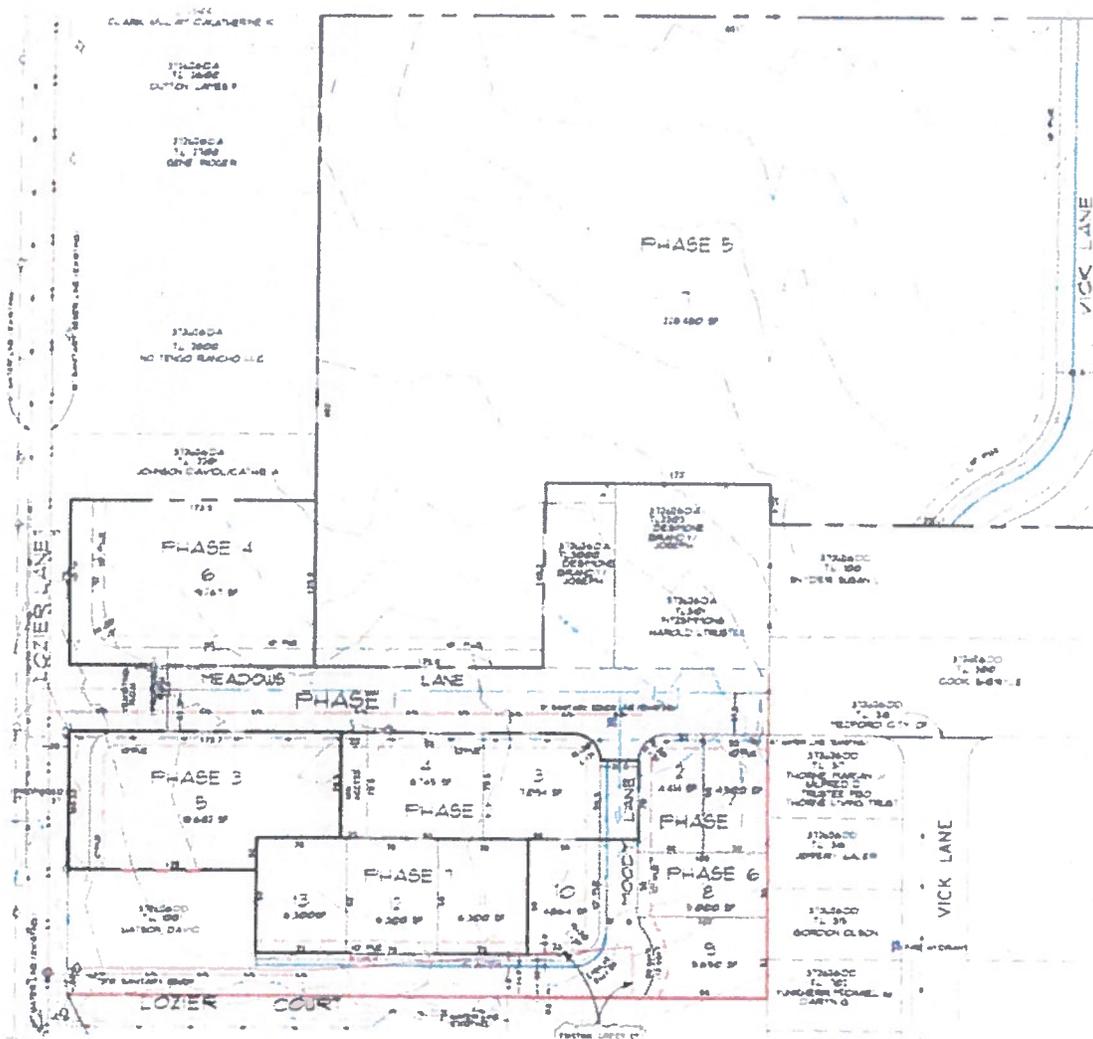


Figure 2 - LDS-15-118 Tentative Plat

Discussion & Analysis

Exception to Lot Depth

The applicant met with City staff as part of a pre-application meeting (PA-18-003) to discuss the best approach to solve the issue of parts of Lozier Court right-of-way encroaching into proposed Parcel 10 of West Meadows Village Subdivision. The conclusion of the pre-application conference was for the applicant to apply for an Exception to lot depth instead of applying for a right-of-way vacation permit with the City and Jackson County.

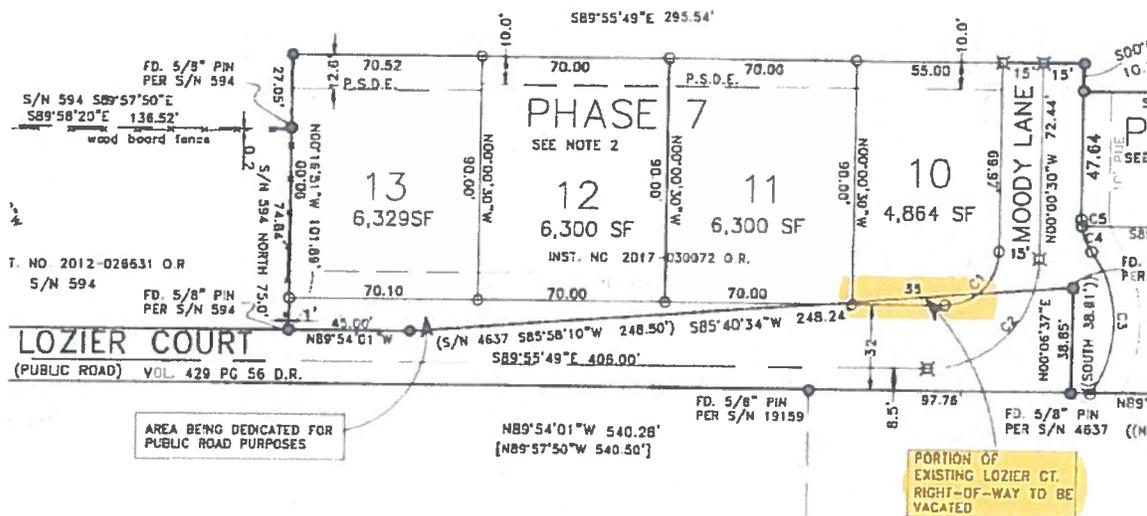


Figure 3 – Tentative Plat as approved per LDS-15-118

Figure 3, above, depicts the tentative plat as approved as part of Meadow Village Subdivision. The highlighted portion of the existing Lozier Court right-of-way was supposed to be vacated using the City’s application process. However, uncertainty about to whom ownership of the parcel would ultimately revert back to and the lengthy process caused the applicant to apply for an Exception application outside the public right-of-way instead.

Figure 4, below, shows the proposed layout including this Exception request. The minimum lot depth for a detached single-family residential parcel in SFR-10 is 90 feet (MLDC 10.710); proposed is a lot depth of approximately 87.50 feet.

Table 1 - Detached Single-Family Dwelling Standards

	Minimum Lot Depth	Proposed Lot Depth
Lot 10	90 feet	87.50 feet

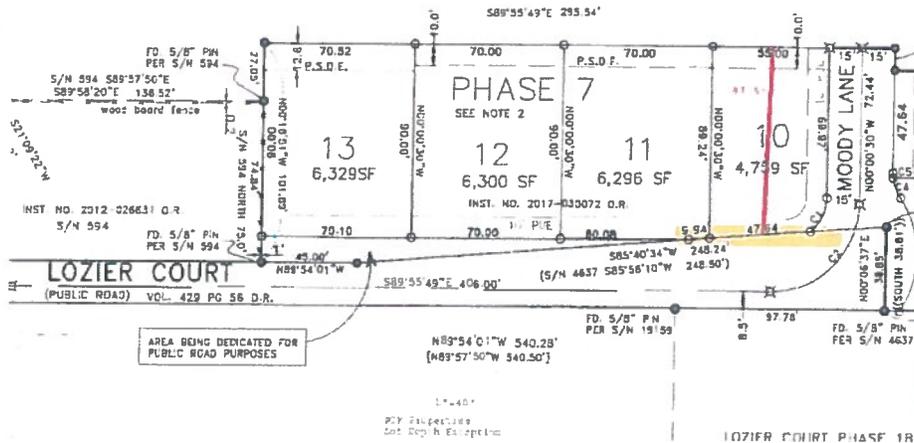


Figure 4 - Proposed new lot layout for Lot 10

The applicant stated that the development of the lot would be as represented in the tentative plat with a standards radius corner. The smidgelet [sic] of property would be on the private side of the public sidewalk and would be incorporated in the landscaping of Lot 10 and would be maintained by the owner of the lot in the same manner of publicly owner plant strips in the current standards for development in the right-of-way.

As mentioned by the applicant, Planning Department, Public Works, City Attorney, City Surveyor and the County Roads Department staff all are in support of this Exception request for lot depth instead of an application for right-of-way vacation.

Agency Comments

Jackson County Roads (Exhibit G)

Jackson County Roads confirms that Lozier Court is a local access road that is already under City jurisdiction.

Correction: The City does not have jurisdiction over this right-of-way at this point in time. Lozier Court is privately maintained but, once improved to City standards, will be dedicated to the City and the City will then take over maintenance.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit C) and recommends the Commission adopt the findings as presented.

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare the final order for E-18-137 per the staff report dated October 30, 2018, including Exhibits A through I.

EXHIBITS

- A Site Plan, received September 21, 2018
- B Assessor Map, received September 21, 2018
- C Applicant's Findings of Fact and Conclusions, received September 21, 2018
- D Public Works Department Staff Report, dated October 24, 2018
- E Medford Water Commission Memo, dated October 24, 2018
- F Medford Fire Department Land Development Report, dated October 24, 2018
- G Jackson County Roads Memo, dated October 9, 2018
- H E-mail Conversation between Applicant, City Surveyor and County Engineer
- I Deed for Lozier Court right-of-way
Vicinity map

MEDFORD PLANNING COMMISSION

Patrick Miranda, Chair

PLANNING COMMISSION AGENDA:

**NOVEMBER 8, 2018
NOVEMBER 29, 2018
DECEMBER 13, 2018**

**BEFORE THE MEDFORD PLANNING COMMISSION
STATE OF OREGON, CITY OF MEDFORD**

IN THE MATTER OF TENTATIVE PLAT APPROVAL FOR)
)
MANJOH LLC) **ORDER**
)
 [LDP-18-140]

ORDER granting approval of a request for tentative plat approval of File No. LDP-18-140, as follows:

Tentative plat approval of a proposed two-lot partition, along with a request for a change of zone from C-C (Community Commercial) to, in part, MFR-30 (Multi Family Residential, 20 to 30 dwelling units per gross acre) on a 4.31-acre parcel located at 59, 75 & 101 Lozier Lane and 2267 & 2287 W Main Street within the C-C zoning district (372W26DA1000).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Section 10.202; and
2. The Medford Planning Commission has duly held a public hearing on the request for consideration of tentative plat approval described above, with a public hearing a matter of record of the Planning Commission on November 29, 2018; and
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval and directed staff to prepare the final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for *Manjoh LLC*, stands approved per the Planning Commission Report dated November 29, 2018, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Report dated November 29, 2018.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.202(E) Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 13th day of December, 2018.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

**BEFORE THE MEDFORD PLANNING COMMISSION
STATE OF OREGON, CITY OF MEDFORD**

IN THE MATTER OF PLANNING COMMISSION FILE ZC-18-141 APPLICATION)
FOR A ZONE CHANGE SUBMITTED BY MANJOH LLC) **ORDER**

ORDER granting approval of a request for a zone change for *Manjoh LLC*, described as follows:

A change of zone from C-C (Community Commercial) to, in part, MFR-30 (Multi Family Residential, 20 to 30 dwelling units per gross acre) on a 4.31-acre parcel located at 59, 75 & 101 Lozier Lane and 2267 & 2287 W Main Street within the C-C zoning district and tentative plat approval for a proposed two-lot partition.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning for *Manjoh LLC*, as describe above; and

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Planning Commission Report dated November 29, 2018, and the Findings contained therein – Exhibit “A,” and Legal Description – Exhibit “B” attached hereto and hereby incorporated by reference; now, therefore,

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MEDFORD, OREGON, that:

The zoning of the following described area within the City of Medford, Oregon:

37 2W 26DA Tax Lot 1000

is hereby changed as described above.

Accepted and approved this 13th day of December, 2018.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



COMMISSION REPORT

for a Type III quasi-judicial decision: **Zone Change & Land Division**

Project Manjoh LLC
Applicant: Manjoh LLC
File no. LDP-18-140 & ZC-18-141
Date November 29, 2018

BACKGROUND

Proposal

Consideration of a request for tentative plat approval of a proposed two-lot partition on a 4.31-acre parcel located at 59, 75 & 101 Lozier Lane and 2267&2287 W Main Street within the C-C zoning district and a request for a zone change from C-C (Community Commercial) to MFR-30 (Multiple Family Residential – 20 to 30 dwelling units per gross acre) for proposed Parcel 2 (372W26DA1000).

Vicinity Map



Subject Site Characteristics

Zoning: C-C (Community Commercial)
GLUP: CM (Commercial) & UH (Urban High Density Residential)
Overlay(s): None
Use: Commercial & low density residential

Surrounding Site Characteristics

North Zone: C-C
Use(s): Commercial

South Zone: SFR-00 (Single Family Residential – 1 dwelling unit per lot) & MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre)
Use(s): Low density residential & vacant

East Zone: C-C & MFR-20
Use(s): Vacant & high density residential

West Zone: C-C
Use(s): Commercial

Related Projects

PA-18-006 Pre Application for current project
PLA-18-116 Property Line Adjustment for Taxlot 1000 & 1300

Applicable Criteria

Inapplicable criteria have been omitted from this report. Omitted sections are identified by ***.

Medford Land Development Code §10.204, Zone Change Criteria

The Planning Commission shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (1) and (3) 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.*

(3) *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 Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.*

- (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 (1) 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 (1) 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 (1) 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 (2) 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 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.*

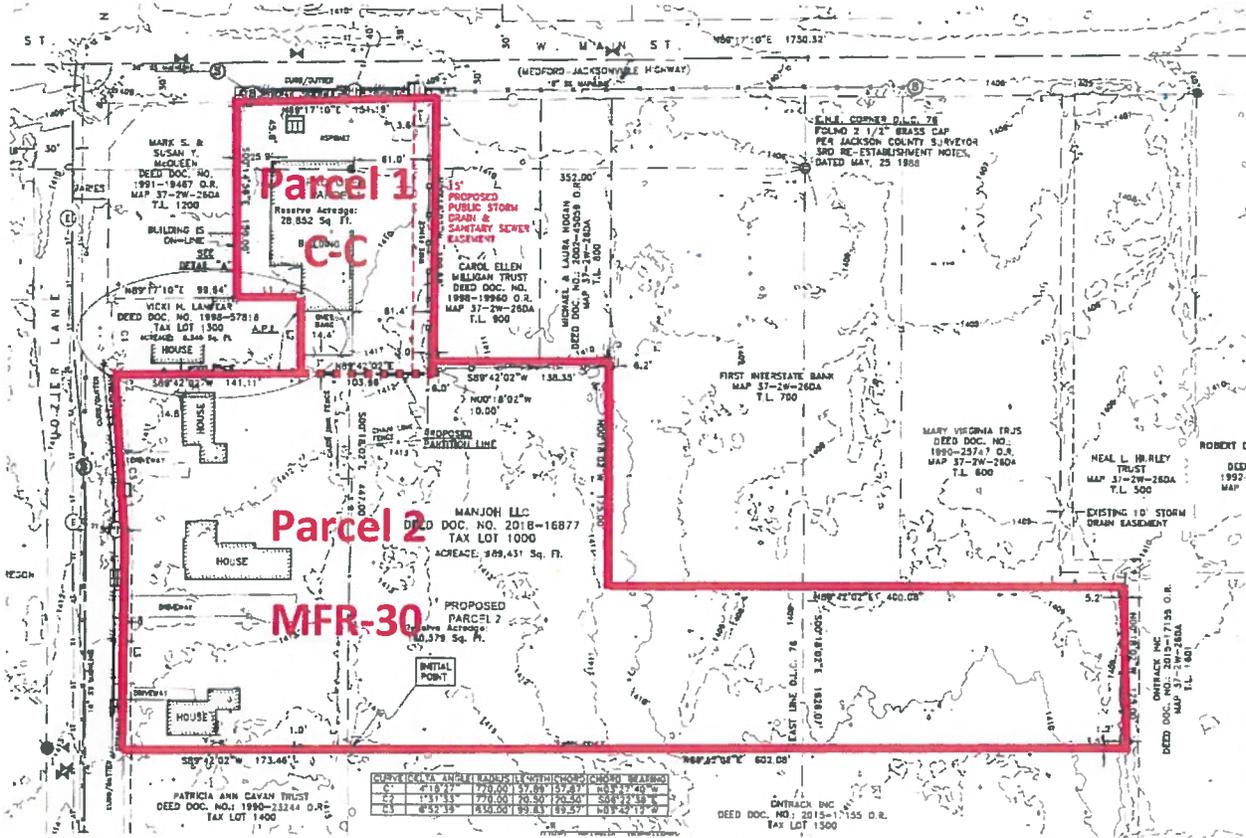
Medford Land Development Code §10.202, Land Division Approval Criteria

The Planning Commission shall not approve any tentative plat unless it first finds that the proposed land division, together with the provisions for its design and improvement:

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;*
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;*
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;*
- (4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;*
- (5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;*
- (6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.*

Tentative Plat

The Tentative Plat for the subject site identifies two proposed parcels. Parcel 1 to the north which will keep its current zoning designation of Community Commercial and Parcel 2 to the south which is intended to receive a zoning of MFR-30 as part of this application.



Dimensional Standards

Dimensional Standards Table

C-C	Lot Area	Min. lot Width (Interior)	Min. lot Depth	Min. Lot Frontage
Required	15,000 sq. ft.	70 feet	100 feet	70 feet
Shown	28,852sq. ft.	152 feet	213 feet	151.23 feet
MFR-30				
Required	8,000 sq. ft.	80 feet	100 feet	30 feet
Shown	189,431 sq. ft.	125 feet	780 feet	290 feet

As shown in the Dimensional Standards Table above, it can be found that the two proposed lots identified on the submitted tentative plat meet all the dimensional standards for the C-C and MFR-30 zoning districts as found in Article V of the Medford Land Development Code.

Reserve Acreage

The submitted tentative plat identifies both parcels as “reserve acreage”. No construction is proposed for either of the parcels as part of this application.

While the construction of public improvements along all abutting rights-of-way are required of partitions prior to final plat approval, designating the parcel as “reserve acreage” will allow the applicant to delay the construction of the public improvements until the time at which the properties are further developed, pursuant to MLDC 10.708(A)(3)(a). However, as the public improvements along West Main Street for proposed Parcel 1 are already fully constructed, it is unnecessary to designate Parcel 1 as “reserve acreage”. A condition of approval has been included to remove the designation of Parcel 1 as “reserve acreage” on the final plat.

Block Length

MLDC 10.426, titled Street Circulation Design and Connectivity, establishes maximum block and perimeter length. In order to assure that developments will ultimately result in complete blocks bound by a network of public streets, and/or private streets constructed to City Standards, new developments contained within City blocks may be required to dedicate/construct public streets within the development in order to comply with block length standards.

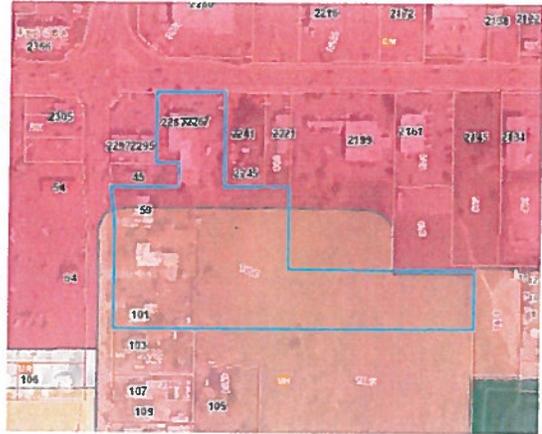
MLDC 10.426(2) provides built-in relief for developments that exceed the maximum block and/or perimeter standards, contingent on the applicant effectively demonstrating in their submitted findings that certain constraints and/or conditions exist in which the approving authority may find acceptable.

The applicant’s submitted findings cite that there will be no construction as part of this application, that Parcel 2 will be designated as “reserve acreage” and that the property has *multiple possible circulation patterns for east-west access from Lozier Lane to provide public street access and connections for this parcel as well as abutting properties in the vicinity to provide connectivity in compliance with MLDC 10.426 as grounds for the granting of relief from complying with the strict standards of the code for block length, citing MLDC 10.426(2)(f). The section states that Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards.*

Staff is supportive of the applicant’s request for the granting of relief from complying with the strict standards of the Code in regards to the construction of a public street. All Street Circulation Design and Connectivity standards will be applicable to future development applications for Parcel 2.

General Land Use Plan Map/Transportation System Plan

The General Land Use Plan (GLUP) designation for the subject site is CM, Commercial, towards the north of the site and UH, Urban High Density Residential, for the remainder of the site. As pointed out by the applicant and as described in the General Land Use Plan Element of the Medford Comprehensive Plan, the *GLUP Map graphically represents the present and future land use patterns within the City of Medford (...). To properly administer the GLUP Map, several things must be kept in mind. (...) The second is that the GLUP Map is "general". The designations on the GLUP Map are not intended to follow property lines.*



Interfaces between different designations are purposefully non-site-specific so as to discourage using GLUP Map designations as the sole basis for making decisions on zone change applications. Having the appropriate GLUP Map designation is a prerequisite for a zone change.

According to the General Land Use Plan Element of the Comprehensive Plan, the proposed MFR-30 zoning district for Parcel 2 is a permitted zone within the UH GLUP Map designation.

The Transportation System Plan (TSP) serves as a blueprint to guide transportation decisions as development occurs in the City. A traffic impact analysis (TIA) was not required as the proposed zone change for Parcel 2 from Community Commercial to MFR-30 will result in a reduction of 5,156 Average Daily Trips.

It can be found that the applicant's findings adequately demonstrate that the proposed zone change is consistent with the goals outlined in the City's Comprehensive Plan and TSP, and accordingly, this demonstration of consistency assures compliance with the Oregon Transportation Planning Rule.

Facility Adequacy

MLDC 10.204(3) requires demonstration that Category A facilities (storm drainage, sanitary sewer, water and streets) 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.

The agency comments included in Exhibits G to L, including comments from the Rogue Valley Sewer Services (RVSS), demonstrate that Category A facilities are adequate.

Other Agency Comments

Rogue Valley Sewer Services (RVSS) (Exhibit L):

The RVSS report states that sewer services for future development will require main line extension into proposed Parcel 2 from any of the adjacent sewer mains.

Committee Comments

No comments were received from a committee, such as BPAC.

FINDINGS AND CONCLUSIONS

Land Division

Staff finds the partition plat consistent with the Comprehensive Plan and all applicable design standards set forth in Articles IV and V; furthermore, the partition will not prevent development of the remainder of the property under the same ownership or of adjoining land; and criteria 3 through 6 are not applicable to the subject development. Staff recommends that the Commission adopt the Applicant's Findings of Fact (Exhibit G) as presented.

Zone Change

Staff has reviewed the applicant's findings and conclusions (Exhibit H) and recommends the Commission adopt the as presented.

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare Final Orders for approval of LDP-18-140 & ZC-18-141 per the staff report dated November 16, 2018, including Exhibits A through S, and adding Exhibit T.

EXHIBITS

- A Conditions of approval dated November 16, 2018.
- B Tentative Plat, received October 30, 2018
- C Existing Conditions Grading Plan, received September 21, 2018
- D Applicant's Findings of Fact and Conclusions of Law for Partition, received September 21, 2018
- E Applicant's Findings of Fact and Conclusions of Law for Zone Change, received September 21, 2018
- F Block Length Findings for LDP-18-140, received November 13, 2018
- G Public Works Department Staff Report for Partition, revised November 12, 2018
- H Public Works Department Staff Report for Zone Change, revised November 12, 2018
- I Board of Water Commissioners Staff Memo, dated October 31, 2018
- J Medford Fire-Rescue Land Development Report, dated October 31, 2018
- K Building Department Memo, dated October 29, 2018
- L Rogue Valley Sewer Services Memo, dated October 23, 2018
- M Oregon Department of Aviation E-Mail, received October 22, 2018
- N City Surveyor Memo, dated October 17, 2018
- O Legal Description and Deed for Taxlot 372W26DA1000, received September 21, 2018
- P Legal Description and Deed for Taxlot 372W26DA1300, received September 21, 2018
- Q Title Report for 2267-2287 West Main Street, received September 21, 2018

- R Title Report for Taxlot 372W26DA1300, received September 21, 2018
- S Storm Drain Easement, received September 21, 2018
- T **Letter from R. Lofgren & D. Fallgreen, received November 27, 2018**
Vicinity Map

MEDFORD PLANNING COMMISSION

Patrick Miranda, Chair

PLANNING COMMISSION AGENDA:

NOVEMBER 29, 2018
DECEMBER 13, 2018

RECEIVED
NOV 27 2018
PLANNING DEPT.

November 27, 2018

City of Medford Planning Department
Attn: Steffen Roennfeldt

File No.: LPD-18-140/ZC-18-141

We have no objection to the proposed zone change to MFR-30, for the properties located at 59, 75, and 101 Lozier Lane, however we do object to the change from C-C to MFR-30 for the properties located at 2267 and 2287 W. Main Street.

The reason we object to the zone change is the loss of commercial property in the area where there is an ever increasing population density because of apartment zoning. There is a need for commercial zoning to provide businesses for the increased population. If there is less commercial zoning this will cause a large increase in traffic as residents have to travel for their needs instead of being able to walk to businesses for those needs.

Sincerely, Robert D. Lofgren and Donald F. Fallgreen, owners of property at 2131 W. Main Street. *2895 LISA CIRCLE
MEDFORD, OR 97504*

EXHIBIT B
ZONE CHANGE
Parcel 2

Commencing at a 2 1/2" brass cap marking the East-Northeast corner of Donation Land Claim Number 76 in Township 37 South, Range 2 West of the Willamette Meridian, in Jackson County, Oregon;

thence along the North line of said Donation Land Claim Number 76, South 89°42'02" West, 352.00 feet to an angle point;

thence leaving said North line, South 00°18'02" East, 447.00 feet to a 5/8-inch iron rebar, and the True Point of Beginning;

thence North 89°42'02" East, 602.00 feet to a 5/8-inch iron rebar;

thence North 00°18'02" West, 125.00 feet to a 5/8-inch iron rebar;

thence South 89°42'02" West, 400.00 feet to the East line of that Tract described in Volume 187, Page 381 of Jackson County Deed Records, and a 5/8-inch iron rebar;

thence along the East line of said Tract, North 00°18'02" West, 175.00 feet to the Southeast corner of that Tract described in Document number 93-42724 of said Deed Records, and a 5/8-inch iron rebar;

thence along the South line of said Tract and the South line of that Tract described in Document number 98-19960 of said Deed Records, South 89°42'02" West, 138.35 feet to the Southwest corner of said Tract, and a 5/8-inch iron rebar;

thence South 00°18'02" East, 10.00 feet to a 5/8-inch iron rebar;

thence South 89°42'02" West, 245.07 feet to the East Right-of-way line of Lozier Lane as described in Document number 2016-06741 of said Deed Records, the beginning of a non-tangent 770.00 radius curve to the left, and a 5/8-inch iron rebar;

thence along said East Right-of-way line and non-tangent curve to the left, through a central angle of 01°31'28" (the long chord bears South 06°22'49" East, 20.49 feet), 20.49 feet to the beginning of a 830.00 radius reverse curve to the right, and a 5/8-inch iron rebar;

thence continue along said East Right-of-way line and reverse curve to the right, through a central angle of 06°52'39" (the long chord bears South 03°42'12" East, 99.57 feet), 99.63 feet to a point of tangent, and a 5/8-inch iron rebar;

thence continue along said East Right-of-way line, South 00°15'53" East, 170.24 feet to a 5/8-inch iron rebar;

thence leaving said East Right-of-way line, North 89°42'02" East, 173.45 feet to the True Point of Beginning.

Containing 3.69 Acres, more or less.

Mackenzie C. Wyntergreen
L.S. 84224 – Oregon
Expires 6/30/2020
Hoffbuhr & Associates, Inc

(18107_Parcel 2.docx)

Streets

The parent parcel is 4.37 net acres and 4.68 gross acres. The property is currently zoned C-C. The C-C zoning district has a traffic impact of 1,500 Average Daily Trips (ADT) per acre. At 4.68 acres the current traffic impact is 7,020 average daily trips.

The gross acreage of the proposed Parcel 2 to be rezoned to MFR-30 is 3.89 acres. The Traffic impact of the 3.89 acres at 1,500 ADT per acre is 5,835 ADT for the current C-C zoning.

The highest and best use of the proposed MFR-30 zoning district will allow 30 dwelling units per gross acre or a maximum of 116 dwelling units. The current traffic impact of a multifamily dwelling unit is 5.86 ADT per dwelling unit. The maximum traffic impact of 116 dwelling units is 679 ADT.

The proposed zone change on the proposed Parcel 2 will result in a reduction of 5,156 ADT. I wish I could save these trips for other projects.

There is a net reduction of 5,156 ADT from the approval of the proposed zone change from the C-C zoning district to the MFR-30 zoning district and there is adequate capacity for the proposed zone change.



Planning Commission

Minutes

From Public Hearing on **November 29, 2018**

The regular meeting of the Planning Commission was called to order at 5:30 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie
E.J. McManus
Alex Poythress

Staff Present

Matt Brinkley, Planning Director
Kelly Evans, Assistant Planning Director
Madison Simmons, Senior Assistant City Attorney
Alex Georgevitch, City Engineer
Carla Paladino, Principal Planner
Terri Richards, Recording Secretary
Steffen Roennfeldt, Planner III

Commissioner Absent

Jared Pulver, Excused Absence

10. Roll Call

20. Consent Calendar/Written Communications. None.

30. Minutes

30.1 The minutes for November 8, 2018, were approved with the following correction. Commissioner Poythress reported that on page 8 of the agenda packet it reads: *Commissioner Poythress believes that the issue of the low number of ADUs having been built in the last ten or twenty years.* There is no explanation for why. *It should read: Commissioner Poythress believes that the prohibitive policies in place for building ADUs is the issue of the low number of ADUs having been built in the last ten or twenty years. Simplifying the process or move some of the barriers would get the desired effect.*

40. Oral and Written Requests and Communications. None.

Madison Simmons, Senior Assistant City Attorney, read the Quasi-Judicial Statement.

50. Public Hearings – Old Business

50.1 E-18-137 Consideration of a request for an Exception to the lot depth requirement for Lot 10 of Phase 7 of West View Village Subdivision, located north of Lozier Court, approximately 300 feet east of Lozier Lane within the SFR-10 (Single Family Residential, 6

to 10 dwelling units per gross acre) zoning district (372W26DD900); Applicant: PDK Properties; Agent: Scott Sinner Consulting; Planner: Steffen Roennfeldt.

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner McKechnie disclosed that the agent, Scott Sinner, is his neighbor but it would not affect his decision on any of the three applications Mr. Sinner represents.

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

Steffen Roennfeldt, Planner III stated that the Exception approval criteria can be found in the Medford Land Development Code Section 10.186(B). The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Roennfeldt gave a staff report. There is one correction in the staff report on page 19 of the agenda packet. Under Agency Comments it reads: *Jackson County Roads confirms that Lozier Court is a local access road that is already under City jurisdiction.* The City does not have jurisdiction at this point of the right-of-way. It is privately maintained. Once it is improved to City standards it will be dedicated to the City. The City will then take over maintenance. Mr. Roennfeldt resumed his staff report.

The public hearing was opened.

a. Scott Sinner, Scott Sinner Consulting, Inc., 4401 San Juan Drive, Suite G, Medford, Oregon, 97504-9343. Mr. Sinner reported that it was a thorough and complete staff report. It addresses the approval criteria for an Exception. There are unique circumstances but they believe this is the best solution to moving through with this property.

Mr. Sinner reserved rebuttal time.

The public hearing was closed.

Motion: The Planning Commission adopted the findings as recommended by staff and directed staff to prepare the Final Order for approval of E-18-137 per the staff report dated October 30, 2018, including Exhibits A through I, with the correction of the staff report on page 19 of the agenda packet. Under Agency Comments it reads: *Jackson County Roads confirms that Lozier Court is a local access road that is already under City jurisdiction.* The City does not have jurisdiction at this point of the right-of-way.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Roll Call Vote: Motion passed, 8-0.

New Business

50.2 ZC-18-132 / CP-18-133 Request for concurrent consideration of a minor General Land Use Plan (GLUP) amendment to reclassify four parcels of land, totaling 2.35 acres located at 2231 & 2251 Table Rock Road from Urban High Density (UH) to Service Commercial (SC); and a change of zone of the subject parcels from SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre) and MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre) to Service Commercial and Professional Offices (C-S/P) (372W13CA 2400, 4903, 4904 & 5000); Applicant: Housing Authority of Jackson County; Agent: Scott Sinner Consulting, Inc.; Planner: Steffen Roennfeldt.

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner McKechnie disclosed that the agent, Scott Sinner, is his neighbor but it would not affect his decision. His firm has also done work for the Housing Authority of Jackson County in the past. He thinks they have worked on the parcel but has no involvement with this application. This will not affect his judgement.

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

Steffen Roennfeldt, Planner III stated that the Zone Change approval criteria can be found in the Medford Land Development Code Section 10.204. The Minor Comprehensive Plan Amendment approval criterial can be found in the Medford Land Development Code Section 10.222. The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Roennfeldt gave a staff report.

Commissioner McKechnie asked, is the way the Housing Authority of Jackson County has stated they would handle the potential increase in sewer flow is to limit the amount of development to no more than 20 units per acre? Mr. Roennfeldt reported that as far as he knows there are no plans for any kind of redevelopment. If there will be new residential development there, it will be kept to 20 units.

Commissioner McKechnie thought that the way the Public Works report was written the commercial development is what is going to kick the potential of the sewer beyond what is capable. Mr. Roennfeldt deferred the remark to the City Engineer.

Commissioner McKechnie asked, if there is a residential development on commercial property does it, in order to meet the minimum of MFR-30, have 20 units per acre to meet that minimum? Mr. Roennfeldt replied yes.

Vice Chair McFadden stated that when Mr. Roennfeldt was going through the sewer related exhibits that it was not only Exhibit G but Exhibits S, T and U. Mr. Roennfeldt stated that Exhibit G is the Public Works staff report. The additional new exhibits are Exhibits S, T and U. Exhibit U is the applicant stipulating to the sewer flow.

Vice Chair McFadden commented that this cannot move forward unless the City Council approves it. He is wondering if it should be approved in the opposite with the Comprehensive Plan amendment first and then the Zone Change. Is it being done because of Type III and Type IV?

Kelly Evans, Assistant Planning Director clarified that it is the Type III and Type IV. Included in the Conditions of Approval stating that the Zone Change will become effective upon the City Council's action.

Alex Georgevitch, City Engineer reported that the question in regard to commercial is that commercial is sort of unique. Standard commercial generates less sewage per acre than multifamily. The dilemma is that commercial allows for unlimited multifamily. The only limitation is that it has to be at least MFR-20 and under the height restriction. Because it is an unknown it is a hard time stating that it has adequate sewer because commercial allows for unlimited multifamily. The stipulation is as long as it stays at least MFR-20 minimum there are no issues. The applicant has agreed to that stipulation.

The public hearing was opened.

a. Scott Sinner, Scott Sinner Consulting, Inc., 4401 San Juan Drive, Suite G, Medford, Oregon, 97504-9343. Mr. Sinner reported that the current zoning MFR-20 allows for 20 units per acre. It was an unrestricted zone change when originally approved. The request to go to Commercial Service Professional allows for development at 20 units per acre minimum with no maximum. It is driven by site conditions, height restrictions, parking requirements, etc. as far as how many units can be built. The multifamily zoning districts are higher generators of sanitary discharge than the permitted uses in the Commercial Service Professional which are offices. With the outright permitted use today of producing 20 units per acre for their maximum is what the site allows. The minimum for the commercial development multifamily is 20 units. The applicant is stipulating to that and will not impact the sanitary sewer facility more than what has already been planned.

The purpose the applicant is doing this because they have been operating under Conditional Use Permits. Every change they want to do as they grow is to come back to the Planning Commission for a Conditional Use Permit amendment. Then to Site Plan and Architectural Commission for the development project. This makes it outright permitted uses. They foresee Jackson County Housing Authority offices at this site for the conceivable future.

Commissioner McKechnie stated that the lot on Berrydale is going to land lock the two lots next to it. Mr. Sinner reported that the applicant contacted those property owners and they were not interested in participating. Those lots are in the SFR-6 zone in the urban high density designation. Any development or redevelopment of those properties will have to go through a zone change first.

Mr. Sinner reserved rebuttal time.

The public hearing was closed.

Motion for the Zone Change: The Planning Commission adopted the findings as recommended by staff and directed staff to prepare the Final Order for approval of ZC-18-132 per the staff report dated November 16, 2018, including Exhibits A through R, adding Exhibit S, Exhibit T and Exhibit U, provided the City Council approved the GLUP amendment.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Roll Call Vote for the Zone Change: Motion passed: 8-0.

Motion for the Minor Comprehensive Plan (GLUP Map) Amendment: The Planning Commission forwarded a favorable recommendation for approval of CP-18-133 to the City Council per the staff report dated November 16, 2018, including Exhibits A through R, adding Exhibit S, Exhibit T and Exhibit U.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Roll Call Vote for the Minor Comprehensive Plan (GLUP Map) Amendment: Motion passed: 8-0.

50.3 LDP-18-140 / ZC-18-141 Consideration of a request for tentative plat approval of a proposed two-lot partition, along with a request for a change of zone from C-C (Community Commercial) to, in part, MFR-30 (Multi Family Residential, 20 to 30 dwelling units per gross acre) on a 4.31-acre parcel located at 59, 75 & 101 Lozier Lane and 2267 & 2287 W Main Street within the C-C zoning district (372W26DA1000); Applicant: Manjoh LLC; Agent: Scott Sinner Consulting; Planner: Steffen Roennfeldt.

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner McKechnie disclosed that the agent, Scott Sinner, is his neighbor but it would not affect his decision.

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

Steffen Roennfeldt, Planner III stated that the Zone Change approval criteria can be found in the Medford Land Development Code Section 10.204. The Land Division approval criteria can be found in the Medford Land Development Code Section 10.202. The applicable criteria were addressed in the staff report, included in property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Roennfeldt gave a staff report. Mr. Roennfeldt reported that on page 114 of the agenda packet under Background there is an "l" missing from the word public. A letter was received on November 27, 2018, from a neighboring property owner that was unhappy with the rezoning. He was worried they would lose too much commercial land in that area. Mr. Roennfeldt explained to the property owner that only the southern part of Parcel 2 will be rezoned. The property owner was happy with that. He still wanted his letter to be added to the record. It will be submitted into the record as Exhibit T.

Mr. Roennfeldt continued his staff report.

Vice Chair McFadden stated that the discussion of the block length left him thinking that the solution is going to be generated by neighboring properties and not by the applicant. Mr. Roennfeldt replied in part. It will depend on what is going to happen with 8th Street. Vice Chair McFadden stated that another way to look at it is that the applicant can wait to develop until the other properties develop in which case the applicant will have to conform his plan to their plan. Or would it not be to the applicant's advantage to have an approved development plan even if not activated then he gets to say where to put roadways? Mr. Roennfeldt replied could be.

Commissioner McKechnie left at 6:15 p.m.

The public hearing was opened.

a. Scott Sinner, Scott Sinner Consulting, Inc., 4401 San Juan Drive, Suite G, Medford, Oregon, 97504-9343. Mr. Sinner introduced Mick Wyntergreen from Hoffbuhr & Associates that will be seeing the Planning Commission more often representing applications. If the Planning Commission has questions on the land partition Mick will answer those and Mr. Sinner will answer questions on the zone change.

The block length issue that Vice Chair McFadden brought up is that there is no development proposed with this application. The applicant has no intent of developing. There is a mixed GLUP designation that needs to be straightened out. The applicant wants commercial property. He bought the property and is partitioning the multifamily to sell. Mr. Sinner expects a street to be coming through on the southern boundary. Currently, there is a public water line through there. Eventually other public services will be brought in. Both future development will be able to use those facilities.

Mr. Sinner reserved rebuttal time.

The public hearing was closed.

Motion: The Planning Commission adopted the findings as recommended by staff and directed staff to prepare the Final Orders for approval of LDP-18-140 and ZC-18-141 per the staff report dated November 16, 2018, including Exhibits A through S and adding Exhibit T.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Roll Call Vote: Motion passed: 7-0.

50.4 CP-17-117 / DCA-17-118 A Comprehensive Plan Amendment to incorporate by reference the 2016 Urban Reserve Local Wetlands Inventory report into the Comprehensive Plan and amend applicable sections of the Environmental Element. This is filed in conjunction with a Development Code Amendment to revise applicable sections of Chapter 10 of the Municipal Code related to wetlands. Applicant: City of Medford; Planner: Carla Paladino.

Carla Paladino, Principal Planner, stated that she received an email this afternoon from Commissioner McKechnie. He mentioned that he had concerns with the Development Code Amendment portion of the wetlands regulations. He may be requesting that it get sent back to staff for more work. If the Planning Commission would like staff to go back and do more work they could do that. Staff would like to present the Comprehensive Plan portion to the Planning Commission this evening and see if they can get a recommendation from the Planning Commission on that portion. Staff is prepared to present both if the Planning Commission would like to hear both.

Commissioner Foley concurs with Commissioner McKechnie that the regulations need more work.

Consensus of the Planning Commission was that the Development Code Amendment portion of the application be deferred back to staff.

Motion: The Planning Commission tabled DCA-17-118 from consideration requesting staff to revise and bring back to the Planning Commission in a future study session or public hearing.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Roll Call Vote: Motion passed: 7-0.

The Major Type IV Amendment approval criteria can be found in the Medford Land Development Code Section 10.220(B). The applicable criteria were addressed in the staff report, included in property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Paladino gave a staff report on the Comprehensive Plan.

Commissioner McKechnie returned at 6:30 p.m.

Commissioner McKechnie disclosed that he had conversations with some people from the advisory committee. He does not think it will affect what he has to say.

Commissioner McKechnie has concerns with the 50 foot buffer especially in urban areas. He feels that it is arbitrary and there needs to be a better mechanism for determining what that buffer should be. There are other jurisdictions that deal with this and better ways than what the City has. He is not sure this is ready for "prime time".

Chair Miranda reported that the Planning Commission is considering the Comprehensive Plan amendment and has deferred the Development Code amendment back to staff for further consideration.

Vice Chair McFadden asked, are the references to the 50 foot buffer, within the Comprehensive Plan that is being considered this evening, specific enough that wording can be changed to indicate it will be decided at a later date as far as the actual size or type of buffer? Ms. Paladino stated that staff could strike it and come back and change it when they know there is going to be a buffer. Once it gets adopted it should say what it needs to say. If the Planning Commission is not comfortable with the 50 feet it should be stricken.

The recommended buffer/setback area is in the table on page 214 of the agenda packet.

Vice Chair McFadden asked, can the column of the recommended buffer/setback area be deleted and state that it will be revised later? Ms. Paladino replied yes. The other thing that identifies the buffer is the actual ESEE analysis. This is just the table that summarizes the analysis part. The buffer language can also be changed in the analysis part.

Commissioner Mansfield asked Commissioner McKechnie to give the Planning Commission input as to what his issue is with the 50 foot setback. Commissioner McKechnie stated that at 50 feet on every side in an urban area seems to him to be extensive. Depending on the slope of the land 50 feet is appropriate. If it is steeper than 20 feet it would be plenty depending on the kind of wetlands. He does not know arbitrarily stating 50 feet is a blanket case is okay.

The public hearing was opened.

a. Jay Harland, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon 97504. Mr. Harland objects to the wetland buffer. It is not a requirement under any State land use regulations for doing a wetland buffer except for when it extends the riparian corridor; when the wetland is next to part of a stream. There are specific rules on those. Medford has those in their code in the riparian ordinance. There is no need to do anything new on that. The 50 foot buffer is a lot of land. The 50 feet is going to impact the buildable land supply. That analysis has not been done at this point. There is a deficiency issue that would have to be addressed.

The extraterritoriality issue that the areas outside Medford's Urban Growth Boundary this does not apply to. If any maps are going to be adopted on those there should be a hatch that states "For Information Only". He would like to see the extraterritoriality stricken.

b. Clark Stevens, Richard Stevens & Associates, Inc., P. O. Box 4368, Medford, Oregon, 97501. Mr. Stevens agrees with Mr. Harland in regards to elimination of the buffer in both the Comprehensive Plan amendment and the ESEE documents. There are two different buffers. There is a 50 foot for significant wetlands and also 25 foot which he thinks is also up for discussion purposes. He would like to ensure that both buffer measurements for both wetland types be eliminated from the Comprehensive Plan amendment and the ESEE documents. In the past the wetlands expert would submit a plan or mitigation plan to DSL and they would come up with a buffer standard based on slope, soil, conditions, amount of water feeding it and discharging from it. That dictates a buffer area for those locations.

c. Scott Sinner, Scott Sinner Consulting, Inc., 4401 San Juan Drive, Suite G, Medford, Oregon, 97504. Mr. Sinner agrees with the other two previous testimonies. It is difficult to work with wetlands in development. To have a 50 foot buffer in urban settings is not appropriate as far as he is concerned. Where they are doing specific delineations and protection plans should be adequate. He supports removing all references to the 50 foot buffer.

d. Mike Montero, 4497 Brownridge Terrace, Suite 202, Medford, Oregon, 97504. Mr. Montero concurs with the previous testimony and explained why. Throughout the process of establishing Urban Growth Boundaries to meet the future urban needs of the City of Medford has been a balancing act. Trying to balance intensification of the density of the land that has been selected, identified and brought in would appear to be counter to this issue of having buffers that put arbitrary standards that defeat the objective. The State and Federal regulations that are associated with the management of wetlands is robust and comprehensive. The agencies an applicant will have to deal with would include the Division of State Lands, Oregon Department of Environmental Quality, US Army Corps of Engineers and the National Marine Fisheries Board. With those four agencies there is protection that one cannot imagine. The Urban Growth Management

Agreement provides language that states the most restrictive of the standards that are adopted are the ones that prevail with the applications of the wetlands. There needs to be the concern of unintended and adverse consequences. Unless the Planning Commission believes that those State and Federal agencies are somehow deficient in their management of wetlands they can rely on those for that.

In many cases the mitigations standards presents opportunities for applicants to not only increase the scope of wetland but also to intensify or enhance the quality of the wetlands. That opportunity needs to be available for the applicants. He echoed and encouraged the Planning Commission to remove the buffers.

Ms. Paladino reported that a letter was sent to property owners within the Urban Reserve this past summer stating there would be a committee to meet on this issue. It was not intentional that there was not a meeting. Staff was running out of time and this project was supposed to be done by the end of the year. It was an attempt to get regulations and the Comprehensive Plan finished. The committee was emailed but there were issues with the email that was sent. Staff is happy to continue and meet with the committee.

Matt Brinkley, Planning Director reported that the 50 foot buffer is not arbitrary. It is the minimum buffer that is recommended by wetland biologists and the scientific community for protecting wetlands. It is the lower end and the basis for the 50 feet. Whether it is kept in the language or not there are other protections, as Mr. Montero mentioned. In the Development Code amendment there is a provision for reducing the buffer to 25 feet and further if encroaching into the wetlands.

An interesting point that Mr. Harland brought up about the effect the buffer would have on the buildable lands inventory. Staff has begun that analysis because a lot of the wetlands occur or around the riparian zones and buffers. As it turns out, a lot of the wetlands are within unbuildable lands.

The issue of the wetlands outside the urban growth boundary that are in the County; the City has an Urban Growth Boundary and Urban Reserve Management Agreement with the County that addresses some of the issues. The City does not have wetlands jurisdiction in the County.

The public hearing was closed.

Motion: The Planning Commission based on the findings and conclusions that all of the applicable criteria are either satisfied or not applicable, forwarded a favorable recommendation for approval of CP-17-117 to the City Council per the staff report dated November 15, 2018, including Exhibits A through E, adding Exhibit F, Exhibit G, Exhibit H, deleting buffering requirements and amend information on pages 206 and 207 of the agenda packet.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Vice Chair McFadden commented that the more they discuss this he has a tendency to think there is not a need for the land development code. If there are all these other requirements by the State, Federal and everybody else, why is the City trying wade into the water? It is just going to muddy everything up.

Commissioner McKechnie stated that it is important to understand that the wetlands are already regulated by the State and Federal regulations. If anyone wants to do anything with them they have to pass muster with those agencies. He is not sure, unless doing a feel good clause, that there needs additional regulations at the City level for the wetlands. One of the testifiers is correct that the strictest rules apply which is usually DSL or US Army Corps of Engineers.

Commissioner Culbertson agrees with Vice Chair McFadden and Commissioner McKechnie. At this point, do we want to remand it back to staff to revise or is it something they can say stop the work?

Commissioner Mansfield asked, is Commissioner McKechnie suggesting a no vote on this motion? Commissioner McKechnie stated that he thinks he is. It would be nice to flush it out a little. It sounds like this is a more of a feel good thing. Everything that has been discussed needs to be in the Comprehensive Plan. If it is already addressed in some other regulation that needs to be followed there may be a simpler way to address this stating that wetlands are important and one needs to follow Federal regulations.

Chair Miranda reported that the overall CP-17-117 deals with more than just that. It was just the buffering discussion to be set aside. The rest of it is still relevant.

Commissioner McKechnie he is fuzzy on the details. Are they doing this because they are required to by the State or is it to have everything covered?

Ms. Paladino reported that the City needs to cover Goal 5. Goal 5 requires that the City does a local wetland inventory for the new lands. Staff has done that work. The State has approved that document and now the City needs to incorporate that into the Comprehensive Plan. It is finishing that project. The wetlands regulations are something different.

Roll Call Vote: Motion passed: 8-0.

Commissioner Foley asked, does Commissioner McKechnie want to do something about whether the Planning Commission consider more regulations or not? Right now it is going back to staff to do more work. Does he want the Planning Commission to send to the City

Council that states it is not necessary? Commissioner McKechnie state that it sounds like the Planning Commission is not interested in producing duplicate regulations and not make it harder for people if not necessary.

Chair Miranda commented that since it has been sent back to staff that the Planning Commission indicates to have a study session prior to hearing.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner Culbertson reported that the Site Plan and Architectural met on Friday, November 16, 2018. They approved plans for the development of an 8,400 square foot metal warehouse building with office space at 1120 Helicopter Way.

60.2 Planning Department

Kelly Evans, Assistant Planning Director reported the next Planning Commission study session is scheduled for Monday, December 10, 2018. Discussion will be on Trails Amendment.

There is business scheduled for the Planning Commission on Thursday, December 13, 2018, Thursday, December 27, 2018, Thursday, January 10, 2019 and Thursday, January 24, 2019.

Ms. Evans asked if any Commissioners would be available for a quorum for the meeting on Thursday, December 27, 2018. Chair Miranda, Commissioner Foley, Commissioner Mansfield, Commissioner McKechnie and Vice Chair McFadden stated they would be able to attend. Commissioner McManus stated that he would not be able to attend.

Several weeks back the City Council approved the Urbanization Plan process and a second read on the Transportation System Plan.

Next week the City Council will hear the Housing and Housekeeping amendments and the Accessory Dwelling Units.

70. Messages and Papers from the Chair. None.

80. Remarks from the City Attorney. None

90. Propositions and Remarks from the Commission. None.

100. Adjournment

The meeting was adjourned at 7:10 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Richards
Recording Secretary

Patrick Miranda
Planning Commission Chair

Approved: December 13, 2018



Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

for a type-III quasi-judicial decision: Land Division

PROJECT Pioneer Marketplace Subdivision
 Applicant: CDT-Bar LLC.
 Agent: CSA Planning Ltd.

FILE NO. LDS-18-078

TO Planning Commission *for December 13, 2018 hearing*

FROM Dustin Severs, Planner III

REVIEWER Kelly Evans, Assistant Planning Director

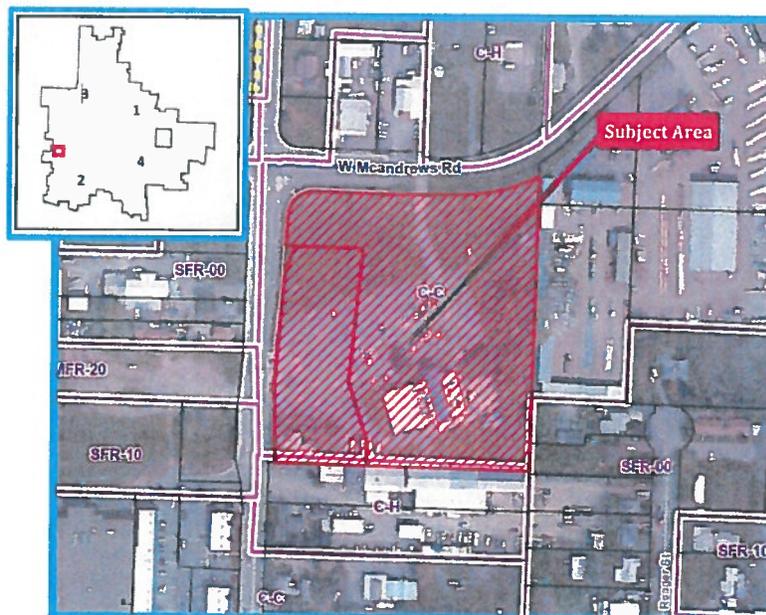
DATE December 6, 2018

BACKGROUND

Proposal

Consideration of tentative plat approval for Pioneer Marketplace Subdivision, a proposed two-phase, 12-lot land division consisting of six standard lots, four pad lots and two common area tracts on two contiguous parcels totaling 7.6-acres located at the southeast corner of West McAndrews Road and North Ross Lane in the C-C (Community Commercial) zoning district.

Vicinity Map



Subject Site Characteristics

Zoning: C-C
GLUP: CM (Commercial)
Overlay(s): None
Use(s): Electronic cigarette manufacturer (occupying existing 16,137 square foot building)

Surrounding Site Characteristics

North Zone: C-C, SFR-00 (Single Family Residential – one dwelling unit per lot), and SFR 10 (Single Family Residential – ten dwelling units per gross acre).
Use(s): Mercury Air & Metal and Crater Automotive Repair

South Zone: C-H (Heavy Commercial)
Use(s): Batzer Construction, Inc.

East Zone: C-C
Use(s): Rogue Pacific Lumber Company

West Zone: SFR-10, SFR-00, and MFR-20 (Multiple Family Residential – twenty dwelling units per gross acre).
Use(s): Residential

Related Projects

A-99-149 Annexation

ZC-08-144 Zone Change from County SR-2.5 to C-C (included trip cap stipulation)

ZC-10-072 Zone Change from County SR-2.5 to C-C

AC-10-089 Approved Master Plan for Pioneer Market Place shopping center

PLA-11-052 Property Line Adjustment (recorded July 2011)

LDS-11-108 3-lot Partition (expired)

Applicable Criteria

MLDC 10.202(E): Land Division Criteria

The Planning Commission shall not approve any tentative plat unless it first finds that, the proposed land division, together with the provisions for its design and improvement:

(1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;

- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;*
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;*
- (4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;*
- (5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;*
- (6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.*

10.703 Pad Lot Development

A. Purpose. It is the purpose of this Section to provide a process for the creation of tax lots within a common area for non-residential uses. This Section is not intended to provide relief from the strict standards elsewhere established in this Code.

B. Development Standards.

- (1) All lot-lines created within the common area shall be located along a common or exterior building wall, or within four (4) feet of an exterior building wall, unless the approving authority (Planning Commission) allows a greater distance for special purposes.*
- (2) The parent parcel shall meet the site development standards established in Section 10.721.*
- (3) All pad lot developments shall obtain Site Plan and Architectural Review approval prior to the tentative plat application being accepted for review by the Planning Commission.*
- (4) A pad lot development shall be identified as such on both the tentative and final plats, and on the site plan submitted for the project. At the time of recording of the final plat,*

Covenants, Conditions, and Restrictions (CC&Rs) shall be approved by the City and recorded. The recorded CC&Rs shall provide:

(a) That the owners are jointly and severally responsible for the continued maintenance and repair of the common elements of the development, such as common portions of buildings, parking areas, access, landscaping, etc., and share equitable in the cost of such upkeep.

(b) An association for the purpose of governing the operation of the common interests.

(c) Maintenance access easements on individual lots where necessary for the purpose of property maintenance and repair.

(d) The specific rights of, or limitations on, individual lot owners to modify any portion of a building or lot, including the provision that no common elements be modified without the consent of the association.

ISSUES AND ANALYSIS

Project Summary

Project site

The subject site consists of two parcels totaling 7.55 acres (TL 2400 and 2600), and currently contains two structures: a 16,137 square foot commercial building (originally constructed for a Moose Lodge) currently being leased to an electronic cigarette manufacturer, which includes a large paved parking lot; and a residential structure located at the southwest corner of the site (TL 2600), which the applicant's findings state is in a deteriorated condition and will be demolished as part of the redevelopment of the site.

As stated in the applicant's findings, of the site's 7.55 acres, only 6.34 acres is buildable, as the easterly portion of the site – identified as Common Area "B" on the tentative plat – is encumbered by an approximate one-acre of wetlands.



The site is currently accessed by three driveways: two driveways taking access off of North Ross lane – classified as a Major Collector Street – along the site's westerly boundary (TL 2600), and

one driveway taking access of West McAndrews Road – also classified as a Major Collector street – along the site’s northerly boundary (TL 2400).

Site History

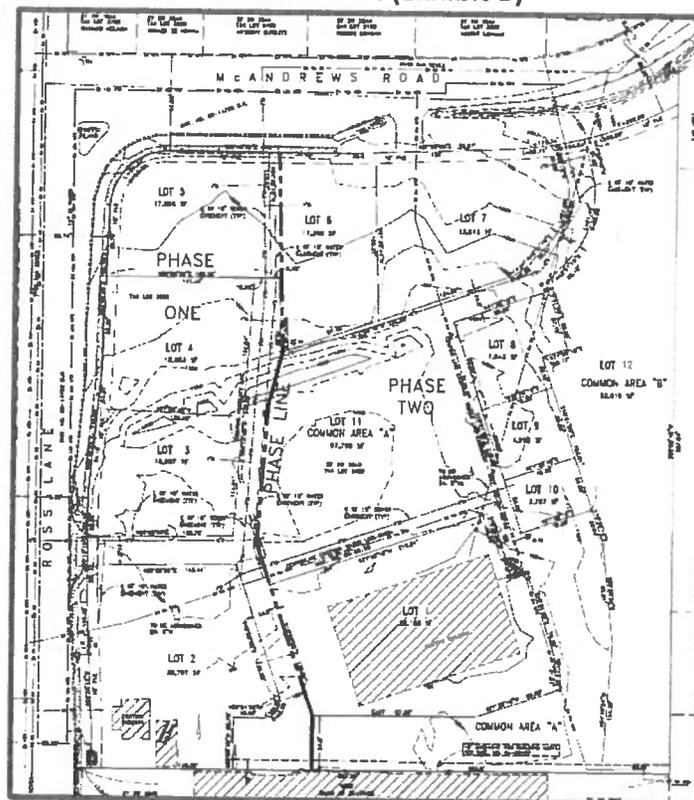
The subject site was rezoned from County SR-2.5 to its current zoning of C-C (Community Commercial) in 2009. The approval of the rezone included a trip cap stipulation, limiting the development of the site to no more than 69,370 square feet of construction. However, the Traffic Impact Analysis (TIA) that was submitted with the rezone application identified the need for a traffic signal mitigation at the intersection of McAndrews Road and North Ross Lane, and at the intersection of North Ross Lane and Highway 238. Both traffic signals have since been installed, therefore the trip cap is no longer applicable to the subject site.

The Site Plan & Architectural Commission approved the Master Plan for the Pioneer Marketplace shopping center on February 18, 2011 (AC-10-089), which is the basis for the layout of the subject subdivision request. The approved site plan includes 52,084 square feet of retail and restaurant space in seven buildings, plus the existing 16,137 square foot building.

The SPAC approval expired on February 18, 2016; however, the Disposition and Development Agreement (DDA) (Exhibit L), adopted by City Council on May 17, 2012, regarding reservations for a proposed future road along the south boundary of the site included an extension of the expiration date to February 18, 2022.

Current Proposal

Tentative Plat (Exhibit B)



As shown on the submitted tentative plat above, the applicant is now proposing a 12-lot subdivision of the property – based on the layout of the approved Master Plan for the Pioneer Marketplace shopping center – consisting of six standard parcels, four pad lots, and two common areas.

The six proposed standard lots, identified on the tentative plat as Lots 2-7, will all have frontage on either North Ross Lane or West McAndrews Road, consistent with the requirements of the Code; however, no direct access to the individual lots are proposed, as the Master Plan for the shopping center approved by SPAC included a common circulation area providing two (existing) driveways from which all the proposed buildings within the shopping center will take access from, thereby reducing the number of access points needed for the development. Cross-access easements and shared parking agreements will be required to be recorded for all lots within the shopping center prior to final plat approval.

The four proposed pad lots, identified on the tentative plat as Lots 1, 8, 9, and 10, are proposed for the existing Building A and for the proposed Building H, with none having direct street frontage as is required of standard lots. Two types of pad lots are proposed: one with and three without dedicated parking.

Lot 1, as identified on the plat, is proposed to include existing Building A along with the abutting walkways and adjacent parking spaces. The applicant's submitted findings state that this proposed layout is intended to allow each pad lot owner greater control of its immediate surroundings, as the building may be reconfigured in the future into multiple tenant spaces. Lots 8-9, as identified on the plat, are proposed to include future Building H, which will be divided by lot lines – more typical of pad lots – creating three individual units, and with all off-street parking provided within the Common Area.

The applicant is also proposing two common area parcels, identified as Lots 11 and 12 on the submitted plat. Common Area A will contain the circulation and parking area, while Common Area B consists of the non-buildable wetland area along the site's easterly boundary.

With the subject application, the applicant is requesting approval for the submitted tentative plat – to be developed in two phases – along with a separate request for the creation of four pad lots within the subdivision, which include requests to locate the lots lines of the proposed pad lots greater than four feet of the exterior building walls – a deviation contingent on approval by the Commission pursuant to MLDC 10.703(1). The applicant is also requesting the maximum timetable for the development of five years for the site as allowed for phased developments, contingent on Commission approval per MLDC 10.202(D)(2).

Development Standards

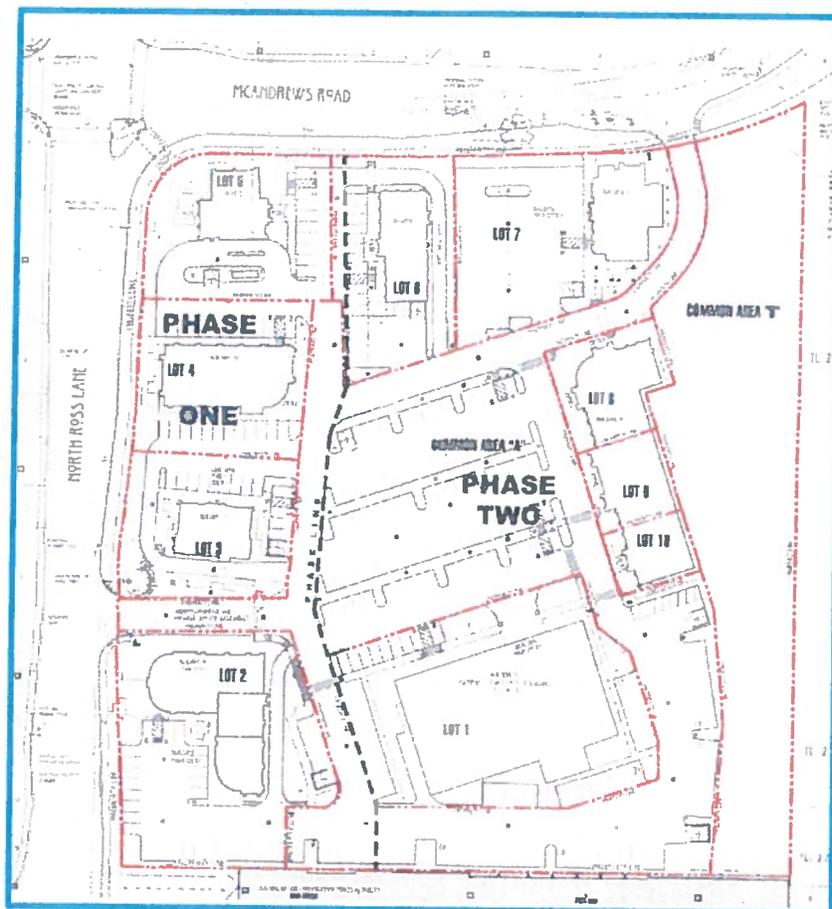
Site Development Table

C-C	Lot Area	Min. lot Width (Interior)	Min. lot Depth	Min. Lot Frontage
Required	15,000 min.	70 feet	100 feet	70 feet

It can be found that the six proposed standard lots and the two proposed Common Area lots identified on the submitted tentative plat meet all the dimensional standards for the C-C (Community Commercial) zoning district as found in Article V of the Medford Land Development Code.

Phasing

Phasing Plan (Exhibit B)



As shown in the Phasing Plan above, the applicant is proposing to develop the property in two phases in accordance with the phasing of the Master Plan of the Pioneer Marketplace shopping center development as previously approved by SPAC. Phase 1 is proposed to include Lots 2-5, an access off of North Ross Lane, and the internal access drive connecting the lots to North Ross lane; while Phase 2 will include Lot 1 and Lots 6-10. As stated in their submitted findings, the applicant is requesting to plat the four lots with frontage along North Ross Lane with Phase 1, and then complete the street improvements along West McAndrews Road with the future platting of Phase 2. However, as per the Public Works report (Exhibit M), staff recommends that all public improvements be completed prior to final plat approval of the *initial* phase of the site. These improvements include the construction of a westbound left turn lane on McAndrews Road at the site access driveway, and the construction of a northbound right turn lane on Ross lane at the site access driveway. These requirements are consistent with the conditions of approval tied

to the prior zone change approval, which required that these improvements be installed prior to the occupancy of the site.

Wetland

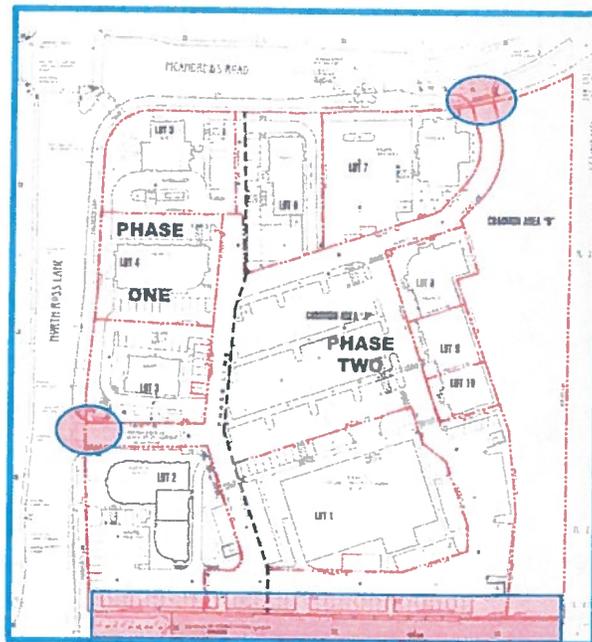
Though the Medford Wetland Inventory does not show the presence of a wetland on the subject property, the applicant had a wetland delineation performed on the property in 2007 by Terra Science, Inc. (Exhibit R), which did identify an approximate one-acre wetland located along the easterly boundary of the site. Accordingly, the site layout was designed to prevent encroachment of any future development within the areas identified as wetlands, and with the approval of the subject application, the wetland area – identified as Common Area “B” – will be partitioned off from the developable area of the site.



Access

The subject site is currently served by three access points: two driveways off of North Ross Lane along the site’s easterly boundary, and one driveway off of West McAndrews Road along the site’s northerly boundary. With the approval of the subject request, the applicant is proposing to relocate the existing northerly driveway off of West McAndrews Road approximately 95 feet to the east. The driveway off of North Ross lane, which currently serves the existing residential building on the site, is also proposed to be removed.

As a condition of the SPAC approval for the Master Plan for the Pioneer Marketplace shopping center, a DDA was negotiated reserving a 35-foot wide strip along the southerly boundary of the site for the development of a future commercial street (Newbridge Way). Per the Public Works staff report (Exhibit M), the applicant will be required to dedicate 23.5 feet of public right-of-way along the southerly property line, which will be required to be recorded with the approval of the



final plat. Per the adopted DDA for Pioneer Marketplace (Exhibit L), the applicant shall enter into a deferred improvement agreement for the future improvement of the street.

Pad lot development – Criteria Analysis

(1) All lot-lines created within the common area shall be located along a common or exterior building wall, or within four (4) feet of an exterior building wall, unless the approving authority (Planning Commission) allows a greater distance for special purposes.

The submitted tentative plat shows the proposed lot lines for all four pad lots extending beyond four feet of the exterior wall of both the existing and the proposed buildings on the site; however, the Code does provide the Planning Commission the authority to allow a greater distance for *special purposes*, and it is the burden of the applicant to effectively demonstrate such *special purposes* in their submitted findings. Accordingly, the applicant's findings acknowledge that the proposed lot lines do not comply with criterion cited above, and formally requests that the lot line for Building A be set to include the walkways and parking spaces abutting the approved building, and that the lot line for Building H be set to include the abutting walkways. The applicant's findings state the following:

The stated reason for this greater distance is to allow each pad lot owner greater control of their immediate surrounds. Commission notes that landscaping maintenance for the entire center will be under one contract to the owner's association so that the common area upkeep and the landscaping on all properties will be maintained at all times.

The Code does not include a definition for *special purposes*, nor does the Code provide any guidance in evaluating a request to deviate from the standards found in criterion 1 cited above; nevertheless, it is staff's view that the applicant's findings as submitted are sound, as the creation of individual parcel ownership for a shopping center within a large, deep parcel that only has frontage along a portion of the site, necessitates the use of such alternative infill strategies as provided through a commercial pad lot development. Therefore the granting of relief from strict adherence with criterion 1 can be made in keeping with the purpose of a pad lot development as found in MLDC 10.703(A): to provide a process for the creation of tax lots within a common area for non-residential uses.

This criterion can be met provided that the Commission – citing a *special purpose* - allows the applicant relief from the requirement that all lot lines located within the common area be located within four feet of the exterior walls of the buildings within the site.

(2) The parent parcel shall meet the site development standards established in Section 10.721.

The applicant's submitted findings demonstrate that the parent parcel meets the site development standards established in MLDC 10.721. Criterion is met.

(3) All pad lot developments shall obtain Site Plan and Architectural Review approval prior to the tentative plat application being accepted for review by the Planning Commission.

The Master Plan for the Pioneer Marketplace shopping center was approved by SPAC in February of 2011, and was approved for an extension of the expiration date to February 18, 2022. Criterion is met.

(4) A pad lot development shall be identified as such on both the tentative and final plats, and on the site plan submitted for the project. At the time of recording of the final plat, Covenants, Conditions, and Restrictions (CC&Rs) shall be approved by the City and recorded. The recorded CC&Rs shall provide:

(a) That the owners are jointly and severally responsible for the continued maintenance and repair of the common elements of the development, such as common portions of buildings, parking areas, access, landscaping, etc., and share equitable in the cost of such upkeep.

(b) An association for the purpose of governing the operation of the common interests.

(c) Maintenance access easements on individual lots where necessary for the purpose of property maintenance and repair.

(d) The specific rights of, or limitations on, individual lot owners to modify any portion of a building or lot, including the provision that no common elements be modified without the consent of the association.

The applicant's submitted findings (Exhibit I, page 14) state the following:

If made a condition attached to the approval of these land use applications, Applicant herewith agrees to stipulate:

- 1. At the time of final plat to provide Covenants, Conditions, and Restrictions (CC&Rs) to be approved by the City that meet the requirements detailed in MLDC Section 10.704(4). The Applicant further stipulates to recording the aforementioned CC&R's along with the Final Plat.*

With the imposition of conditions of approval found in Exhibit A and/or the adoption of the applicant's stipulation cited above, this criterion can be met.

Facility Adequacy

Per the agency comments submitted to staff, including the Rogue Valley Sewer Services (Exhibits M-P), it can be found that there are adequate facilities to serve the future development of the site.

Other Agency Comments

Rogue Valley Sewer Services (RVSS) (Exhibit P)

The subject property is within RVSS service area, which requires that future sewer improvements be designed and constructed in accordance with RVSS standards. As a condition of approval, the applicant will be required to comply with the conditions of RVSS prior to final plat approval.

Jackson County Roads (Exhibit Q)

The portion of West McAndrews Road fronting the property along its northerly boundary is both a City and County maintained road. The applicant will be required to comply with all requirements of Jackson County Roads prior to final plat approval.

Committee Comments

No comments were received from a committee, such as BPAC.

FINDINGS AND CONCLUSIONS

Land Division

Staff finds the subdivision plat consistent with the Comprehensive Plan and all applicable design standards set forth in Article IV and V. Furthermore, the subdivision will not prevent development of the remainder of the property under the same ownership or of adjoining land; bears a name (Pioneer Marketplace) that has been reviewed and approved by the City's Address Technician; could potentially create a future standard residential street – Newbridge Way, which will be constructed in accordance with the adopted DDA for Pioneer Marketplace; and criteria 5 and 6 are not applicable to the subject development.

Pad Lot

Staff finds the applicant's tentative plat (Exhibit B) can meet the criteria established for a pad lot development with the Commission's concurrence with staff's findings that *special purposes* exist on the site, warranting the granting of relief from complying with the strict standards identified in criterion #1.

Staff recommends that the Commission adopt the Findings of Fact as recommended by staff.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDS-18-078 per the staff report dated December 6, 2018, including Exhibits A through R.

EXHIBITS

- A Conditions of Approval, dated December 6, 2018.
- B Tentative Plat, received November 28, 2018.
- C Phasing Plan, received June 1, 2018.

- D GLUP Map, received June 1, 2018.
- E Zoning Map, received June 1, 2018.
- F Wetland & Floodplain Map, received June 1, 2018.
- G Photo Key Map (1 of 3), received June 1, 2018.
- H Accessor's Map, received June 1, 2018.
- I Applicant's Findings of Fact, received June 1, 2018.
- J Demonstration of Compliance with Applicable Development Standards, received June 1, 2018.
- K Declaration of Reciprocal Easements and Operation Agreement, received June 1, 2018.
- L Disposition and Development Agreement, received June 1, 2018.
- M Public Works Staff Report, dated November 30, 2018.
- N Medford Water Commission memo & associated map, dated December 3, 2018.
- O Medford Fire Department Report, dated November 21, 2018.
- P Rogue Valley Sewer Services (RVSS) report, received November 8, 2018.
- Q Jackson County Roads report, dated November 16, 2018.
- R Wetland report, dated September 28, 2007.
Vicinity map

PLANNING COMMISSION AGENDA:

DECEMBER 13, 2018

EXHIBIT A

Pioneer Marketplace Subdivision
LDS-18-078
Conditions of Approval
December 6, 2018

DISCRETIONARY CONDITIONS

1. The Commission accepts the applicant's stipulations as stated in the submitted Findings of Fact and Conclusions of Law (Exhibit I), and applies them as conditions except as modified.
2. The Commission grants the applicant the maximum timetable of five years for the platting of the site as allowed for phased developments, per MLDC 10.202(D)(2).

CODE REQUIRED CONDITIONS

Prior to final plat approval, the applicant shall:

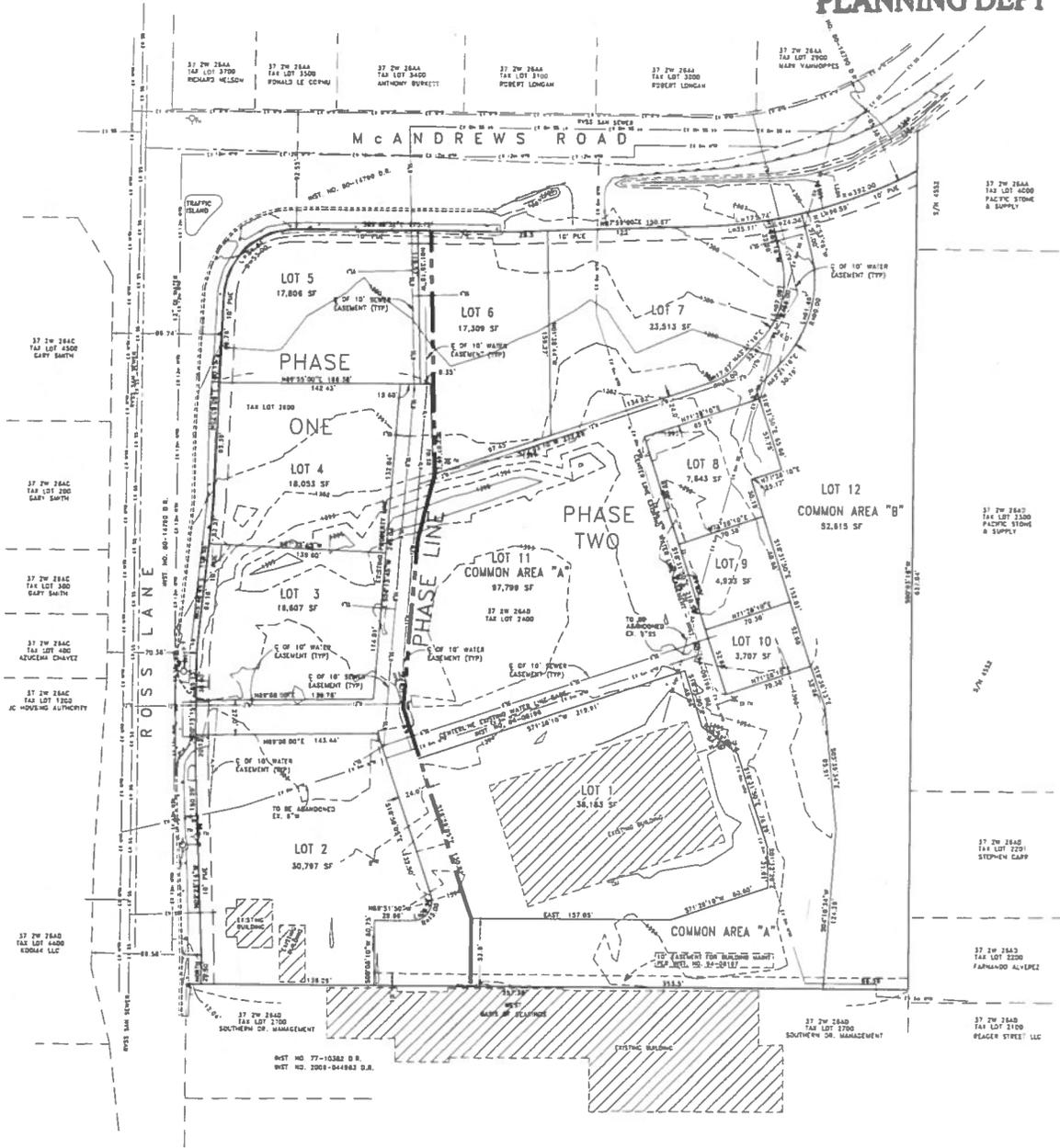
3. Comply with all conditions stipulated by the Public Works Department (Exhibit M).
4. Comply with all conditions stipulated by the Medford Water Commission (Exhibit N).
5. Comply with all conditions stipulated by the Rogue Valley Sewer Services (Exhibit P).
6. Comply will all requirements of Jackson County Roads (Exhibit Q).
7. Submit a revised tentative plat showing a 35-foot road reservation for a future street (Newbridge Way) along the site's southerly boundary in accordance with the adopted Disposition and Development Agreement (DDA) (ORD NO. 2012-67).

TENTATIVE PLAT
 PIONEER MARKET PLACE SUBDIVISION
 Located in:
 the Northeast 1/4 of Section 26,
 Township 37 South, Range 2 West, W.M.,
 Jackson County, Oregon
 (37 2W 264D TL 2400 & 2600)

RECEIVED

NOV 29 2018

PLANNING DEPT



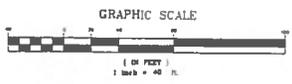
UTILITY EASEMENT
 1. ALL WATER LINES SHOWN ARE THE CENTERLINE OF A 10' WATER LINE EASEMENT.
 2. ALL SANITARY SEWER LINES SHOWN ARE THE CENTERLINE OF 10' SANITARY SEWER EASEMENT.

IRRIGATION DISTRICT: MEDFORD IRRIGATION DISTRICT
 SANITATION DISTRICT: CITY OF MEDFORD
 GROSS AREA: 8.87 ACRES
 NET AREA: 7.55 ACRES
 ZONING: C-C
 EXISTING USE: COMMERCIAL
 PROPOSED USE: COMMERCIAL
 EXISTING AREA: 328,853 SQ. FT. 7.55 ACRES

OWNER/APPLICANT
 CBT-BAR L.L.C.
 P.O. BOX 970
 MEDFORD, OREGON 97501

SURVEYOR
 HOFFBUHR & ASSOCIATES, INC.
 880 GOLF VIEW DRIVE, SUITE 201
 MEDFORD, OREGON 97504
 (541) 778-4841

REGISTERED PROFESSIONAL LAND SURVEYOR
 DANIEL L. HOFF
 EXP. 6/30/2019



NOTE: Utility information depicted on this map is plotted from surface features and utility markings located in the field and record information supplied by the owner. All information should be used as a guide only.

BY: DANIEL L. HOFF
 PROJECT: PIONEER MARKET PLACE SUBDIVISION
 PLAT NO.: 2018-00000
 SHEET NO.: 1 OF 1
 DATE OF RECORDING: 11/29/2018
 COUNTY: JACKSON
 CITY OF MEDFORD
 PLAT NO.: 2018-00000
 SHEET NO.: 1 OF 1
 DATE OF RECORDING: 11/29/2018
 COUNTY: JACKSON
 CITY OF MEDFORD

CITY OF MEDFORD
 EXHIBIT # B
 File # LDS 18-078



180 North Ross Lane
Medford, Oregon 97501
503-754-1111
www.garycarina.com

ELECTRICITY
CITY OF MEDFORD
EXHIBIT #

File # LDS-18-078

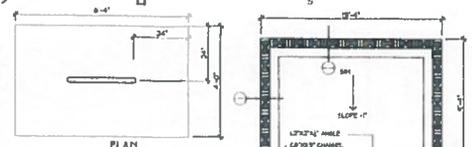
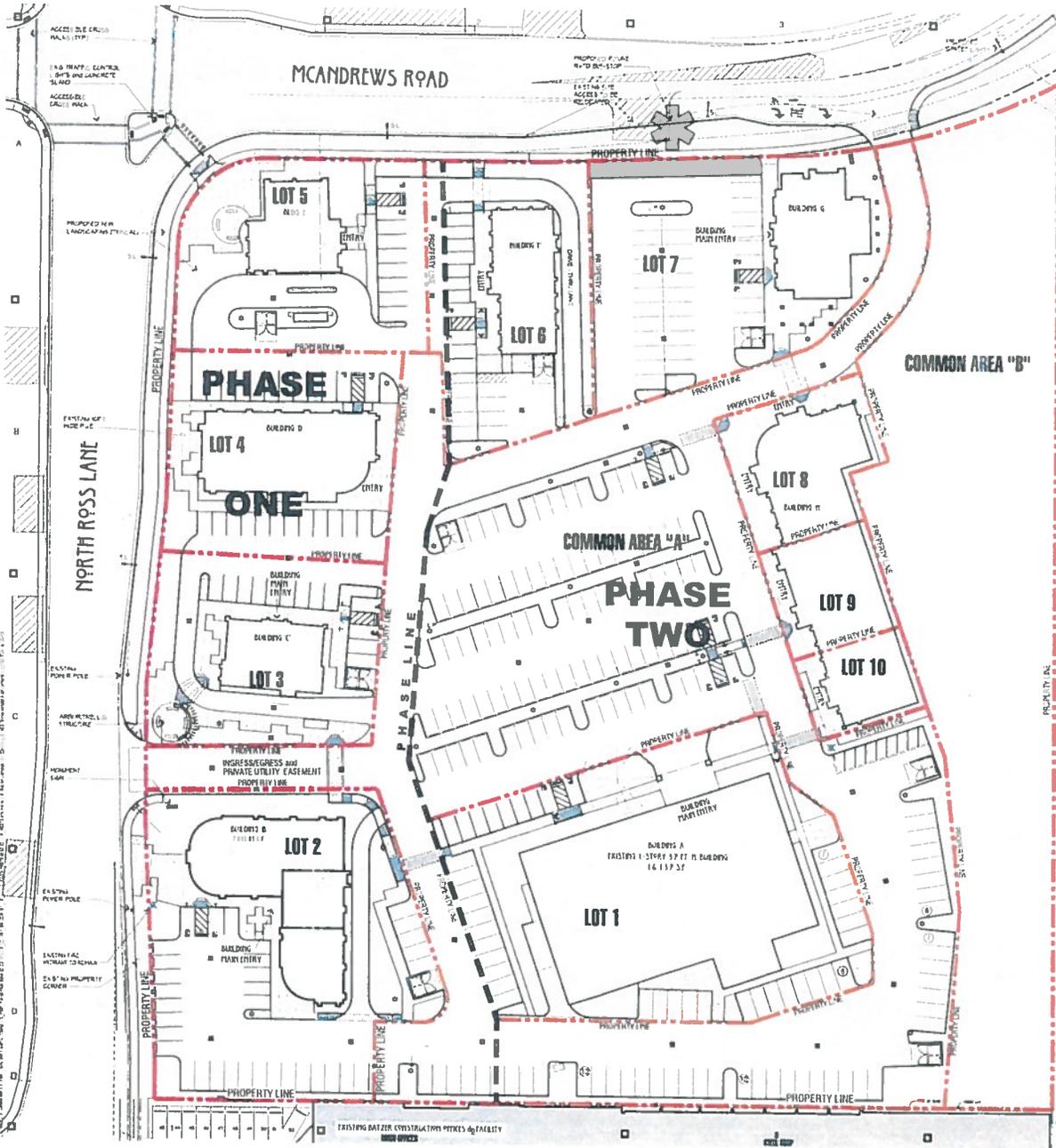
J.B. STEEL INC.
180 North Ross Lane
Medford, Oregon 97501
503-754-1111
www.jbsteel.com

NEW PHASE DEVELOPMENT
PIONEER MARKET PLACE
PROJECT LOCATION
180 N. ROSS LANE
MEDFORD, OREGON 97501
181177 17 20 18 21 22

Table with 2 columns: Description and Quantity. Includes items like 'CONCRETE', 'STEEL', and 'PAINT'.

Table with 2 columns: Description and Quantity. Includes items like 'CONCRETE', 'STEEL', and 'PAINT'.

CITY OF MEDFORD
EXHIBIT #
File # LDS-18-078



BIKE RACK
SCALE 1/4" = 1'-0"

TL: 2300

TRASH ENCLOSURE DETAILS
SCALE 1/4" = 1'-0"

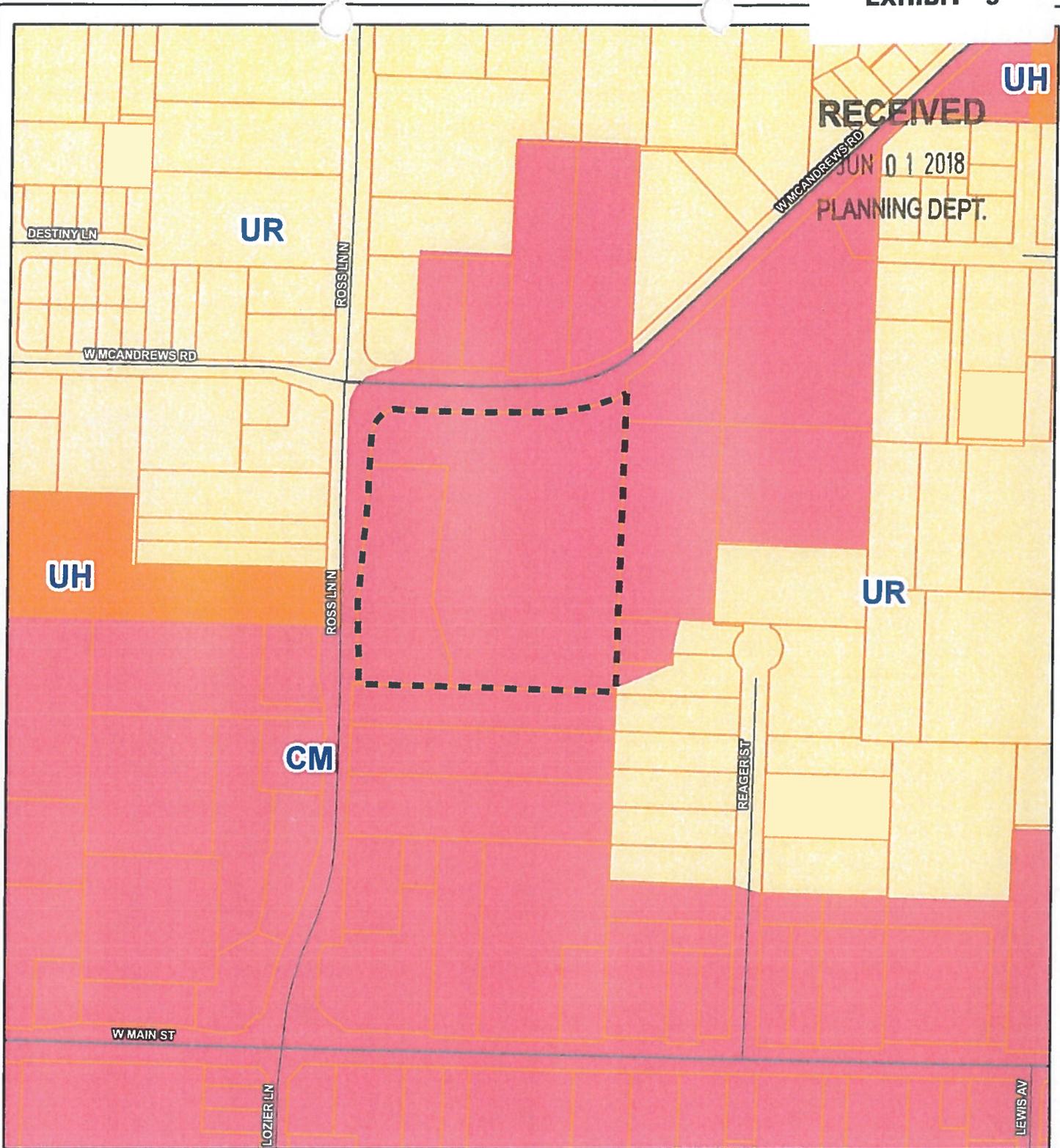
PARKING STANDARDS

- CONCRETE PAVING: Based on Table 15.7.3.1 of City of Medford...
TOTAL REPAIRS: 2.4 (Minimum) 3.2 (Maximum) Square Feet
TOTAL PAVED ACCESSIBLE PARKING SPACES: 8 (Minimum)
TOTAL PAVED CARPools: 12 (Minimum) 15 (Maximum) Spaces

TL: 2201

SITE DEVELOPMENT PLAN
SCALE 1/4" = 1'-0"

TL: 2200



GLUP

- CM
- UH
- UR



Subject



Tax Lots

**General Land Use Plan
(GLUP Map)**

CDT-BAR LLC
Pioneer Market Place
Commercial Subdivision
37-2W-26AD Tax Lots 2400 & 2600



CSA Planning LTD

300 150 0 300 Feet

CITY OF MEDFORD
EXHIBIT #
File # LDS-16-078

11-18-2016 Source: City of Medford GIS



-  Subject
-  Tax Lots
-  Medford Zoning

Zoning Map

2012 Aerial



CDT-BAR LLC
 Pioneer Market Place
 Commercial Subdivision
 37-2W-26AD Tax Lots 2400 & 2600



CSA Planning LTD

300 150 0 300 Feet

CITY OF MEDFORD

EXHIBIT #

11-18-2016 File # EDC 18 076



-  Subject
-  Lots
-  Wetland
-  100-Year Floodplain

2012 Aerial

Wetlands & Floodplain

CDT-BAR LLC
 Pioneer Market Place
 Commercial Subdivision
 37-2W-26AD Tax Lots 2400 & 2600



CSA Planning LTD

200 100 0 200 Feet



CITY OF MEDFORD

EXHIBIT # 5

File # LDC18-076

1-17-2016 Source: City of Medford GIS Data from County GIS



-  Subject
-  Tax Lots
-  Photo Location & Direction

Photo Key Map

2012 Aerial



CDT-BAR LLC
 Pioneer Market Place
 Commercial Subdivision
 37-2W-26AD Tax Lots 2400 & 2600

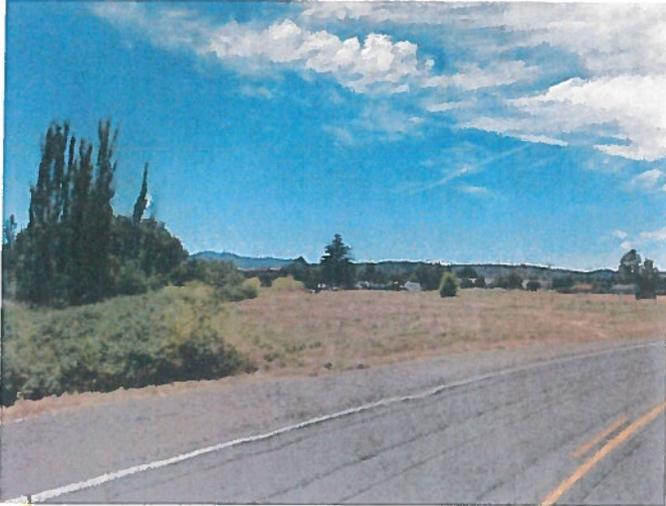


CSA Planning LTD

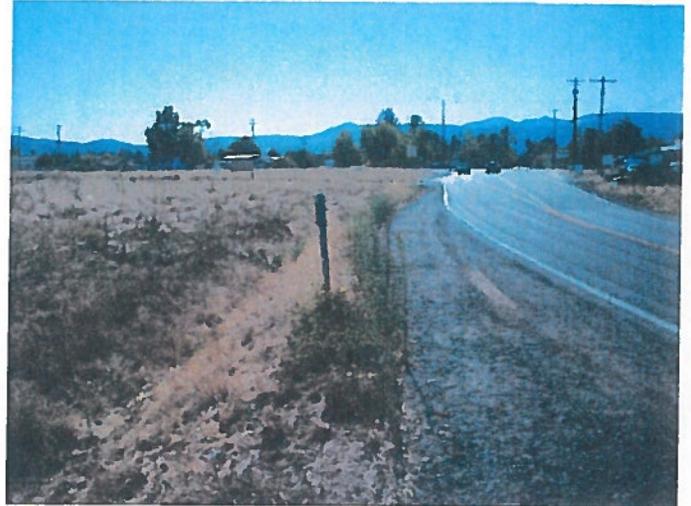
150 75 0 150 Feet



CITY OF MEDFORD
 EXHIBIT # 6
 File # 18-078



1 Property viewed from W. McAndrews Road at Northeast corner of property



2 Looking west down W. McAndrews Road along northern property boundary



3 Looking South toward subject property at existing W. McAndrews Road entrance



4 View of Center entrance

Legend

2 Photo ID Number

Site Photos

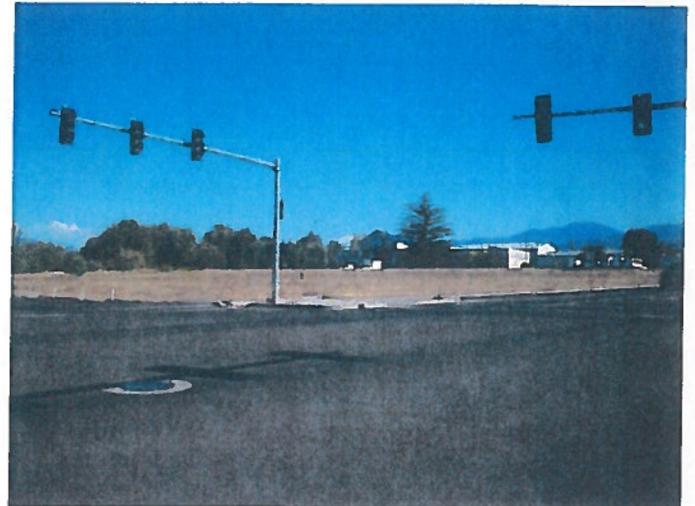
CDT-BAR LLC
Pioneer Market Place
Commercial Subdivision
37-2W-26AD tax lots 2400 & 2600

 CSA Planning, Ltd.

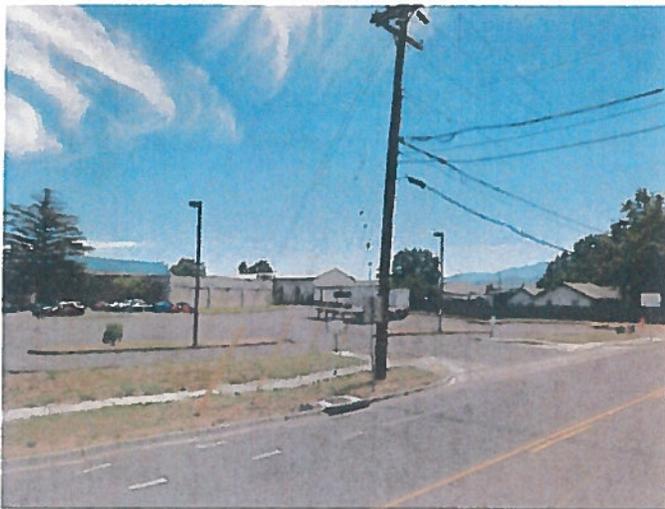
May 2018



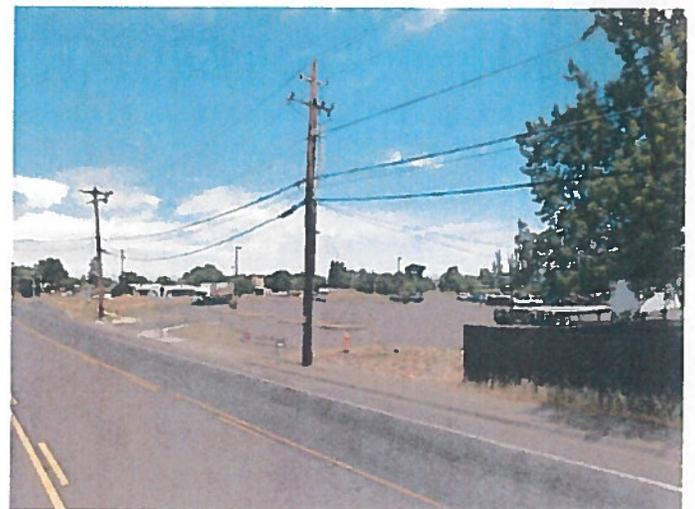
5 Looking East at intersection of W McAndrews Rd. and N. Ross Ln.



6 Looking across property from intersection of W. McAndrews Rd. and N. Ross Ln.



7 Existing N. Ross Lane entrance looking southeast



8 Looking north down N. Ross Lane at Southwest corner of property

Legend

2 Photo ID Number

Site Photos

CDT-BAR LLC
 Pioneer Market Place
 Commercial Subdivision
 37-2W-26AD tax lots 2400 & 2600

 CSA Planning, Ltd

May 2018

II

EVIDENCE SUBMITTED WITH THE APPLICATION

Applicant herewith submits the following evidence with its application:

- Exhibit 1.** Signed Application Forms with Duly Executed Limited Powers of Attorney
- Exhibit 2.** These proposed findings of fact and conclusions of law, demonstrating how the application complies with the applicable criteria (this document).
- Exhibit 3.** Demonstration of Compliance with Applicable Standards
- Exhibit 4.** Jackson County Assessor plat map 37-2W-26AD which contains and depicts the subject property
- Exhibit 5.** City of Medford General Land Use Plan (GLUP)
- Exhibit 6.** Zoning Map on Aerial
- Exhibit 7.** Tentative Plat
- Exhibit 8.** Project Design Plans
 - a. Phasing and Proposed Tentative Plat over Approved Development Plan
 - b. Approved Site Development Plan
 - c. Landscape Plans
- Exhibit 9.** Photo Key; Photos of site and surrounding properties
- Exhibit 10.** Wetlands and Floodplain Map
- Exhibit 11.** Terra Science Wetland Assessment letter from September 28, 2007
- Exhibit 12.** Current Deeds with Legal Descriptions
- Exhibit 13.** Disposition and Development Agreement for Pioneer Market Place, *June 13, 2012. Ordinance 2012-67, Signed May 17, 2012*
- Exhibit 14.** Proposed Reciprocal Shared Parking and Access Agreement



III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The following are the relevant substantive criteria prerequisite to approving Land Division application:

10.270 Land Division Criteria

The approving authority (Planning Commission) shall not approve any tentative plat unless it first finds that, the proposed land division together with the provisions for its design and improvement:

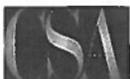
- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;
- (4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;
- (5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;
- (6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

10.703 Pad Lot Development

A. Purpose. It is the purpose of this Section to provide a process for the creation of tax lots within a common area for non-residential uses. This Section is not intended to provide relief from the strict standards elsewhere established in this Code.

B. Development Standards.

- (1) All lot-lines created within the common area shall be located along a common or exterior building wall, or within four (4) feet of an exterior building wall, unless the approving authority (Planning Commission) allows a greater distance for special purposes.
- (2) The parent parcel shall meet the site development standards established in Section 10.721.
- (3) All pad lot developments shall obtain Site Plan and Architectural Review approval prior to the tentative plat application being accepted for review by the Planning Commission.
- (4) A pad lot development shall be identified as such on both the tentative and final plats, and on the site plan submitted for the project. At the time of recording of the final plat, Covenants, Conditions, and Restrictions (CC&Rs) shall be approved by the City and recorded. The recorded CC&Rs shall provide:
 - (a) That the owners are jointly and severally responsible for the continued maintenance and repair of the common elements of the development, such as common portions of buildings, parking areas, access, landscaping, etc., and share equitable in the cost of such upkeep.
 - (b) An association for the purpose of governing the operation of the common interests.
 - (c) Maintenance access easements on individual lots where necessary for the purpose of property maintenance and repair.
 - (d) The specific rights of, or limitations on, individual lot owners to modify any portion of a building or lot, including the provision that no common elements be modified without the consent of the association.



IV

FINDINGS OF FACT

1. **Property Location:** The property is located at the southeast corner of the intersection of West McAndrews Road and North Ross Lane. The property is within the corporate limits of the City of Medford and its adopted and acknowledged urban growth boundary.
2. **Property Description and Acreage:** The site is comprised of two parcels identified in the records of the Jackson County Assessor as Tax Lots 2400 and 2600 in Township 37 South Range 2 West in Section 26AD. Parcel 2400 has approximately 5.69 acres, of which approximately 4.48 acres can be further developed, as a little more than one acre is covered by wetlands. Parcel 2600 has approximately 1.86 acres. Together the buildable area equals 6.34 acres. *See*, Assessor plat map, Exhibit 4 and Tentative Plat, Exhibit 7.
3. **Subject Property Ownership:** Taxlot 2400 and Taxlot 2600 are owned in entirety by CDT-Bar, LLC.
4. **Comprehensive Plan Map Designation:** Taxlots 2400 and 2600 are designated Commercial on the Medford Comprehensive Plan Map.¹ *See*, Exhibit 5.
5. **Zoning Map Designation:** Taxlots 2400 and 2600 are zoned Community Commercial (C-C) as shown on Exhibit 6.
6. **Previous Planning Actions:**
 - A. *LDS-11-108 Partition*, Approved May 24, 2012
Three lot partition of Tax Lot 2600 was approved by the Planning Commission. One extension request was filed and granted setting the expiration date at May 24, 2016. This partition has now expired.
 - B. *PLA-11-0052 Property Line Adjustment*, Approved July 8, 2011;
Recorded July 11, 2011
Property Line Adjustment between parcels identified as Tax Lots 2400 and 2600 on Map 47-2W-26AD.
 - C. *AC-10-089 Site Plan and Architectural Review*, Approved February 18, 2011
Approved Master Plan for the Pioneer Market Place shopping center, which is the basis for the layout of the proposed subdivision. The approved center includes 52,084 square feet of retail and restaurant space, in six new buildings plus the existing 16,137 square foot building. The project included an exchange of land at the corner of N. Ross Lane and W. McAndrews for additional land dedications and right-of-way improvements.
The initial expiration of the approval was February 18, 2016, however, the Disposition and Development Agreement (DDA) regarding reservations for a proposed future road along the south boundary of the center included an extension of the expiration date to February 18, 2022, *see* Exhibit 13.

¹ Medford often refers to its comprehensive plan map as the Generalized Land Use Plan or GLUP map.



- D.** *ZC-10-072 Zone Change*, Approved December 9, 2010
A zone change from SR-2.5 to City C-C, Community Commercial was completed for Tax Lot 2600.
- E.** *ZC-08-144 Zone Change*, Approved February 18, 2009
Subject property was rezoned from County SR-2.5 to City C-C, Community Commercial. This zone change included a trip cap and transportation improvement mitigations. The trip cap was for construction of not more than 69,370 square feet of Shopping Center development. Shopping Center development is proposed and the total square footage of 49,387 is less than 69,370 square feet allowed by the trip cap. The TIA identified the need for a traffic signal mitigation at McAndrews Road and North Ross Lane. This signal has been installed and the cap is no longer applicable. Additional mitigation was identified at North Ross Lane and Highway 238 where need for a traffic signal was identified, this signal has been installed and the cap is no longer applicable.
- F.** *Annexation Ordinance No. 2002-192*, October 3, 2002
Annexation File A-99-149
Ordinance annexed 99 properties with 179.5 acres into the City of Medford, including these properties. No zone changes were part of this action, properties retained their county zone designation until the property owner applied for a change to a city zone.
- 7. Topography:** The property is relatively flat and does not contain significant topographic relief. Topography does not represent a significant constraint for urban utilization of the property.
- 8. Wetlands; Floodplain:** The subject property is not within any 100-year floodplain according to Jackson County GIS records. *See*, Exhibit 10. According to Medford and Jackson County Geographical Information System (GIS) data bases taken from the U.S. National Wetland Inventory, the subject property also contains no jurisdictional wetlands. However, the owners engaged qualified wetland experts Terra Science, Inc. to do an on-site wetland investigation which revealed an approximate one-acre wetland located along the eastern border of the property. This wetland is identified as an isolated occurrence that lacks surface water connectivity. *See*, Exhibit 11. Based on the information in the report, the site layout was designed to prevent encroachment of new paving or buildings into the identified wetlands area.
- 9. Existing Land Use and Development**
- A. Project Site:** Tax Lot 2400 contains a 16,137 square foot building, off-street parking and appurtenances that were originally constructed as a Moose Lodge. The existing building is under lease with an electronic cigarette manufacturer. The remaining portions of the property not occupied by the existing building or parking are vacant. Taxlot 2600 currently has a residential structure which is in deteriorated condition and will be demolished as part of redevelopment of Lot 2 on the tentative plat.
- B. Surrounding Land Uses:** The GLUP map (Exhibit 5) and Zoning Map which is overlaid on an aerial photo (Exhibit 6) depicts the pattern of land partitioning and development in the surrounding area. Exhibit 9 includes photos of the site and



surrounding properties which further depict the land uses that surround the subject property and which are further described as follows:

Surrounding Area Characteristics: The property is surrounded by general commercial, light industrial, and single-family residential uses. 179.5 acres, including the subject property, was annexed to the City of Medford in 2002. Many of the properties kept their then prevailing SR-2.5 zoning despite the fact that this and several other properties had pre-existing commercial uses. The next intersection due south of the property, West Main and North Ross Lane, is a major commercial intersection with the Jackson Creek and Thunderbird Market shopping centers on the northwest and southwest corners. On the northeast corner of that intersection is a relatively new Walgreen's drug store. The southeast corner is occupied by convenience and fast food stores.

East: Most of the eastern boundary abuts the Rogue Pacific Lumber Company, a supplier of lumber and roofing materials for the Rogue Valley. This property has an attractive and well maintained central building with surrounding metal lumber sheds. It is zoned Community Commercial (C-C). The southeast corner the property abuts two residential properties that are accessed from a cul-de-sac that originates on West Main Street. These properties' rear fences face the back of the old "Moose Lodge" building. They are zoned SFR-00. The next two parcels immediately to the south of those residences are owned by Reager Street LLC and are used by Batzer Construction, Inc. The yards of the Batzer-owned adjacent parcels are used for construction materials storage.

South: To the south, the property abuts 2 parcels that contain Batzer Construction, Inc., a large construction company and J.B. Steel, a steel fabrication facility. The Batzer property contains several concrete and wood buildings for material storage, shops, and offices. There is also a materials storage and vehicle yard onsite. The Batzer properties are zoned Heavy Commercial(C-H). To the south of the Batzer properties are several commercial properties, including the Walgreen's at the corner of West Main and North Ross Lane. These properties are zoned Community Commercial (C-C).

West: West, across North Ross Lane, are several properties zoned RR-00. The property at the southeast corner with McAndrews is vacant with small residences flanking it. To the south, directly west across North Ross Lane are two parcels that house a commercial cabinet shop operation in structures and out-buildings that were previously residential. The property south of the cabinet shop has a small residence.

South of the residence are three large properties that are currently vacant. One is zoned MFR-20 high density and is owned by the Jackson County Housing Authority. This property is planned to be built out as a multi-family development. South of that property are two large parcels that are zoned SFR-10 and are currently vacant. The Jackson Creek Shopping Center covers the area south of these residential parcels down to the northwest corner of West Main and North Ross Lane and is zoned Community Commercial (C-C).



North: Across West McAndrews Road, on the northeast corner with North Ross Lane, is a vacant lot zoned SFR-4. The center properties across W. McAndrews Road are zoned Community Commercial (C-C) and Heavy Commercial (C-H) and have uses which include Mercury Air and Metal, an Appliance Repair service center, and Crater Automotive Repair. To the Northeast is a largely vacant parcel that despite its General Commercial zoning is occupied by an unusual round tower residence and another vacant parcel. Most of the buildings are one-story, concrete or metal buildings for light industrial use. The one unique building is the three-story "round house" which appears to be a former silo that has been adapted for residential use and sided with corrugated metal.

- 10. Approved Development:** Pioneer Market Place, which was approved in 2011, is envisioned as a complex of attractively designed buildings that will form a new retail and commercial center. The approved center has a strong, sophisticated design, but one that complements the existing building on the site and the other buildings in the immediate area. Anticipated tenants of the free-standing building include a bank, two fast food restaurants, a quality sit-down restaurant. The three retail buildings and the existing Moose Lodge building will be divided and leased to small retail tenants in units ranging from 1,500 to 4,000 sf depending on the tenant needs. *See, Exhibits 8b and 8c.*



Figure 1. View of Buildings C and D from North Ross Lane.

- 11. Lot Layout:** The layout is based on the Site Development Plan approved by the Site Plan and Architectural Review Commission. The subdivision contains two types of lots- standard lots and pad lots. *See, Exhibits 7 and 8a.*

- A. Standard Lots:** The tentative plat layout is based on the approved Site Development Plan with individual parcels for Buildings B through G abutting N. Ross Lane and W. McAndrews Road; The existing lots all have frontage on either N. Ross Lane or W. McAndrews Road, although no direct access is proposed. All standard lots are at least 15,000 square feet, at least 70 feet wide with 70 feet of frontage, 100 feet deep and will not exceed 40% lot coverage per the approved Site Development Plan. In addition, there are two Common Area lots, one containing the circulation and parking areas to be shared by all buildings and one containing the drainage area. The total number of lots proposed is 12.

B. Pad Lots: Pad lots are proposed for the existing Building A and Building H. Two types of pad lots are proposed, one with and three without dedicated parking, for a total of four pad lots. Building 'A' is proposed as a single building Pad Lot that will contain the building, the abutting walkways and the adjacent parking spaces. This layout for the lot is intended to allow the existing Building 'A' to control its immediate surrounds. This building may be reconfigured at some time in the future into two to three tenant spaces. Having control over the property immediately adjacent to the building will allow for adjustment of entrance walkways if new ones are required to support potential future tenant layouts. The potential for the division of this building for multiple tenants was anticipated in the Site Plan and Architectural Review approval.

The Building 'H' Pad Lots have a more typical pad lot design where one building is divided by property lines running along the center of the party walls. In this case, one building is divided into three distinct units with related lots. The Applicant proposes to set the exterior lot line for Lots 8 to 10 four feet from the eastern building face and four feet from the southern building face at Lot 10 per MLDC standard 10.703.B(1). On the west side, the building facades are considerably articulated and no one section dominates the distance from the building to the curb. This being the case, the Applicant is proposing to set the western property line for Lots 8 to 10 at the curb of Common Area A where it abuts Lots 8 to 10 to provide a consistent boundary rather than setting the line at 4 feet from the future face of building. The same circumstance applies at the north side of Lot 8, therefore the same is proposed, that the lot line follow the adjacent curb.

- 12. Phasing:** The project received SPAC approval for phasing of the infrastructure. The first phase includes Lots 2 to 5, a new access on N. Ross Lane, and the internal access drive connecting the lots to N. Ross access. Applicant requested and was approved the right to continue use of the existing W. McAndrews access until they are ready to move forward with Phase 2 which will include Lots 1 and 7 to 10. The Site Plan approval for the project tied improvements along Ross Lane for the buildings fronting on Ross Lane, and improvements along W. McAndrews to construction of buildings along McAndrews. The street frontages have been improved for the four lots with frontage on Ross Lane and the new access has been constructed. Applicant requests approval to plat the four lots fronting on Ross Lane first, with the proviso that only three of the four lots can be build-out for vertical construction prior to making improvements on McAndrews and completing the second phase of the subdivision. *See*, Exhibit 8a.
- 13. Site Access:** Currently three driveways provide access to the site, one from W. McAndrews Road, an arterial, and the other two from North Ross Lane, a major collector. The location of the W. McAndrews driveway when developed will be adjusted to allow for better usage of the site. The driveway is to be relocated approximately 95 feet to the east. The third driveway on N. Ross Lane, an existing residential driveway on Tax Lot 2600, is to be eliminated once the residence is demolished. *See*, Exhibit 8b.
- 14. Future Access:** As a condition of the Site Plan and Architectural Review approval, a DDA was negotiated reserving a strip 35 feet wide along the southern boundary of both parcels for development of a future commercial street. This reservation runs with the land and will continue to reserve the southern 35 feet of any parcel along the southern



boundary of the site for the future street. A new southern driveway is planned for access to the center from this new street when it is constructed, *see* the DDA at Exhibit 13. The accesses on N. Ross Lane and W. McAndrews Road will remain even if this third entrance is eventually constructed.



V

CONCLUSIONS OF LAW

Based upon the evidence in enumerated in Section II and summarized in the Section IV Findings of Fact, the Planning Commission reaches the following Conclusions of Law with respect to this matter:

***City of Medford Approval Criteria
Medford Land Development Code (MLDC)***

LAND DIVISION

Land Division Criterion 1

MLDC 10.270 Land Division Criteria.

The approving authority (Planning Commission) shall not approve any tentative plat unless it first finds that, the proposed land division together with the provisions for its design and improvement:

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, and all applicable design standards set forth in Article IV and V;

Conclusions of Law: As to consistency with the Comprehensive Plan, the Planning Commission concludes the Comprehensive Plan contains no specific goals, policies, and/or implementation strategies that by their language and context operate as approval criterion that is applicable to this land use decision. However, the Planning Commission herewith finds that this land use application is subject to conditions of approval of the zone change approved by Planning File *ZC-08-144 and ZC-10-072* and that these conditions operate as instruments to assure compliance with the Comprehensive Plan. To this end, the Planning Commission based upon the findings of fact in Section IV and evidence enumerated in Section II concludes that the conditions laid out in these two zone changes have been met and thereby establishes consistency with the Comprehensive Plan.

With respect to design standards of the MLDC, the Planning Commission herewith finds that this land use application is subject to conditions of approval of the Site Plan and Architectural Review approved by Planning File *AC-10-089* and that these conditions operate as instruments to assure compliance with the design standards in MLDC Articles IV and V.

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of Criterion 1.

Land Division Criterion 2

- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;

Conclusions of Law: Based upon the evidence in Section II and the Findings of Fact in Section IV, the Planning Commission concludes that this proposal fully develops the land under the same ownership. It provides for future development of a public road along the southern boundary to provide access for development of the property to the south, in



accordance with the DDA executed between the property owners and the City. The Planning Commission therefore concludes that the application is consistent with Criterion 2.

Land Division Criterion 3

- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;

Conclusions of Law: The Planning Commission concludes the requested subdivision name is to be named Pioneer Market Place and that no other subdivision in the City of Medford has this name. The Planning Commission therefore concludes that the application complies with Criterion 3.

Land Division Criterion 4

- (4) Includes the creation of streets, that such streets are laid out to conform, within the limits of the City of Medford and its Urban Growth Boundary, to the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;

Conclusions of Law: The Planning Commission concludes that no streets are part of this land division application. Criterion 4 does not apply.

Land Division Criterion 5

- (5) Has streets that are proposed to be held for private use, that they are distinguished from the public street on the tentative plat, and reservations or restrictions relating to the private streets are set forth;

Conclusions of Law: Based upon the evidence in Section II and the Findings of Fact in Section IV, the Planning Commission concludes the subdivision does not propose any streets proposed to be held for private use. Access drives aisles within the shopping center parking area will provide the connectivity needed between lots. Cross-access easements are to be included as part of the CC&R's and related legal instruments applicable to Common Area "A", such instruments shall guarantee access for each lot from the interior parking lot. Criterion 5 does not apply.

Land Division Criterion 6

- (6) Contains streets, if applicable, and lots which are oriented to make maximum effective use of passive solar energy; exceptions to this provision may be granted whenever it is impractical to comply due to:
 - (a) The configuration or orientation of the property;
 - (b) The nature of surrounding circulation patterns, or other existing physical features of the site such as topography;



Conclusions of Law: Based upon the evidence in Section II and the Findings of Fact in Section IV, the Planning Commission concludes the subdivision does not propose any streets. The proposed lot and building layout establishes sufficient separation between buildings to ensure the potential for the maximum effective use of passive solar energy on each lot. The Planning Commission therefore concludes that the application is consistent with the requirements of Criterion 6.

Land Division Criterion 7

- (7) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

Conclusions of Law: Based upon the evidence in Section II and the Findings of Fact in Section IV adopted and incorporated herein, the Planning Commission herewith concludes that there are no adjoining agricultural lands nor EFU zoned land, and finds therefore that Criterion 7 is inapplicable.

PAD LOT DEVELOPMENT

Pad Lot Criterion 1

10.703 Pad Lot Development

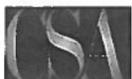
B. Development Standards.

- (1) All lot-lines created within the common area shall be located along a common or exterior building wall, or within four (4) feet of an exterior building wall, unless the approving authority (Planning Commission) allows a greater distance for special purposes.

Discussion: The Planning Commission finds the proposed subdivision includes a combination of Pad Lots and Traditional Lots. The Planning Commission observes that the Traditional Lots all have frontage on a public right-of-way, but each lot functionally relies on the overall pad configuration because these lots will utilize additional overflow parking in the common area and for site access and circulation so that the number of driveways to the adjacent higher order street system can be minimized. Nevertheless with respect to this particular criterion, Lots 2-7 are not, technically, Pad Lots and the locational property line requirements of (1) above do not apply to those lots.

The Applicant is requesting the lot line of the Pad Lots for Building H be set to include the walkways abutting the approved buildings for each pad lot. In addition, the Planning Commission finds that the Applicant requests that the Pad Lot for Building A include the walkways and parking spaces abutting the building. The stated reason for this greater distance is to allow each pad lot owner greater control of their immediate surrounds. Commission notes that landscaping maintenance for the entire center will be under one contract to the owner's association so that the common area upkeep and the landscaping on all properties will be maintained at all times.

Conclusions of Law: The Planning Commission finds that granting the greater distance for the location of the property line for each of these pad lots in order for the owner to keep control of their immediate surroundings does not change the substantial reliance of each pad lot upon the common area for provision of parking, circulation, and maintenance. The



Common area continues to meet the strict standards required in the code. Application meets Criterion 1.

Pad Lot Criterion 2

(2) The parent parcel shall meet the site development standards established in Section 10.721.

Conclusions of Law: Based on the Evidence in Section II and the Findings in Section IV, the Planning Commission concludes that the parent parcel identified as Tax Lot 2400 meets the site development standards of MLDC section 10.721. Application meets Criterion 2.

Pad Lot Criterion 3

(3) All pad lot developments shall obtain Site Plan and Architectural Review approval prior to the tentative plat application being accepted for review by the Planning Commission. .

Conclusions of Law: Based on the Findings in Section IV, the Planning Commission concludes that Pioneer Market Place has received Site Plan and Architectural Review approval. Application meets Criterion 3.

Pad Lot Criterion 4

(4) A pad lot development shall be identified as such on both the tentative and final plats, and on the site plan submitted for the project. At the time of recording of the final plat, Covenants, Conditions, and Restrictions (CC&Rs) shall be approved by the City and recorded. The recorded CC&Rs shall provide:

- (a) That the owners are jointly and severally responsible for the continued maintenance and repair of the common elements of the development, such as common portions of buildings, parking areas, access, landscaping, etc., and share equitable in the cost of such upkeep.
- (b) An association for the purpose of governing the operation of the common interests.
- (c) Maintenance access easements on individual lots where necessary for the purpose of property maintenance and repair.
- (d) The specific rights of, or limitations on, individual lot owners to modify any portion of a building or lot, including the provision that no common elements be modified without the consent of the association.

Conclusions of Law: The Planning Commission finds that the pad lot locations have been identified on Exhibit 7, the Tentative Plat. In addition the Planning Commission accepts the Applicant's stipulation to provide CC&R's meeting the requirements of this section for approval at the time of Final Plat. Based on this, the Planning Commission concludes that Criterion 4 is met.



VI

STIPULATIONS OFFERED BY APPLICANT

If made a condition attached to the approval of these land use applications, Applicant herewith agrees to stipulate:

1. At the time of final plat to provide Covenants, Conditions, and Restrictions (CC&Rs) to be approved by the City that meet the requirements detailed in MLDC Section 10.704(4). The Applicant further stipulates to recording the aforementioned CC&R's along with the Final Plat.

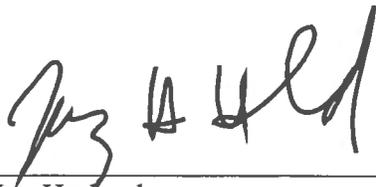
VII

ULTIMATE CONCLUSION

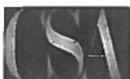
Based upon the record and the foregoing findings of fact and conclusions of law, it is concluded that the application for Land Division for the Pioneer Market Place subdivision is consistent with the requirements of all of the relevant substantive approval criteria which have been addressed hereinabove.

Respectfully submitted on behalf of Applicant,

CSA PLANNING, LTD.



Jay Harland
Consulting Planner
May 31, 2018



APPLICANT'S EXHIBIT 3

DEMONSTRATION OF COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

10.328 Community Commercial, C-C

The C-C district provides land for the development of commercial facilities servicing the shopping needs of the community and is typically comprised of community shopping centers. All uses, except as noted in section 10.337, do not exceed 50,000 square feet of gross floor area.

10.721 Commercial and Industrial Site Development Standards

The following standards apply to commercial and industrial development

C-C Community Commercial - Development Standards		
DEVELOPMENT STANDARDS	Code Standard	Compliance
MINIMUM AND MAXIMUM AREA FOR ZONING DISTRICT (ACRES)	None	Total project equals 7.55 acres, of which 6.34 is developable.
MINIMUM LOT AREA (SQUARE FEET)	15,000	Proposed lots 2 to 7 range from 17,309 to 38,183 SF, exceed the minimum. Lots 1, 8, 9 and 10 are pad lots and rely on the two common area lots as their parent parcel. Common area lots A & B have 97,799 and 52,615 SF which exceed the minimum. -All Comply
MINIMUM LOT WIDTH	70 feet	560' average - Complies
MINIMUM LOT DEPTH	100 feet	605' average - Complies
MINIMUM LOT FRONTAGE	70 feet	560' average - Complies
MAXIMUM COVERAGE FACTOR (See 10.706)	40%	Complies- see table below
MINIMUM FRONT YARD & STREET SIDE YARD BUILDING SETBACK	10 feet EXCEPT 20 feet for vehicular access to garages or carports	Complies- All yards facing the street are 10' or wider
MINIMUM SIDE AND REAR YARD BUILDING SETBACK	None EXCEPT 1/2 foot for each foot in building height over 20 feet	Complies
MAXIMUM HEIGHT (See 10.705)	85 feet EXCEPT 35 feet if within 150 feet of a residential zoning district	36'-7" existing building gable peak 28'-7" tallest new structure- Complies Complies
MAXIMUM GROSS FLOOR AREA PER BUSINESS (SQUARE FEET) EXCEPT	50,000	Complies- No buildings or businesses proposed exceeds 50,000
PERMITTED OUTDOOR USES	See Note 2	Complies
Note 2:	All uses, EXCEPT those customarily conducted outdoors, must be located completely within an enclosed building.	



Compliance with Standards: The proposed project complies with the standards for the Community Commercial zone. The table below shows that the lots can and will comply with the allowed Maximum Coverage Factor of 40%. Building square footage is tentative and based on previous SPAC approval.

LOT COVERAGE CALCULATIONS				
Lot	SF	Bldg	Tentative Bldg SF	Coverage
Separate Lots				
2	30,797	B	7,036	23%
3	16,607	C	2,660	16%
4	18,053	D	5,433	30%
5	17,806	E	2,870	16%
6	17,309	F	3,430	20%
7	23,513	G	3,980	17%
Pad Lots plus Parent Parcels				
1	38,183	A	16,137	
8-9-10	16,273	H	10,538	
Common A	97,799			
Common B	52,615			
Total	204,870		26,675	13%

10.485 Storm Drainage Requirements.

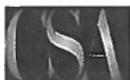
A. Subterranean storm drains shall be designed and installed by the developer to adequately and safely drain all storm waters of a development and all surface waters reaching, or reasonably calculated to reach, said development from areas outside of its boundaries, and to ultimately drain the same to an approved watercourse.

B. Drainage to a watercourse shall be either by the direct discharge into the same or by connection with adjacent existing storm drains already discharging into a water course and of a capacity sufficient, in the opinion of the City Engineer, to adequately and safely carry all of such additional drainage.

C. When a proposed development may adversely impact a storm drainage system, the City Engineer may recommend to the approving authority (Planning Commission or Site Plan and Architectural Commission) that the developer have prepared by a registered engineer, a Storm Drainage Plan for review and approval prior to final action on the plan authorization.

D. The storm drain system shall consist of mains of not less than twelve (12) inches in diameter, together with such manholes, catch basins, laterals, water quality and flow control facilities, and other structures, and at such grades as required by the City Engineer to conform to good drainage requirements for the area and for the topography of the development to prevent standing waters or flooding within and outside of its boundaries.

Compliance with Standards: The site plan and landscape plans approved through SPAC were developed with water quality and detention in mind. Bioswales have been disbursed throughout the site to manage storm water quality. Detention will occur both in the swales and in underground pipes. See Exhibit 4a, Site Development Plan.



10.550 Access Standards

(1) Driveway Throat Width Standards.

Driveways that connect to a public right-of-way shall be constructed according to the standards in Tables 10.550-1 and 10.550-2. See Figure 10.550-1 for driveway throat, flare and radius definitions.

For the purposes of this section, Minimum Access Easements and Alleys shall be considered driveways.

Table 10.550-1 - Driveway Throat Widths

Street Classification	Land Use on Parcel to be Served by the Driveway
Arterial	COMMERCIAL
Greater than 1,000 ADT***	18 to 36 ft.

***ADT = Average Daily Trips using the proposed driveway, determined from the latest version of the Institute of Transportation Engineering handbook based on the expected ultimate use of the site.

Compliance with Standards: The ADT for both N. Ross Lane and W. McAndrews Road is more than 1,000, therefore the driveway must be between 18 to 36 feet. The proposed driveways are 24 feet in width and therefore comply with the standard.

(2) Driveway Radius Standards

Table 10.550-2 Driveway Radius Standards

Street Classification	Land Use on Parcel to be Served by the Driveway
Arterial	COMMERCIAL
Greater than 1,000 ADT	25 ft. radius

Compliance with Standards: Each of the driveway curbs for the driveways on N. Ross Lane and W. McAndrews Road have a minimum of 25 feet radius.

3) Driveway Spacing and Locational Standards

a. Arterial and Collector Streets

(1) Driveway spacing and Location. No driveway access to an Arterial or Collector Street shall be allowed for any parcel that abuts the right-of-way of a lower order street or has legal right of access to any street via any abutting parcel(s).

Compliance with Standards: Frontage for this parcel is only along an arterial and a collector. There is no legal right of access to any lower order street via abutting parcels. One existing driveway is located on the W. McAndrews frontage and two are located on the N. Ross Lane frontage. The Applicant is proposing to consolidate the N. Ross Lane driveways and only have one driveway opening on N. Ross Lane.

No driveway access shall be allowed to an Arterial Street within 150 feet of the nearest right-of-way line of an intersection street.



Compliance with Standards: Both driveways meet the standards for distance for being located at least 150 feet from the intersection of an arterial street. The driveway on W. McAndrews Road is approximately 445 feet from the North Ross Lane right-of-way line. The driveway on North Ross is approximately 275 feet from the W. McAndrews right-of-way line. Both driveways are substantially more than 150 feet of the nearest right-of-way line of an intersection street

Driveways shall be placed adjacent to the property line of a contiguous parcel if possible to do so and meet driveway spacing requirements of this section.

Compliance with Standards: It is not possible to place either driveway adjacent to the property line and meet the driveway spacing requirements in this section. Moving driveways on both W. McAndrews and on N. Ross driveways to near the property line would reduce the separation from the adjacent property driveway to less than the minimum standard. On N. Ross Lane the distance would be reduced from 280 feet to 30 feet. The area between driveways on W. McAndrews would be reduced from 260 feet to 140 feet. In addition, moving the driveway to the east property line would put the driveway in the middle of a curve and place it in the middle of the wetlands that exist on along the eastern boundary

No driveway access to an Arterial or Collector Street shall be located closer than allowed by the standards in Table 10.550-3, measured from the center of driveway to center of driveway.

**Table 10.550-3 Minimum Driveway Spacing Standards (Center-to-Center)
 Arterial and Collector Streets¹**

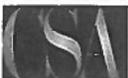
SPEED LIMIT (MPH)	30	35
MINIMUM DRIVEWAY SPACING	N. Ross Lane 195 ft.	W. McAndrews Road 250 ft.

Compliance with Standards: Both driveways meet the driveway spacing standards. On W. McAndrews Road, the distance between the proposed location and nearest driveway to the east is approximately 260 feet, which meets the standard for a 35 MPH street. On N. Ross Lane, the new location of the proposed consolidated driveway is 280 feet from the nearest driveway to the south, meeting the spacing standard.

- (2) Number of Driveways for each Separately Owned Tract. Within the requirements set forth in a. (1) above, driveway access to an Arterial Street shall be limited to one driveway for each tract of property owned.

For purposes of this section, parcels that are contiguous under the same ownership or part of the same application for development shall be considered to be one tract of property.

¹ Planned speed limits for each road were supplied by the City of Medford.



Compliance with Standards: The site includes two contiguous parcels which share the use of both driveways. There is only one driveway onto the Arterial, W. McAndrews, and this driveway meets all the spacing and locational standards for an arterial.

- (3) Cross-Access Easement Required. Any parcel or tract granted driveway access to an Arterial or Collector Street shall grant cross-access easements to all contiguous parcels or tracts that do not abut a street of a lower order than an Arterial or Collector Street. Site design must accommodate future use of such accesses.

Use of shared driveways on multiple parcels or tracts and cross-access easements shall be required when site and traffic conditions, including projections of future traffic volumes and movements, indicate that such requirements will preserve the capacity and safety of the transportation system.

Compliance with Standards: An easement will be granted between the two parcels for cross-access and shared parking. The driveways were consolidated on N. Ross Lane, at a location that complied with the standards rather than on the property line, in order to reduce the number of access points on N. Ross Lane from the site.

c. Alternative Access Spacing and Location

The standards set forth in Sections 10.550 (3) (a) and (b) above are the City's basic access standards. The City also recognizes the unique situations and/or complex projects may warrant alternative driveway spacing and locations.

- (2) Redevelopment: Redevelopment as used in this section means that a parcel(s) has existing legal access and physical improvement and the property owner is seeking procedural Class C plan authorizations for new development permits. In the case of redevelopment, the approving authority may require the provision of cross-access easements and geometric/physical improvements to any and all accesses in accordance with current standards. Redevelopment applications shall propose changes to the number and/or centerline location(s) of existing driveway(s), and shall demonstrate that the proposed changes will bring the parcel into, or at a minimum, closer to compliance with existing standards.

Compliance with Standards: The Pioneer Market Place project is a redevelopment of two parcels as used in this section. The project includes Tax Lot 2400, which has the old Moose Lodge building and parking lot and Tax Lot 2600, which is a small parcel with an existing residence and garage. Both parcels have long-standing legal access. In redeveloping the property, the Applicant intends to remove the old residence, subdivide and renovate the Moose Lodge, and construct six new commercial buildings to create a new shopping center named Pioneer Market Place. The Moose Lodge property, has an existing access on W. McAndrews and one on N. Ross Lane. The parcel with the residence has one existing access driveway on N. Ross Lane. The Applicant is proposing the following changes to improve the existing site access:

1. Moving the centerline of the existing access drives away from the intersection and new traffic light.
2. Consolidating the two driveways on N. Ross Lane and providing cross-access easements for the two parcels.

The Applicant has volunteered the consolidation of the two existing access driveways on N. Ross Lane in order to improve the safety of the road and meet the appropriate



standards. In addition, they have moved their proposed entrance an additional fifteen feet to the south to conform to the current County engineering plans for the intersection. By making these improvements to the existing development as part of redeveloping the site, the access comes into compliance with the existing standards.

At the Land Development meeting, Public Works asserted that the project must close its N. Ross access, must construct a portion of a proposed new commercial street at the southern border of the property that is part of the un-adopted West Main Transit-Oriented District circulation plan, and then must have the project take access off of that street. This project has no need to take access off a back street as it already has an existing access on N. Ross Lane that meets all of the spacing standards. Further, as the plan has not been adopted, it is unknown if such a street will even be a part of the final plan.

10.742 Off-Street Loading Standards

(1) Types of Loading Berths; Design. Required off-street loading space shall be provided in berths which conform to the following minimum specifications

(a) Type "A" berths shall be at least 60 feet long by 12 feet wide by 15 feet high, inside dimensions with a 60-foot maneuvering apron.

(b) Type "B" berths shall be at least 30 feet long by 12 feet wide by 14 feet 6 inches high, inside dimensions with 30-foot maneuvering apron.

(2) Number of Loading Spaces Required: The following numbers and types of berths shall be provided for the specified uses. The uses specified below shall include all structures designed, intended or arranged for such use.

OFF-STREET LOADING STANDARDS				
Use	Gross Floor Area (sq. ft.)	Berths Required	Type	Provided
Department stores, retail establishments, funeral homes and commercial establishments not otherwise specified	7,000 – 24,000	1	B	Building A: (1) Type B

Compliance with Standards: Building A is the only building in the development which exceeds the 7,000sf threshold for requiring a loading berth. Therefore, a loading berth which meets the Type B standards is being added to Building A at the southwest corner. Buildings B through F all have less than the minimum square footage for requirement of a loading berth.

Building G exceeds the total building square footage that would require a Type B loading berth, however, the building is to be divided into a minimum of two tenant spaces, neither of which would exceed the 7,000 sf minimum that triggers the need for a Type B berth.



10.743 Off-Street Parking Standards

(2) Number of Required Parking Spaces. Off-street vehicle parking spaces shall be provided as follows:

(a) Parking Space Calculation. Parking space ratios are based on spaces per 1,000 square feet of gross floor area, unless otherwise noted.

(b) Parking Categories.

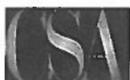
(i) Table 10.743-1 contains parking ratios for minimum required number of parking spaces and maximum permitted number of parking spaces for each land use.

A. Minimum Number of Required Parking Spaces. For each listed land use, the City shall not require more than the minimum number of parking spaces calculated for each use.

B. Maximum Number of Permitted Parking Spaces. The number of parking spaces provided shall not exceed the maximum number of parking spaces allowed for each listed land use

Compliance with Standards: See Parking Calculations table below.

PARKING CALCULATIONS					
Land Use Category	Parking Standards are based on number of spaces per 1,000 Square Feet of Gross Floor Area (unless otherwise noted)				
	Minimum Number of Parking Spaces- All Other Zones	Maximum Permitted Parking Spaces- All Zones	Proposed Square Feet	Minimum Spaces Required	Maximum Spaces Permitted
Bank	4.5 spaces plus 5.0 spaces for drive-up window queue	5.4 spaces plus 5.0 spaces for drive-up window queue	2,870	12.9	15.5
Commercial Use: less than 25,000 square feet:	4.5 spaces	5.4 spaces	37,752	169.9	203.9
Restaurant, Standard	9.0 spaces	11.0 spaces	3,980	35.8	43.8
Restaurant (with drive thru)	12.0 spaces plus 5.0 spaces for drive-up window queue	14.0 spaces plus 5.0 spaces for drive-up window queue	7,484	89.8	104.8
TOTALS (rounded)			52,084	308	368
Total Provided				330 -complies	



10.745 Location of Parking Facilities

All parking spaces shall be on the same lot as the main structure it serves or on an abutting lot. However, upon demonstration by the applicant that parking on the same lot or abutting lot is not available, the approving authority may authorize the parking spaces to be on any lot within 250 feet walking distance of the structure being served upon written findings of compliance with the following provisions:

- (1) There is a safe, direct, attractive, lighted and convenient pedestrian route between the parking area and the use being served;
- (2) There is assurance in the form of deed, lease, contract or other similarly recorded document that the required spaces will continue to be available for off-street parking use according to the required standards.

Compliance with Standards: All parking is on the same lot as the structures. Parking areas are provided adjacent to all buildings and a central shared lot is provided as well. Lighted pedestrian routes are provided connecting the separate parking areas and buildings. Site plan complies.

10.748 Bicycle Parking Standards

Bicycle parking spaces shall be provided in accordance with the following:

Commercial -Commercial: 10% of the number of spaces provided for automobiles, to be calculated by rounding up to the nearest whole number

Compliance with Standards:

BICYCLE PARKING CALCULATIONS			
Type of Use	Standard	Quantity	Spaces needed:
Commercial	10% of the number of spaces provided for automobiles, to be calculated by rounding up to the nearest whole number.	330 parking spaces	33
TOTAL PROVIDED			34

Each building has bicycle parking adjacent as shown on site plan. Restaurants and banks are not specifically called out in the code as a use, but they are commonly considered commercial uses. Therefore, the Commercial requirement was used to calculate the number of spaces needed and the site plan complies with the requirements for a Commercial use.



10.753 New Noise Sources

- (1) New Sources Located on Previously Used Sites: No person owning or controlling a new industrial or commercial noise source located on a previously used industrial or commercial site shall cause or permit the operation of that noise source if the statistical noise levels generated by the new source and measured at an appropriate measurement point, specified in Section 10.753(b) of this section, exceed the levels specified in Table V-4, except as otherwise provided herein

Compliance with Standards: No new noise sources are anticipated that would generate noises that would exceed the levels specified in Table V-4.

10.775 Pedestrian Walkway Design Standards

Pedestrian walkways shall be:

- (1) At least five feet in paved unobstructed width, except walkways bordering parking spaces which shall be at least seven feet wide unless concrete bumpers, bollards or curbing and landscaping or other similar improvements are provided which prevent parked vehicles from obstructing the walkway.

Compliance with Standards: All walkways proposed are at least 5 feet wide. Walkways adjacent to parking areas are all 7 feet wide.

- (2) Separated from parking area by grade, different paving materials, speed bumps or landscaping.

Compliance with Standards: The walkways adjacent to the parking areas are separated by grade and materials.

- (3) Provided with stairs and ramps where necessary to provide a direct route.

Compliance with Standards: No stairs and ramps beyond standard curb ramps are required to maintain a direct route.

- (4) Provided with parking lot or pedestrian scale lighting.

Compliance with Standards: The proposed site plan includes parking lot pole lights throughout the parking area which will light parking area and walkways. Individual buildings will have sconces and down lights lighting the walkways adjacent to the buildings.

- (5) As direct as possible and avoid unnecessary meandering.

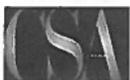
Compliance with Standards: The proposed site plan has sidewalks and paths that provide direct access to all building entrances.

- (6) Designed to minimize driveway crossings.

Compliance with Standards: Walkways for this project are located to minimize the need to cross driveways and drive aisles.

- (7) Located so that the pedestrian has a minimum distance to walk between a transit stop or a street with a transit stop and the entrance to a building.

Compliance with Standards: A proposed future transit stop location has been identified on the site plan on W. McAndrews Road. This stop would be connected by walkways and sidewalks to all the buildings on the property. The nearest existing transit stop is approximately 1,000 feet south on West Main Street. The connection to transit is by sidewalk along North Ross Lane to West Main Street.



10.780 General Landscape and Irrigation Requirements

The purpose of the following landscape and irrigation standards is to help maintain the aesthetic quality of the entire community and the individual living experience of all citizens. Diversity of plant materials is encouraged for aesthetic and environmental reasons.

- (1) All landscape areas shall include sufficient lawn, shrubs and/or living ground cover to cover an estimated 85 percent of the total area within eight (8) years. Trees shall not be counted toward the coverage figure. The approving authority shall determine if a proposal complies with this standard.
- (2) (2) The following minimum plant sizes shall apply, at the time of planting, to all landscaping required by this code.
 - (a) Deciduous tree stocks shall be not less than 2 inches in diameter (caliper) at a point twelve (12) inches above the ground.
 - (b) Evergreen trees shall be between 8 and 10 feet in height.
 - (c) No shrubs shall be less than one (1) gallon size when planted.
- (3) (3) All landscaping, except at single-family residences, shall have automatic irrigation systems installed unless otherwise exempted by the Site Plan and Architectural Commission.
- (4) (4) Commercially engineered root barriers shall be placed around all new trees located within six (6) feet of any impervious surface (i.e., concrete, asphalt, brick, etc.).
- (5) (5) All planter areas shall be covered with a minimum of 4 inches of unsettled bark mulch.
- (6) (6) All landscaped areas and plants required by this code shall be maintained in good health by the property owner(s) and shall not be reduced in area or number. Violation of this requirement is a violation and subject to a maximum fine of \$250 per day.
- (7) (7) For determining appropriate plants for specific uses, the Medford Parks and Recreation Department has a reference publication entitled Recommended Plant Materials that is available.

Compliance with Standards: The proposed planting plan for this project meets the standards listed above—The Planting Plan has been prepared in order to meet the standard regarding coverage at 85% of ground cover within eight years. The plants proposed will be sized as per 2.a-c. The entire site is to be irrigated by a fully automatic underground sprinkler system with moisture sensing equipment that allows for system monitoring and fine tuning. Commercially engineered root barriers shall be placed around all new trees located within six (6) feet of any impervious surface and all planter areas will be covered with a minimum of 4 inches of unsettled bark mulch.

10.781 Concealment of Trash Receptacles

Trash receptacles shall be kept in enclosures made of solid wood, metal, brick, or masonry block which conceal them from view. Access doors shall be made of solid wood or metal. When possible, enclosures should be incorporated into the building (i.e., wing walls, alcoves). If free standing, the enclosures shall be constructed of materials which are compatible with other structures on the site. Chain link fencing, with or without slats, for this purpose is prohibited.

Compliance with Standards: Trash enclosures are provided at seven locations on site. Some are immediately adjacent to the buildings and some are located in the planting areas. The enclosures will be of split-faced concrete block. Painted steel pan deck gates will be provided.



10.782 Concealment of Heating, Ventilation, and Air Conditioning (HVAC) Equipment

All HVAC equipment shall be concealed from view. Where possible, such concealment should be accomplished using the architectural elements of the buildings (i.e., roof forms, parapets, wing walls, alcoves, etc.). Free standing walls or fences may also serve as sight-obscuring concealment devices. Chain link fencing, with or without slats, for this purpose is prohibited.

Compliance with Standards: The HVAC equipment will be package units located on the roof of the buildings. The equipment will be screened from view by the building parapets.

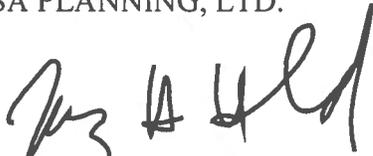
10.783 Location of Wall Mounted Utility Services

Wall mounted utility devices, such as meters and television cable boxes, shall be mounted on the side of the building not facing a street unless they are concealed from view. Where possible, concealment should be accomplished using architectural elements of the building (i.e., wing walls, alcoves, etc.).

Compliance with Standards: All proposed buildings on the site can feasibly and will meet this requirement.

Respectfully submitted on behalf of Applicant.

CSA PLANNING, LTD.



Jay Harland
Consulting Planner

Recording requested by:

Address for tax statements:

**DECLARATION OF RECIPROCAL EASEMENTS
AND OPERATION AGREEMENT**

THIS DECLARATION OF EASEMENTS, CONDITIONS, AND RESTRICTIONS FOR PIONEER MARKET PLACE (this "Declaration") is made this _____ day of _____, 2015, by CDT-BAR LLC, an Oregon limited liability company (hereafter referred to as "Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner of certain property located in Jackson County, Oregon, and more particularly described in "Exhibit A" attached hereto and by reference made a part hereof (the "Property").

NOW THEREFORE, Declarant hereby declares that the Property shall be held, sold and conveyed subject to the following easements, covenants, conditions and restrictions, which are for the purpose of protecting the value and desirability of, and which shall run with, the Property and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

1. **Definitions.**

1.1 **Owner.** "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Tract which is a part of the Property, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

1.2 **Improvements.** "Improvements" shall mean any building, structure, or capital improvement to the site.

1.3 **Property.** "Property" shall mean and refer to that certain real property described on Exhibit "A".

1.4 Common Area. "Common Area" shall mean the areas depicted as Common Areas on Exhibit "B" attached hereto.

1.5 Common Area Manager. "Common Area Manager" shall mean the record owner of Tract 7, whether one or more persons or entities.

1.6 Tract. "Tract" shall mean and refer to each numbered tract as depicted on the Site Plan attached hereto as Exhibit "B". For purposes of this Agreement, the Tract assigned for each unit of land within the Property shall control over a conflicting lot or parcel number designation for the same unit of land in a partition, subdivision, or deed for such unit of land. The Declarant shall have the right to modify and change boundary lines to each Tract as long as the Declarant owns the Tract.

1.7 Declarant. "Declarant" shall mean and refer to CDT-BAR LLC, its successors and assigns, if such successors or assigns should acquire more than one unimproved Tract from the Declarant for the purpose of development and such successor or assign has received a written assignment of the Declarant's rights hereunder.

1.8 Pioneer Market Place Project. "Pioneer Market Place Project" shall mean Tracts 1 through 8 together with the Common Areas.

2. Improvements. Each Owner shall construct its buildings, Improvements, and site grading only in material conformity with the Site Plan prepared by Gary Caperna Architect which depicts the buildings, grading, and site Improvements for Tracts 1 through 8. No Improvement shall be commenced, erected, placed, or altered on any Tract until the construction plans and specifications showing the nature, shape, heights, materials, colors, and proposed location of the Improvement have been submitted to and approved in writing by the Declarant. The purpose of this Section 2 is to assure quality of workmanship and materials and harmony between exterior design and the existing improvements and landscaping and as to location with respect to topography and finished grade elevations. The Declarant shall not be responsible for determining compliance with structural and building codes, solar ordinances, zoning codes, or other governmental regulations, all of which are the Owner's responsibility.

3. Easements.

3.1 Access to Common Areas. The Declarant hereby reserves, excepts, imposes, grants and creates non-exclusive, perpetual easements to and on behalf of the Declarant, the Owners, and their grantees, heirs, assigns, successors in interest, lessees, tenants, and invitees over and across the Common Areas, for purposes of vehicular and pedestrian ingress and egress, parking, drainage and storm water detention, and for such other purposes as shall be consistent with the nature of the Common Areas.

3.2 Ingress and Egress Easement. The Declarant hereby reserves, excepts, imposes, grants and creates non-exclusive, perpetual easements to and on behalf of the Declarant and the Owners and their grantees, heirs, assigns, successors in interest, lessees, tenants, and invitees over and across the roads, driveways and sidewalks now or hereafter located on each

Tract, for purposes of vehicular and pedestrian ingress and egress to and from all the other Tracts and to and from all abutting streets or rights-of-way furnishing access to the Tracts.

3.3 Utility Easements. The Declarant hereby reserves, excepts, imposes, grants and creates non-exclusive, perpetual easements to and on behalf of the Declarant, and the Owners and their grantees, heirs, assigns, successors in interest, lessees, tenants, and invitees in, to, over, under and across each Tract for the purposes of permitting the installation, maintenance, repair, replacement, removal and relocation of underground storm sewer lines, storm detention facilities, sanitary sewer pipes, water and gas mains, electric power lines, telephone lines, telecommunication lines, and other underground utility lines (each a "Utility Line" and, collectively, the "Utility Lines"), for the purpose of providing service to the Improvements. The Utility Line(s) shall be located at such places as the Declarant deems appropriate in Declarant's sole discretion. Each Owner shall have the right to relocate any Utility Line(s) which services only that Owner's Tract, but which crosses the other Tract, upon the written approval as to the exact location of the easement from the Owner of the Tract being crossed. Such approval shall not be unreasonably withheld, conditioned or delayed. Notwithstanding the foregoing, the relocation of the Utility Line(s) shall not materially interfere with the use of any Owner's Tract and Improvement thereon. If necessary to allow for the installation, operation, maintenance, replacement and repair of any utility lines or other improvements necessary for utilities on the Property, any Tract, or appurtenances, any Owner, its successors or assigns, or any one of them, may assign or grant to public or private utility entities the benefits of this utility easement.

3.4 Temporary Construction Easement. The Declarant hereby reserves, excepts, imposes, grants and creates non-exclusive, perpetual easements to and on behalf of the Declarant, the Owners, their grantees, heirs, assigns, successors in interest, lessees, tenants, and invitees for any construction work to be performed in the development of the Improvements, each Owner hereby grants the other temporary easements for incidental temporary encroachments onto its Tract. The permitted encroachments are those which may occur as a result of the adjacent Tract's construction, so long as such encroachments are temporary in nature, kept within the reasonable requirements of the construction worksite, and do not interfere with the operation of the constructed Improvement. The encroaching Owner agrees to indemnify, defend and hold harmless the Owner of the land encroached upon from all claims, liability, cost and expense (including attorney fees and court costs) arising as a result of the encroachment. The permitted encroachments are permissible provided that reasonable liability insurance (not less than \$2,000,000.00 per occurrence) is maintained which protects the Owner being encroached from any and all risks associated with the encroachment. However, no encroachment in violation of applicable building, zoning, or land use codes or laws shall be deemed permitted by this Section 3.4 during any period of the construction.

4. Operation of Improvements and Common Areas.

4.1 Property Management and Maintenance.

4.1.1 Individual Buildings. Each Owner shall manage and maintain and have the right to contract for its own property management and maintenance company(s) for its own building, independent of one another. In any event, each party shall manage and maintain

their building in a manner consistent with first-class commercial, retail or food service buildings and restaurants in Medford, Oregon. For the purposes of this Agreement, maintenance shall include all repair and replacement of Improvements.

4.1.2 Common Area Operating Costs and Expenses, Taxes, Insurance, and Parking Lots. Each Owner shall pay its Proportionate Share of the following:

4.1.2.1 Common Area Operating Costs & Expenses. "Operating Costs & Expenses" shall mean all costs of ownership, management, operation, and maintenance of the Common Area, including, without limitation, the following: wages, salaries, and other direct and indirect costs of employees; janitorial, cleaning, landscaping, guard, security and other services; gas, electricity, water, sewer, waste disposal, and other utilities; materials and supplies; repairs, and other maintenance; parking lot resurfacing and re-striping, as well as cleaning, sweeping, and ice and snow removal; maintenance, repair, replacement and service of any improvements in the Common Area; reserves for any Common Area improvements; costs of independent contractors (including without limitation the storm water detention system); charges as utility fees or utility charges of any kind; the cost of any repair, renovation, alteration, and improvement required to be made under any governmental law, rule or regulation; depreciation on personal property; supplying directional signs, other markers, and car stops; an allowance to the Common Area Manager for the Common Area Manager's supervision of maintenance and operation of the Common Areas; and any other expense or charge which in accordance with generally accepted accounting and management principles would be considered a cost of ownership, management, operation, and maintenance of the Common Area.

4.1.2.2 Common Area Taxes. "Common Area Taxes" shall mean all taxes, assessments, systems development charges, or any other governmental charge or levy on the Common Area.

4.1.2.3 Common Area Insurance. "Common Area Insurance" shall mean all costs of insurance (both liability and casualty) on the Common Area.

4.2 Proportionate Share Defined. Each Owner's Proportionate Share of costs incurred shall be a fraction, whereby the numerator shall be the total square footage of each Owner's Tract and the denominator is the total square footage of the Property (hereinafter, the "Proportionate Share").

The sole purpose of identifying the square footage measurements of each building, noted in this Section 4.2 is to establish each Owner's Proportionate Share. The values noted herein are not to be considered a determinative value for purposes of leasing space within the respective buildings.

4.3. Payment of Owner's Proportionate Share of Common Area Operating Costs and Expenses, Taxes, and Insurance. Each Owner agrees to pay to the Common Area Manager such Owner's Proportionate Share of Common Area Operating Costs and Expenses (as hereinafter defined) in the following manner:

4.3.1 Each Owner shall pay the Common Area Manager on the first day of each calendar month an amount estimated by the Common Area Manager to be such Owner's monthly Proportionate Share of the Common Area Operating Costs. The Common Area Manager may adjust said amount at the end of any calendar month on the basis of Common Area Manager's experience and reasonably anticipated costs. Each Owner's Proportionate Share of Common Area Costs, Taxes and Insurance shall be prorated on a daily basis for any particular calendar month.

4.3.2 Within ninety (90) days following the end of each calendar year, or as soon as reasonably possible thereafter, Common Area Manager shall furnish to each Owner a statement covering such year just ended, showing the Common Area Costs, Taxes and Insurance and the amount of each Owner's Proportionate Share of such Proportionate Share of such costs for such year and the payments made by each Owner with respect to such year. If such Owner's Proportionate Share of such costs is less than that Owner's payments so made, the Owner shall be entitled, subject to Common Area Manager's right to offset any amounts then due the Common Area Manager pursuant to this Agreement, to a credit of difference against the next regular monthly payment of Common Area Operating Costs or portion thereof until such credit is exhausted or, if such share is greater than such Owner's said payments, each Owner shall pay Common Area Manager the difference within thirty (30) days after receipt of such statement. Common Area Manager and each Owner's obligations under this subsection shall survive the expiration or earlier termination of this Agreement.

4.4. Each Owner shall be responsible for managing, maintaining, cleaning, repairing and replacing the grounds, landscaped areas and the parking tracts (the "Tract Exterior Maintenance") except those portions of Common Area that may be on such Owner's Tract, on a day to day basis, including without limitation the repair of lighting fixtures and the replacement of light bulbs.

4.5 Parking Area.

4.5.1 Parking Allotment and Location. Each Owner shall construct a parking lot suitable to serve the Occupants of that Tract.

4.5.2 Reserved Parking. Each Owner shall have the right to mark and reserve all of the parking spaces within the boundaries of its Tract for use exclusively by visitors or other persons designated by such Owner.

4.6 Utilities.

4.6.1 Each Owner shall be responsible for its own costs associated with the consumption of all utilities in the operation of the Improvements within that Owner's Tract.

4.6.2 There is a single electric meter for lighting the Common Area Parking Lot. A single water meter for sprinkling the grounds, and landscaping has been or will be installed for the Common Area Parking Lot, grounds and landscaping. The Common Area Manager will receive the electric and water bills and will invoice the Owners for their Proportionate Share for such utilities.

4.7 Utility Line and Service. Each Owner shall be solely responsible for maintenance and repairs associated with the Utility Lines located on its own Tract to the extent that such Utility Line provides service solely to that Owner's Tract. If a Utility Line is exclusively servicing one Tract and crosses the other Tract, such Utility Line shall be maintained by the Owner of the Tract served by the Utility, subject to the provisions of Section 3.2. Utility Lines serving both Tracts and Common Areas shall be serviced by the Owner of the Tract where the line is located, but each Owner shall pay its Proportionate Share of the cost of maintenance and repair of such line. In no event shall an Owner be liable for any costs, expenses, lost profits or other damages resulting from another Owner's loss of power or other utility service for any reason, excluding gross negligence or willful misconduct.

4.8 Taxes. Each Owner shall pay, prior to any penalty attaching thereto, all real estate taxes, assessments and personal property taxes, if any, imposed upon its Tract and the Improvements located thereon.

4.9 Signage.

4.9.1 Monument Signage. Each Tract Owner or its tenant shall have the right to display its name and logo on one-eighth (1/8th) of the visible space on any monument sign (the "Signage") installed on the Property. Each Owner shall pay its pro rata share of the cost associated with obtaining, operating and maintaining the Signage. An Owner, who desires to modify the Signage, must obtain written approval of its proposed modifications and changes from the other Owners; an Owner's approval will not be unreasonably withheld or delayed as long as the proposed modification is in conformity with the first two (2) sentences of this Section 4.9.1.

4.9.2 Building Signage. Each Owner shall be responsible for the expense of its own building signage. Each Owner shall maintain and repair its own building signage and shall only implement building signage placed on its respective Improvement that is in compliance with local zoning ordinances.

5. Liability Indemnification.

5.1 Liability Indemnification. Each Owner shall indemnify and hold the other Owners and their Occupants (the "Indemnitees") harmless (except for loss or damage resulting from the tortious acts of the Indemnitee(s)) in connection with the loss of life, personal injury and damage to property arising from or out of any occurrence in the indemnifying Owner's Improvement or upon indemnifying Owner's Tract (except to the extent arising from the willful misconduct of the Indemnitee being indemnified) or occasioned wholly or in part by any act or omission of said indemnifying Owner, or its Occupants. This indemnification shall exist only to the extent that the basis for the indemnity claim would be covered by insurance the indemnitor Owner is required to carry.

5.2 Liability Coverage for the Tract(s). Each Owner shall maintain or cause to be maintained comprehensive general commercial liability insurance insuring against claims on

account of loss of life, bodily injury or property damage that may arise from, or are occasioned by the condition, use or occupancy of the Tract of the insured Owner. Each Owner's liability insurance coverage shall name the other Owners, and the Owners' mortgagees as additional insureds on their policy. Said insurance shall be carried by a reputable insurance company qualified to do business in the State of Oregon, having limits of not less than \$2,000,000 per occurrence. Each Owner shall, upon written request from the other, furnish certificates of insurance and a copy of the policy evidencing the existence of the insurance carried pursuant to this Section 5.2.

5.3 Liability Coverage for the Common Areas. The Common Area Manager shall maintain or cause to be maintained comprehensive general commercial liability insurance insuring against claims on account of loss of life, bodily injury or property damage that may arise from, or are occasioned by the condition, use or occupancy of the Common Areas. Each Owner shall pay its Proportionate Share of the expense of such insurance. The liability insurance coverage shall name both Owners and, upon written request by either Owner, such Owners' mortgagee as additional insureds on the policy. Said insurance shall be carried by a reputable insurance company qualified to do business in the State of Oregon, having limits of not less than \$2,000,000 per occurrence.

5.4 Waiver of Subrogation. Each Owner hereby grants to the other, on behalf of its insurer providing such public liability and property damage insurance, a waiver of any right of subrogation, to the extent available, that each may acquire against the other by virtue of the payment of any loss under such insurance, and upon request of the other party shall cause its insurer to furnish evidence of such waiver of subrogation.

6. Casualty and Eminent Domain.

6.1 Casualty.

6.1.1 If either, or both, Owner's Improvement is damaged or destroyed by fire or other cause, the Owner whose Improvement is damaged shall promptly: (i) repair, restore, or rebuild the Improvement damaged or destroyed, or (ii) raze any damaged building, fill any excavation, and perform any other work necessary to return that portion of the Improvement to a clean, sightly and safe condition.

6.1.2 In the event the Common Areas are damaged or destroyed, then to the extent not covered by insurance proceeds, each Owner shall pay its Proportionate Share of the cost of restoring or rebuilding the Common Areas to a clean, sightly, and safe condition. In the event the Common Areas are damaged, the Owner(s) shall collectively perform the work necessary to return the area to a clean, sightly and safe condition. Insurance proceeds attributable to the Common Areas shall be paid to the Common Area Manager and shall be used to repair and restore the Common Areas; provided, if both buildings have been destroyed, and all Owners have determined not to restore their buildings, then the Common Areas shall not be restored, and the proceeds of the Common Areas insurance shall be used first to demolish the Common Areas and return the site to a clean, sightly and safe condition, and the balance shall be distributed to the parties in accordance with their Proportionate Shares.

6.2 Casualty Insurance. In order to assure performance of its obligations under Section 6.1, upon completion of each Owner's building each Owner shall cause to be carried fire and extended coverage insurance for the full replacement cost of its own Improvement. The Common Area Manager shall maintain fire and extended coverage for the full replacement cost of the Common Areas naming all Owners as insured parties, and each Owner shall pay its Proportionate Share of the cost of such policy. The Owners of all Tracts shall each have the obligation to pay their Proportionate Share of the costs of insuring the Common Areas commencing upon execution of this Agreement. Insurance coverage shall be in amounts at least sufficient to avoid the effect of any co-insurance provisions of such policies. Any cost of repair or restoration of the Common Areas not covered by insurance proceeds shall be paid by each Owner in proportion to its Proportionate Share.

6.3 Eminent Domain. In the event that the whole or any part of a Tract is taken by right of eminent domain or any similar authority of law (in each case a "Taking"), the entire award for the value of the land and improvements taken shall belong to the Owner of the Tract taken or to such Owner's mortgagees or tenants, as their interest may appear, subject only to the Owner's mortgage lender's commercially reasonable limitations on the availability and use of the award; provided, if the Common Areas are taken the condemnation proceeds attributable to the Common Areas shall be paid to the parties based on their respective percentage ownership interests in the Common Areas. The other Owners shall not have a right to claim any portion of such award by virtue of any interest created by this Agreement. The Owner of a Tract which is not the subject to a Taking may, however, file a collateral claim with the condemning authority over and above the value of the property being taken, to the extent of any damage suffered by such Owner resulting from the severance of the land or improvements taken, if such claim shall not operate to reduce the award allocable to the Tract taken. In the event of a partial Taking, the Owner of the portion of the Tract taken shall maintain and or restore its Improvement and Common Areas associated therewith to the condition existing prior to the Taking, without contribution from the other Owner. Any portion of any condemnation award necessary for the maintenance or restoration shall be held in trust and applied for such purpose.

7. Remedies.

7.1 Awards: Lien Rights Disputes.

7.1.1 If an Owner defaults in the performance of its obligations under this Agreement (for purposes of this section called the "Defaulting Owner") and which materially and adversely affects the other Owners or any Occupant of the other Owners' Tracts (an "Affected Party"), then the Affected Party shall, after expiration of thirty (30) days following written notice given to the Defaulting Owner (or in the event of an emergency after such notice as is practical under the circumstances) and failure of the Defaulting Owner to cure the default, have the right to perform such obligation on behalf of the Defaulting Owner. The Defaulting Owner shall promptly, and in any event within thirty (30) days following submission of a statement of same with reasonable and appropriate supporting documentation, reimburse the Affected Party the reasonable cost thereof, together with interest thereon from the date of outlay at a rate of nine percent (9%) per annum.

7.1.2 Any right to reimbursement shall, together with interest thereon as aforesaid, be secured by a lien on the Tract and Improvement thereon owned by the Defaulting Owner, which lien shall be treated as a lien authorized by ORS 94.709, or any successor statute. The lien shall be subordinate to the lien of a first mortgage then of record. The Affected Party may foreclose its lien in the manner provided under Oregon Law for the judicial foreclosure of mortgages. The Affected Party may file its notice of lien at any time following a failure to timely pay a required reimbursement.

7.2 Enforcement/Injunctive Relief. In the event of any violation of any of the terms or covenants provided herein, either party, or their respective successors and assigns, shall have in addition to the right to collect damages the right to enjoin such violation or threatened violation in a court of competent jurisdiction.

7.3 Attorneys Fees. In the event of a controversy or dispute concerning any terms or provisions of this Declaration, and in the event an action or suit is instituted as a result thereof, the prevailing party shall be entitled to be awarded reasonable attorneys fees to be set by the court or courts in which the matter is tried or heard, including any appeal therefrom.

7.4 Remedies Cumulative. The remedies provided herein are cumulative, and each Owner may pursue them separately or concurrently and may pursue any other remedies that may be available in law or in equity, even though not expressed herein. Failure to exercise any such remedy shall not be deemed a waiver of such remedy or any other remedy.

8. Term. This Agreement shall be perpetual in term. The easements, rights, obligations and liabilities created by this Agreement shall be deemed to be covenants running with the land and be binding upon the Owners and their respective heirs, devisees, successors, and assigns.

9. Effect of Instrument.

9.1 Mortgage Subordination. Any mortgage or deed of trust affecting either Tract shall at all times be subject and subordinate to the terms of this Agreement, except to the extent provided in Section 7.1.2 above or as otherwise expressly provided to the contrary in this Agreement, and any party foreclosing any such mortgage or deed of trust, or acquiring title by deed in lieu of foreclosure or trustee's sale shall acquire title subject to all of the terms and provisions of this Agreement. Each party hereto represents and warrants to the other party that there is no presently existing Mortgage or deed of trust lien on its Tract, other than mortgage or deed of trust liens that are expressly subordinate to the lien of this Agreement.

9.2 Binding Effect. Every agreement, covenant, promise, undertaking, condition, easement, right, and restriction made, granted or assumed, by any Owner to this Agreement is made by such Owner(s) not only personally for the benefit of the other Tracts hereto, but also as a covenant running with the land and an equitable servitude on the Tract which is appurtenant to and for the benefit of the other Tracts. By acceptance of the title of a Tract, the transferee shall automatically be deemed to have assumed all obligations of this

Agreement relating thereto from and after the date of such transfer to the extent of its interest in its Tract. A transferee shall execute any and all instruments and perform any and all obligations reasonably required to carry out the intention of this Agreement. Upon the completion of such transfer, the transferor shall be relieved of all further liability under this Agreement, except for such liability associated with those matters that remain unsatisfied that may have arisen during its period of ownership of the Tract conveyed.

10. Notices.

10.1 Any notice, report or demand required, permitted or desired to be given under this Agreement shall be in writing and shall be deemed to have been sufficiently given or served for all purposes if it is sent by a nationally recognized overnight courier service, delivered personally or mailed by registered or certified mail, return receipt requested, to the addresses given below or to such other address as the respective parties may from time to time designate by like notice, as follows:

If to Declarant: CDT-BAR LLC
 150 North Ross Lane
 Medford, OR 97501
 Attention: Russ Batzer

10.2 Copies of all notices to an Owner shall also be delivered to any holder of a first mortgage on that Owner's Tract who delivers to the other Owners a written request to receive copies of such notices.

Any notice sent by certified or registered mail, return receipt requested, shall be deemed given on the third (3rd) business day following the date such notice was deposited in the U.S. mail. Any notice delivered personally shall be deemed given upon its delivery and any notice sent via a nationally recognized overnight courier service shall be deemed given on the next business day after such notice was sent.

11. Miscellaneous.

11.1 If any provision of this Agreement, or portion thereof, or the application thereof to any person or circumstances, shall be held invalid, inoperative or unenforceable, the remainder of this Agreement shall not be affected thereby. Any invalid provision shall not be deemed to affect the consideration for this Agreement. Each remaining provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

11.2 This Agreement shall be construed in accordance with the laws of the State of Oregon and the Venue for any legal action arising out of this Agreement shall be Jackson County, Oregon.

11.3 The Article headings in this Agreement are for convenience only, shall in no way define or limit the scope or content of this Agreement, and shall not be considered in any construction or interpretation of this Agreement or any part hereof.

11.4 This Agreement shall not be construed in any way as to make the Owners hereto partners or joint venturers or render any of said parties liable for the debts or obligations of the other.

11.5 This Agreement shall be binding upon and inure to the benefit of the Owners' successors and assigns.

11.6 This Agreement may be amended, modified, or terminated at any time by an instrument approved by not less than seventy-five percent (75%) of the total votes of each class of Owners. For purposes of this Agreement, there shall be two classes of voting Owners:

11.6.1 Class A. Class A Owners shall be all Owners of Tracts other than Declarant, and each Class A Owner shall be entitled to one (1) vote for each Tract owned with respect to all matters on which Owners are entitled to vote.

11.6.2 Class B. The Class B Owner shall be Declarant, its successors, and its assigns. The Class B Owner shall have twenty-eight (28) votes for each Tract owned. The Class B Owners' voting rights shall cease and be converted to Class A membership on the earlier of the following dates (the "Termination Date"):

11.6.2.1 The date on which one hundred percent (100%) of the total number of Tracts have been sold and conveyed to Owners other than Declarant; or

11.6.2.2 The date on which Declarant elects in writing to terminate Class B ownership.

After the Termination Date, each Owner, including Declarant, shall be entitled to one (1) vote for each Tract owned with respect to all matters on which Owners are entitled to vote, and the total number of votes shall be equal to the total number of Tracts subject to this Declaration, initially or through annexation.

When more than one person or entity owns a Tract, the vote for such Tract may be as they shall determine, but in no event shall fractional voting be allowed. Fractional or split votes shall be disregarded, except for purposes of determining a quorum.

11.7 This Agreement may be executed in several counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same document.

11.8 Each signatory to this Agreement shall be jointly and severally liable for the performance of the duties and obligations contained herein.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date first written above.

CDT-BAR LLC,
An Oregon limited liability company

By: R. ANDREW BATZER
Its: Member

“Declarant”

STATE OF OREGON)
) ss.
County of Jackson)

On this ____ day of _____, 2015, personally appeared the above named R. ANDREW BATZER, the Member of CDT-BAR LLC, an Oregon limited liability company, and acknowledged the foregoing instrument to be executed on behalf of said limited liability company and by authority of its Operating Agreement.

Before me:

Notary Public for Oregon

Exhibit "A"

Tract 1:

Commencing at the East-Southeast corner of Donation Land Claim No. 72 in Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; thence South 89° 48' 11" East 43.31 feet to the Easterly right-of-way line of Ross Lane as described in Instrument No. 80-14790 of the Official Records of Jackson County, Oregon for the POINT OF BEGINNING; thence along said right-of-way line, North 03° 42' 13" East 242.52 feet; thence along the arc of a 232.84 foot radius non-tangent curve to the right (the long chord to which bears North 12° 58' 23" East 103.29 feet) a distance of 104.16 feet; thence leaving said right-of-way line, North 89° 55' 08" East 146.29 feet; thence South 04° 13' 45" West 288.91 feet; thence South 18° 58' 05" East 136.74 feet; thence South 00° 08' 10" West 50.76 feet, more or less, to the South line of that tract of land described in Instrument No. 2008-008268 of the Official Records of Jackson County, Oregon; thence along said South line, WEST 210.82 feet, more or less, to the Easterly right-of-way line of the aforesaid Ross Lane; thence along said right-of-way, North 00° 04' 14" East 87.55 feet; thence South 81° 45' 00" East 2.46 feet; thence North 00° 09' 27" East 38.12 feet to the Point of Beginning.

Tract 2:

Commencing at the East-Southeast corner of Donation Land Claim No. 72 in Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; thence South 89° 48' 11" East 43.31 feet to the Easterly right-of-way line of Ross Lane as described in Instrument No. 80-14790 of the Official Records of Jackson County, Oregon; thence along said right-of-way line, North 03° 42' 13" East 242.52 feet; thence along the arc of a 232.84 foot radius curve to the right (the long chord to which bears North 12° 58' 24" East 103.30 feet) a distance of 104.16 feet to the POINT OF BEGINNING; thence continue along said right-of-way line, along the arc of a 232.84 foot radius non-tangent curve to the right (the long chord to which bears North 57° 59' 10" East 248.13 feet) a distance of 261.69 feet to the Southerly right-of-way line of McAndrews Road as described in the aforesaid Instrument No. 80-14790; thence along said right-of-way line, North 84° 24' 13" East 99.30 feet; thence along the arc of a 411.97 foot radius non-tangent curve to the left (the long chord to which bears North 81° 33' 44" East 123.51 feet) a distance of 123.98 feet to intersect the southerly right-of-way line of McAndrews Road as surveyed and established by Jackson County Road survey dated 1941; thence along said right-of-way, along the arc of a 316.48 foot radius non-tangent curve to the left (the long chord to which bears North 67° 26' 59" East 103.88 feet) a distance of 104.35 feet to the Northeast corner of that tract of land described in Instrument No. 2008-008268, Official Records, Jackson County, Oregon; thence along the East line of said tract, South 00° 03' 18" West (Record South 0° 10' East) 667.18 feet to the Southeast corner thereof; thence along the South line of said tract WEST 357.38 feet; thence North 00° 08' 10" East 50.76 feet; thence North 18° 58' 05" West 136.74 feet; thence North 04° 13' 45" East 288.91 feet; thence South 89° 55' 08" West 146.29 feet to the Point of Beginning.

KAREN C. ALLAN
JASON M. ANDERSON
ERIC R. FOSTER
STUART E. FOSTER
TIMOTHY L. JACKLE

MATTHEW A. ROWAN
CHRISTINA M. VANINETTI

FOSTER DENMAN LLP
ATTORNEYS AT LAW

3521 EAST BARNETT ROAD
P.O. BOX 1667
MEDFORD, OREGON 97501

www.fosterdenman.com
TEL: (541) 770-5466 FAX: (541) 770-6502

LEWIS W. DAHLIN
OF COUNSEL

LISA M. RAHM
TRUST AND PROBATE
ADMINISTRATOR

COPY

June 18, 2012

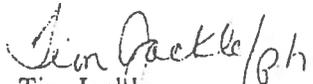
Russ Batzer
Batzer, Inc.
P.O. Box 4460
Medford, OR 97501

Re: Disposition and Development Agreement – Pioneer Market Place

Dear Russ:

Enclosed is the *original* Disposition and Development Agreement for Development of Pioneer Market Place signed by all parties, and the original signed Ordinance No. 2012-67 signed by Mayor Wheeler authorizing its execution. I have kept complete copies for my file and, by copy of this letter, I am sending copies to Jay Harland for his records.

Very truly yours,


Tim Jackle

TLJ:ph

Enclosures

✓ cc: Jay Harland with enclosures

**DISPOSITION AND DEVELOPMENT AGREEMENT
FOR DEVELOPMENT OF PIONEER MARKET PLACE**

THIS AGREEMENT FOR DEVELOPMENT OF PIONEER MARKET PLACE (this "Agreement") is made as of JUNE 13, 2012, by and between the CITY OF MEDFORD ("City"), an Oregon municipal corporation, REAGER STREET, LLC (REAGER), PLATA STATION, LLC (PLATA), and SOUTHERN OREGON MANAGEMENT, INC. (SOMI).

WHEREAS, REAGER, PLATA, and SOMI own real property at or near the southeast corner of the intersection of Ross Lane North and West McAndrews Road, as depicted in Exhibit A; and

WHEREAS, REAGER owns the real property described in Exhibit B, PLATA owns the real property described in Exhibit C, and SOMI owns the real property described in Exhibit D; and

WHEREAS, PLATA has received conditional approval of a development named Pioneer Market Place through AC 10-089, which occupies all the property owned by PLATA and REAGER in this Agreement, and is depicted on Exhibit E; and

WHEREAS, one of the conditions of AC 10-089 requires PLATA to reserve 35 feet of property along the southerly property lines of PLATA and REAGER for a future public local street. For the purpose of this agreement, the proposed street along the southerly property line of PLATA and REAGER, and along the northerly property line of SOMI shall be referred to as South Street; and

WHEREAS, REAGER has submitted an application (LDP 11-108) for a partition of the property owned by REAGER into three (3) Parcels as depicted on Exhibit F; and

WHEREAS, PLATA also desires to subdivide its property in the future, and SOMI plans to redevelop its property in the future; and

WHEREAS, REAGER, PLATA, and SOMI desire to place the centerline of the future South Street on the south property line of PLATA's and REAGER's property, and to limit the total right-of-way width to 47 feet, of which the northerly 23.5 feet would be on PLATA's and REAGER's property and the southerly 23.5 feet would be on SOMI's property; and

WHEREAS, the SOMI property is used for construction contracting offices, and a steel fabrication facility, together with parking areas, driveways, storage facilities and warehouses associated with the construction contracting offices and steel fabrication facility ("SOMI Businesses"); and

WHEREAS, for purposes of this Agreement, Redevelopment shall mean a change in use on the SOMI property such that the SOMI Businesses no longer utilize at least fifty percent (50%) of the SOMI property and such change in use necessitates a subdivision application, partition application, or permit for vertical construction. The utilization of the site shall be determined based on the square footage of the site used by the SOMI Businesses for its construction contracting offices, steel fabrication facility, and its parking areas, driveways, storage facilities and warehouses associated with the construction contracting offices and steel fabrication facility; and

WHEREAS, SOMI is willing to consent to the placement of the street on the SOMI property at such time SOMI Redevelops its property; and

WHEREAS, all of the conditions contained in AC 10-089, unrelated to South Street, shall apply as adopted by the Site Plan and Architectural Commission; and

WHEREAS, the City desires to work with REAGER, PLATA, and SOMI to split the dedication and improvements of the future local street;

NOW, THEREFORE, REAGER, PLATA, and SOMI agree to the following terms:

1. REAGER agrees to reserve the southerly 35 feet of their property in accordance with the adopted conditions of AC 10-089 prior to the first building permit on REAGER's property. If REAGER subdivides or partitions their property, they shall dedicate 23.5 feet along their south property line for public street right-of-way. Said dedication shall be on the final plat or by separate instrument prior to the final plat of LDP 11-108 or any other subdivision of this property. Prior to the issuance of the building permit for each Parcel within LDP 11-108, REAGER shall enter into a deferred improvement agreement, in accordance with the Medford Land Development Code (MLDC), Section 10.432, for the improvement of the street along the south property line. The required deposit for each deferred improvement agreement shall be the prorated portion of \$55,000, based on equal amounts for each parcel created (\$18,333 each for three Parcels) If SOMI Redevelops prior to any subdivision of REAGER's property, then REAGER shall dedicate the 23.5 feet of right-of-way along their southerly property line at the time of Redevelopment of SOMI's property.
2. PLATA agrees to reserve the southerly 35 feet of their property in accordance with the approved conditions of AC 10-089 prior to the first building permit on this property. If PLATA subdivides or partitions any of their property, they shall dedicate 23.5 feet along their southerly property line either prior to or on the final plat. Prior to issuance of each building permit on any lot created within the PLATA property, PLATA shall also enter into a deferred improvement agreement, in accordance with MLDC, Section 10.432 for the improvement of the street along the south property line. The required deposit for each deferred improvement agreement shall be a prorated portion of \$95,000, based on equal amounts for each Parcel or Lot created (\$23,750 each for four Parcels, doesn't include the existing building). If SOMI Redevelops prior to any subdivision of PLATA's property, then PLATA shall

dedicate the 23.5 feet of right-of-way along their southerly property line at the time of Redevelopment of SOMI's property.

3. SOMI agrees to dedicate 23.5 feet of right-of-way along the entire length of their north property line at the time of Redevelopment of SOMI's property. In addition, upon Redevelopment SOMI shall improve that portion of the street located on SOMI's property to commercial street standards necessary to create a 36 foot wide street on all the properties, measured from face of curb to face of curb, including 5 foot sidewalks adjacent to the curb on each side of the street, and street lights. The improvements shall extend the full length of SOMI's north property line, and make the connection to Ross Lane North; and
4. The Developers agree to waive the right to object to the exaction to dedicate and improve the South Street on the basis of the MLDC, Section 10.668.

NOW, THEREFORE, the City agrees to the following terms:

1. The City shall accept the 47 foot dedication of the South Street as the full and complete right-of-way dedication for this street within the boundaries of this agreement; and
2. The City shall grant REAGER and PLATA a revocable permit for the private use of the area within the 23.5 foot dedications as set forth on the City's standard form, with the stipulation that the City will require that the private use shall cease and private improvements be removed at the time SOMI redevelops.
3. The Site Plan for the REAGER and PLATA properties shall remain valid until February 18, 2022.

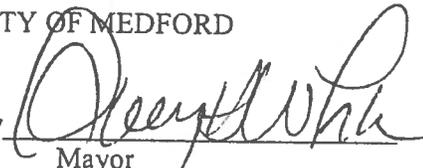
The Recitals set forth above and the Exhibits attached hereto are hereby incorporated into and made a part of this Agreement.

This Agreement is personal to the parties hereto. Neither City nor REAGER, PLATA, or SOMI shall assign this Agreement without the written consent of the other, which consent shall not be unreasonably withheld. The provisions of this Agreement shall be binding upon the heirs, assignees, or other successors of the parties, and shall survive the conveyance of a deed without merger therein.

The Parties intend that the rights, obligations and covenants in this Agreement shall be exclusively enforceable by the Parties. There are no third party beneficiaries to this Agreement, either express or implied.

Dated: 6/13/12

CITY OF MEDFORD

By 
Mayor

REAGER STREET, LLC

Dated: 6/8/12

By 
Member

PLATA STATION, LLC

Dated: 6/8/12

By 
Member

SOUTHERN OREGON
MANAGEMENT, INC.

Dated: 6/8/12

By 
President

EXHIBIT 'A'

MAY 37 2W 26AA

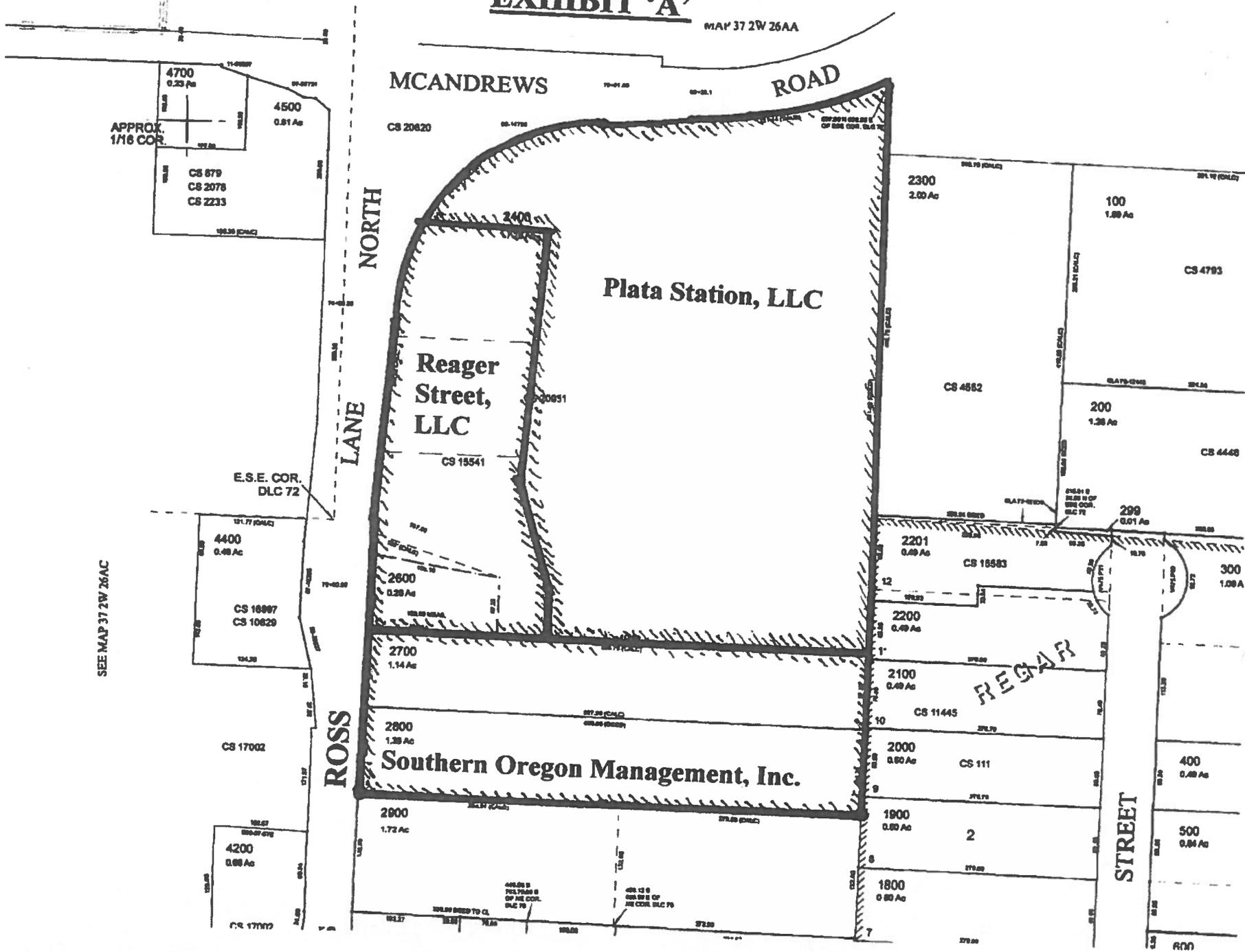


EXHIBIT "B"

Commencing at the East-Southeast corner of Donation Land Claim No. 72 in Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; thence South 89° 48' 11" East 43.31 feet to the Easterly right-of-way line of Ross Lane as described in Instrument No. 80-14790 of the Official Records of Jackson County, Oregon for the **POINT OF BEGINNING**; thence along said right-of-way line, North 03° 42' 13" East 242.52 feet; thence along the arc of a 232.84 foot radius non-tangent curve to the right (the long chord to which bears North 12° 58' 23" East 103.29 feet) a distance of 104.16 feet; thence leaving said right-of-way line, North 89° 55' 08" East 146.29 feet; thence South 04° 13' 45" West 288.91 feet; thence South 18° 58' 05" East 136.74 feet; thence South 00° 08' 10" West 50.76 feet, more or less, to the South line of that tract of land described in Instrument No. 2008-008268 of the Official Records of Jackson County, Oregon; thence along said South line, WEST 210.82 feet, more or less, to the Easterly right-of-way line of the aforesaid Ross Lane; thence along said right-of-way, North 00° 04' 14" East 87.55 feet; thence South 81° 45' 00" East 2.46 feet; thence North 00° 09' 27" East 38.12 feet to the Point of Beginning.

(Reager Street, LLC)

EXHIBIT "C"

Commencing at the East-Southeast corner of Donation Land Claim No. 72 in Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; thence South $89^{\circ} 48' 11''$ East 43.31 feet to the Easterly right-of-way line of Ross Lane as described in Instrument No. 80-14790 of the Official Records of Jackson County, Oregon; thence along said right-of-way line, North $03^{\circ} 42' 13''$ East 242.52 feet; thence along the arc of a 232.84 foot radius curve to the right (the long chord to which bears North $12^{\circ} 58' 24''$ East 103.30 feet) a distance of 104.16 feet to the **POINT OF BEGINNING**; thence continue along said right-of-way line, along the arc of a 232.84 foot radius non-tangent curve to the right (the long chord to which bears North $57^{\circ} 59' 10''$ East 248.13 feet) a distance of 261.69 feet to the Southerly right-of-way line of McAndrews Road as described in the aforesaid Instrument No. 80-14790; thence along said right-of-way line, North $84^{\circ} 24' 13''$ East 99.30 feet; thence along the arc of a 411.97 foot radius non-tangent curve to the left (the long chord to which bears North $81^{\circ} 33' 44''$ East 123.51 feet) a distance of 123.98 feet to intersect the southerly right-of-way line of McAndrews Road as surveyed and established by Jackson County Road survey dated 1941; thence along said right-of-way, along the arc of a 316.48 foot radius non-tangent curve to the left (the long chord to which bears North $67^{\circ} 26' 59''$ East 103.88 feet) a distance of 104.35 feet to the Northeast corner of that tract of land described in Instrument No. 2008-008268, Official Records, Jackson County, Oregon; thence along the East line of said tract, South $00^{\circ} 03' 18''$ West (Record South $0^{\circ} 10'$ East) 667.18 feet to the Southeast corner thereof; thence along the South line of said tract WEST 357.38 feet; thence North $00^{\circ} 08' 10''$ East 50.76 feet; thence North $18^{\circ} 58' 05''$ West 136.74 feet; thence North $04^{\circ} 13' 45''$ East 288.91 feet; thence South $89^{\circ} 55' 08''$ West 146.29 feet to the Point of Beginning.

(Plata Station, LLC)

EXHIBIT "D"

PARCEL I:

Commencing at a point 6.82 chains South and 13.00 chains East from the North Northeast corner of Donation Land Claim No. 76 in Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence East 4.15 chains; thence North 4.91 chains to the true point of beginning; thence West 9.15 chains; thence South 87.70 feet; thence East 9.15 chains; thence North 87.70 feet to the true point of beginning.

(Map No. 372W26AD, Tax Lot 2700.)

PARCEL II:

Commencing at a point 6.82 chains South and East 13.00 chains from the North Northeast corner of Donation Land Claim No. 76 in Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; run thence East 4.15 chains; thence North 2.00 chains to the true point of beginning; thence North 1.58 chains; thence West 9.15 chains; thence South 1.58 chains; thence East 9.15 chains to the true point of beginning.

(Map No. 372W26AD, Tax Lot 2800.)

(Southern Oregon Management, Inc.)

COPY

ORDINANCE NO 2012-67

AN ORDINANCE authorizing execution of a Disposition and Development Agreement with Reager, LLC, for construction and dedication of a public street at Pioneer Market Place located at the intersection of Ross Lane North and West McAndrews Road

THE CITY OF MEDFORD ORDAINS AS FOLLOWS

That execution of a Disposition and Development Agreement with Reager, LLC, for future construction and dedication of a public street along the south property line of Pioneer Market Place development located at the intersection of Ross Lane North and West McAndrews Road, which agreement is on file in the City Recorder's office, is hereby authorized

PASSED by the Council and signed by me in authentication of its passage this 17 day of May, 2012

ATTEST Glenda Wilson
City Recorder

May 17
Mayor

APPROVED May 17, 2012

May 17
Mayor



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

Revised Date: 12/5/2018

File Number: LDS-18-078

PUBLIC WORKS DEPARTMENT STAFF REPORT Pioneer Marketplace Subdivision – 12 Commercial Lots TLs 2400 & 2600

- Project:** Consideration of tentative plat approval for Pioneer Marketplace Subdivision, a proposed two-phase, 12-lot land division consisting of six standard lots, four pad lots and two common area tracts on two contiguous parcels totaling 7.6-acres.
- Location:** Located at the southeast corner of West McAndrews Road and North Ross lane in the C-C (Community Commercial) zoning district (372W26AD TL 2400 & 2600).
- Applicant:** Applicant: CDT- Bar LLC, Agent: CSA Planning, Planner, Dustin Severs.
- Applicability:** The Medford Public Works Department's conditions of ZC-08-144 and AC-10-089 as preserved in the Disposition and Development Agreement (DDA) for Pioneer Market Place as well as the conditions of the DDA itself shall remain in full force as originally adopted except as amended or added to below.
-

The following items shall be completed and accepted prior to the respective events under which they are listed:

Prior to approval of Final Plat of Phase 1 or 2 (whichever occurs first) and/or the issuance of a building permit for vertical construction, whichever occurs first:

- Right-of-way, construction and/or assurance of the public improvements in accordance with Medford Land Development Code (MLDC), Section 10.666 & 10.667 (Items A, B & C)
- Items A – E, unless noted otherwise.

Prior to issue of Certificate-of-Occupancy for completed structures, the following items shall be completed and accepted:

- Paving of all on-site parking and vehicle maneuvering areas
- Certification by the design engineer that the stormwater quality and detention system was constructed per the approved plan, if applicable.
- Completion of all public improvements, if applicable.

A. STREETS

1. Dedications

West McAndrews Road is classified as a Major Arterial street within the Medford Land Development Code (MLDC), Section 10.428. The developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this development to comply with the half width of right-of-way for a Major Arterial street, which is 50-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

North Ross Lane is classified as a Major Collector street within the MLDC, Section 10.428. No additional right-of-way is required except as necessary to accommodate a right turn lane as a condition of Zone Change ZC-08-144. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

Newbridge Way will be classified as a Commercial street within the MLDC, Section 10.429. In accordance with the adopted Disposition and Development Agreement (DDA) for Pioneer Market Place, ORD No. 2012-67, **the Developer shall dedicate 23.5-feet of public right-of-way along their southerly property line.**

The developer will receive SSDC (Street System Development Charge) credits for the public right-of-way dedication on **West McAndrews Road**, per the methodology established by the MLDC 3.815. **Should the developer elect to have the value of the land be determined by an appraisal, a letter to that effect must be submitted to the City Engineer within sixty (60) calendar days of the date of the Final Order of the governing Commission. The City will then select an appraiser, and a cash deposit will be required as stated in Section 3.815.**

Public Utility Easements, 10-feet in width, shall be dedicated along the street frontage of this development (MLDC 10.471).

The right-of-way and easement dedications shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication, including an exhibit map; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

2. Public Improvements

a. Public Streets

West McAndrews Road has been partially improved to Major Arterial standards, along the frontage of this development, in accordance with MLDC Section 10.428. The Developer shall improve the south half plus 12-feet north of the centerline, or to the far edge of the existing

pavement, whichever is greater, along the remaining approximately 340-feet of frontage on the east side of this development.

As an option, the Developer may elect to provide evidence of the existing structural section to Public Works for consideration in order to determine if the extent of construction may be reduced. Depending on the results, the Developer still may be responsible for the improvements noted above or at minimum improve the remainder of the south half of West McAndrews Road from a point 1-foot inside the existing edge of pavement.

North Ross Lane is classified as a Major Collector street within the MLDC, Section 10.428. Street section improvements have been completed, including pavement, curb and gutter and sidewalk (P1740D). Street lights were not included with the previous street improvements constructed by Jackson County. Therefore, no additional improvements are required along the frontage of this development, except street lights as noted below, and a right turn lane as a condition of Zone Change ZC-08-144.

Newbridge Way will be classified as a Commercial street within the MLDC, Section 10.429. In accordance with the adopted Disposition and Development Agreement (DDA) for Pioneer Market Place, ORD No. 2012-67, the Developer shall enter into a deferred improvement agreement for the improvement of this street.

b. Street Lights and Signing

The Developer shall provide and install in compliance with Section 10.495 of the Medford Municipal Code (MMC). Based on the preliminary plan submitted, the following number of street lights and signage will be required:

Street Lighting – Developer Provided & Installed:

- A. 3 – Type A-400 (West McAndrews Road)
- B. 3 – Type C-250 (Ross Lane North)
- C. 1 – BMC

Note – The existing overhead power lines on Ross Lane at the south end of the project may interfere with the installation. Some modification might be needed.

Traffic Signs and Devices – City Installed, paid by the Developer:

- A. None

Numbers are subject to change if changes are made to the plans. All street lights shall be installed per City standards and be shown on the public improvement plans. Public Works will provide preliminary street light locations upon request. All street lights shall be operating and turned on at the time of the final “walk through” inspection by the Public Works Department.

The Developer shall be responsible for the preservation and re-installation of all signs removed during demolition and site preparation work. The Developer’s contractor shall coordinate with

the City of Medford Public Works, Maintenance and Operations Division to remove any existing signs and place new signs provided the Developer.

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage to Ross Lane North or West McAndrews Road.

The Developer shall be responsible for notifying by certified letter all utility companies, as well as all current property owners of parcels which are adjacent to any Public Street being constructed or paved as part of this project. The letter shall inform the utility companies and property owners of the City's street moratorium policy with respect to pavement cutting for future utility services. The utility companies and property owners shall be given the opportunity to install utility services within the right-of-way prior to paving and the subsequent moratorium. Notifications shall be mailed by the Developer at least 6 months before a street is resurfaced or rebuilt per Medford Municipal Code (MMC), Section 3.070. Copies of the certifications shall be submitted to the City Engineer with the submittal of the preliminary construction drawings.

d. Soils Report

The Developer's Engineer shall obtain a soils report to determine if there is shrink-swell potential in the underlying soils in this development. If they are present, they shall be accounted for in the roadway and sidewalk design within this Development. The soils report shall be completed by a licensed Geotechnical Engineer in the state of Oregon.

e. Transportation System

In accordance with the conditions of the prior zone change (ZC-08-144):

1. A westbound left turn lane shall be constructed on McAndrews Road at the site access driveway.
2. A northbound right turn lane shall be constructed on North Ross Lane at the site access driveway.

Public Works recommends that the applicant revise their site plan to accommodate the future public street.

Cross-access easements or restrictive covenants, consistent with the shared accesses shown on the approved site plan, shall be shown on, or recorded with, the final plat.

Driveway access to the proposed development site shall comply with MLDC 10.550.

f. Easements

Easements shall be shown on the final plat for all sanitary sewer and stormdrain mains or

laterals, which cross lots, including any common area, other than those being served by said lateral.

3. Section 10.668 Analysis

To support a condition of development that an Applicant dedicates land for public use or provide a public improvement, the Medford Code requires a nexus and rough proportionality analysis which is essentially a codification of the constitutional provisions in Nollan and Dolan cases.

10.668 Limitation of Exactions

Notwithstanding any other provisions of this Chapter 10, an applicant for a development permit shall not be required, as a condition of granting the application, to dedicate land for public use or provide public improvements unless:

(1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or

(2) a mechanism exists and funds are available to fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking.

1. Nexus to a legitimate government purpose

The purposes for these dedications and improvements are found throughout the Medford Code, the Medford Transportation System Plan, and the Statewide Planning Rule, and supported by sound public policy. Those purposes and policies include, but are not limited to: development of a balanced transportation system addressing all modes of travel, including motor vehicles, transit, bicycles, emergency services and pedestrians. Further, these rights-of-way are used to provide essential services such as sanitary sewer, domestic water and storm drains to serve the developed parcels. It can be found that the listed right-of-way dedications and improvements have a nexus to these purposes and policies.

2. Rough proportionality between the dedications and improvements, and the impacts of development.

No mathematical formula is required to support the rough proportionality analysis. Furthermore, benefits to the development resulting from the dedication and improvements when determining "rough proportionality" have been considered, including but not limited to: increased property values, intensification of use, as well as connections to municipal services and the transportation network.

As set forth below, the dedication recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

West McAndrews Road

The additional right-of-way will provide the needed width for a future planter strip on West McAndrews Road. West McAndrews Road is a 35 mile per hour facility, which currently carries approximately 6,700 vehicles per day. The 10-foot planter strip moves pedestrians a safe distance from the edge of the roadway. West McAndrews Road will be the primary route for pedestrians traveling to and from this development.

The additional street lighting on West McAndrews Road and Ross Lane North will provide the needed illumination to meet current MLDC requirements.

The City assesses System Development Charges (SDCs) to help pay for acquisition of right-of-way and construction of additional Arterial & Collector street capacity required as a result of new development. Because a mechanism exists in the form of SDC credit for right-of-way dedication and street improvements in accordance with Medford Municipal Code (MMC) 3.815 and other applicable parts of the Code, to fairly compensate the applicant, the conditions of MLDC, Section 10.668 are satisfied.

Local street right-of-way dedication and construction requirements identified by the Public Works Department and required by the City are the minimum required to protect the public interest and are necessary for additional or densification of development in the City without detracting from the common good enjoyed by existing properties. Developments are required to provide all internal local streets and half-street improvements to abutting streets, including associated right-of-way dedications, to ensure that new development and density intensification provides the current level of urban services and adequate street circulation is maintained.

Dedication of the PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served. The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. The area required to be dedicated for this development is necessary and roughly proportional to that required in similar developments to provide a transportation system that meets the needs for urban level services.

B. SANITARY SEWERS

This site lies within the Rogue Valley Sewer Service (RVSS) area. The Developer shall contact RVSS for conditions of connection to the sanitary sewer collection system.

C. STORM DRAINAGE

1. Hydrology

The Design Engineer shall provide an investigative report of the off-site drainage on the subdivision perimeter, a distance not less than 100-feet in all directions. All off-site drainage

affecting the subdivision shall be addressed on the subdivision drainage plan. A hydrology map depicting the amount of area the subdivision will be draining shall be submitted with hydrology and hydraulic calculations. The opening of each curb inlet shall be sized in accordance with ODOT design standards. These calculations and maps shall be submitted with the public improvement plans for approval by the Engineering Division. Please include engineering for the infiltration trenches.

2. Storm Drainage Conditions

Developer shall make improvements to this branch of Little Elk Creek to convey the 10-year storm with one foot of freeboard, or provide calculations showing this condition now exists.

Developer shall provide a 20 foot Creek and Riparian easement for Little Elk Creek measured from the centerline of the Creek.

Developer shall provide riparian plantings meeting Oregon Department of Fish and Wildlife (ODFW) standards within the Creek easement.

3. Stormwater Detention and Water Quality Treatment

This development shall provide stormwater detention in accordance with MLDC, Section 10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual per MLDC, Section 10.481.

Upon completion of the project, the Developer's design Engineer shall provide written certification to the Engineering Division that construction of the water quality and detention facilities were constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to acceptance of the subdivision.

The City is responsible for operational maintenance of the public detention facility. Irrigation and maintenance of landscape components shall be the responsibility of the Developer or a Home Owners Association (HOA). The Developer's 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 healthy plants with a density that prevents soil erosion."

4. Grading

A comprehensive grading plan showing the relationship between adjacent property and the proposed subdivision will be submitted with the public improvement plans for approval. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement, unless it is within an already established drainage way. The Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

5. Mains and Laterals

The Developer shall show all existing and proposed Storm Drain mains, channels, culverts, outfalls and easements on the Conceptual Grading and Drainage Plan and the final Construction Plans.

In the event the lot drainage should drain to the back of the lot, the Developer shall be responsible for constructing a private drain line, including a tee at the low point of each lot to provide a storm drain connection. All roof drains and foundation drains shall be connected directly to a storm drain system.

A storm drain lateral shall be constructed to each tax lot prior to approval of the Final Plat. Easements shall be shown on the Final Plat for storm drain laterals crossing lots other than the one being served by the lateral.

All public storm drain mains shall be located in paved public streets or within easements. All manholes shall be accessible by paved, all-weather roads. All easements shall be shown on the Final Plat and the public improvement plans.

6. Erosion Control

Subdivisions of one acre and greater require a run-off and erosion control permit from DEQ. The approved permit must be submitted to the Engineering Division prior to public improvement plan approval. The erosion prevention and sediment control plan shall be included as part of the plan set. All disturbed areas shall have vegetation cover prior to final inspection/"walk-through" for this subdivision.

D. SURVEY MONUMENTATION

All survey monumentation shall be in place, field-checked, and approved by the City Surveyor prior to approval of the final plat.

E. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

All public improvements shall be constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council. Copies of this document are available in the Public Works Engineering office.

2. Construction Plans

Construction drawings for any public improvements for this project shall be prepared by a Professional Engineer currently licensed in the State of Oregon, and submitted to the Engineering Division of Medford Public Works Department for approval. Construction drawings

for public improvements shall be submitted only for the improvements to be constructed with each phase. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings (3 copies) shall be accepted for review, including plans and profiles for all streets, minimum access drives, sanitary sewers, storm drains, and street lights as required by the governing commission's Final Order, together with all pertinent details and calculations. A checklist for public improvement plan submittal can be found on the City of Medford, Public Works web site (<http://www.ci.medford.or.us/Page.asp?NavID=3103>). The Developer shall pay a deposit for plan review and construction inspection prior to final plan approval. Public Works will keep track of all costs associated with the project and, upon our acceptance of the completed project, will reconcile the accounting and either reimburse the Developer any excess deposit or bill the Developer for any additional amount not covered by the deposit. The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

In order to properly maintain an updated infrastructure data base, the Surveyor of Record shall submit an as-built survey prior to the Final Inspection and, the Engineer of Record shall submit mylar "as-constructed" drawings to the Engineering Division within sixty (60) calendar days of the Final Inspection (walk through). Also, the Engineer shall coordinate with the utility companies, and show all final utility locations on the "as built" drawings.

3. Phasing

The Tentative Plat shows that this subdivision will be developed in phases. All public improvements shall be improved at the time any phase is being developed, unless noted otherwise.

4. Draft of Final Plat

The Developer shall submit 2 copies of the preliminary draft of the final plat at the same time the public improvement plans (3 copies) are submitted. Neither lot number nor lot line changes shall be allowed on the plat after that time, unless approved by the City and all utility companies.

5. Permits

Building Permit applications for vertical construction shall not be accepted by the Building Department until the Final Plat has been recorded, and a "walk through" inspection has been conducted and approval of all public improvements as required by the Planning Commission has been obtained for this development.

Concrete or block walls built within a PUE, or within sanitary sewer or storm drain easements require review and approval from the Engineering Division of Public Works. Walls shall require a separate permit from the Building Department and may also require certification by a Professional Engineer.

6. System Development Charges (SDC)

Buildings in this development are subject to SDC fees. These SDC fees shall be paid at the time individual building permits are taken out.

This development is also subject to storm drain system development charges, the Developer is eligible for storm drain system development charge credits for the installation of storm drain pipe which is 24 inches in diameter or larger and is not used for storm drain detention in accordance with Medford Municipal Code (MMC), Section 3.891. The storm drain system development charge shall be collected at the time of the approval of the final plat

7. Construction and Inspection

Contractors proposing to do work on public streets, sewers, or storm drains shall 'prequalify' with the Engineering Division prior to starting work. Contractors shall work off a set of public improvement drawings that have been approved by the City of Medford Engineering Division. Any work within the County right-of-way shall require a separately issued permit to perform from the County.

For City of Medford facilities, the Public Works Maintenance Division requires that public sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

Where applicable, the Developer shall bear all expenses resulting from the adjustment of manholes to finish grades as a result of changes in the finish street grade.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs
Revised by: Jodi K Cope

SUMMARY CONDITIONS OF APPROVAL

Pioneer Marketplace Subdivision – 12 Commercial Lots, Tls 2400 & 2600

LDS-18-078

A. Streets

1. Street Dedications to the Public:

- West McAndrews Road – Dedicate additional right-of-way.
- Ross Lane North – Dedicate additional right-of-way for right turn lane at driveway.
- Newbridge Way – Dedicate additional right-of-way.

2. Improvements:

a. Public Streets

- Improve West McAndrews Road to Major Arterial street standards, along the easterly section of frontage.
- North Ross Lane improvements for right turn lane at driveway.
- Newbridge Way – Enter into a DIA.

b. Lighting and Signing

- Developer supplies and installs all street lights at own expense.

c. Transportation System

- Public Works recommends that the applicant revise their site plan to accommodate the future public street.
- Cross-access easements or restrictive covenants, consistent with the shared accesses shown on the approved site plan, shall be shown on, or recorded with, the final plat.
- Driveway access to the proposed development site shall comply with MLDC 10.550.\
- Address zone change conditions.

d. Other

- There is no pavement moratorium currently in effect along this frontage.
- Provide pavement moratorium letters.
- Provide soils report.
- Easements

B. Sanitary Sewer

- The site is situated within the RVSS area.

C. Storm Drainage

- Provide an investigative drainage report.
- Comply with Storm Drainage Conditions.
- Provide a comprehensive grading plan.
- Provide water quality and detention facilities, calculations and O&M Manual.
- Provide engineers certification of stormwater facility construction.
- Provide storm drain laterals to each tax lot.

D. Survey Monumentation

- Provide all survey monumentation.

E. General Conditions

- Building permits will not be issued until after final plat approval.
 - = City Code Requirement
 - = Discretionary recommendations/comments

The above summary is for convenience only and does not supersede or negate the full report in any way. If there is any discrepancy between the above list and the full report, the full report shall govern. Refer to the full report for 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.



BOARD OF WATER COMMISSIONERS
Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: LDS-18-078 (Revised)

PARCEL ID: 372W26AD TL 2400 & 2600

PROJECT: Consideration of tentative plat approval for Pioneer Marketplace Subdivision, a proposed two-phase, 12-lot land division consisting of six standard lots, four pad lots and two common area tracts on two contiguous parcels totaling 7.6-acres located at the southeast corner of West McAndrews Road and North Ross lane in the C-C (Community Commercial) zoning district (372W26AD TL 2400 & 2600). Applicant: CDT- Bar LLC, Agent: CSA Planning, Planner, Dustin Severs.

DATE: November 30, 2018

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

CONDITIONS

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. Proposed Phase 1 will require the installation of an "on-site" 12-inch water line that will provide domestic and fire protection water to proposed Lot 2 thru Lot 5. This "new" water line is required to connect to the existing 12-inch water line stub located at the entrance off Ross Lane North on the south side of driveway and shall extend through the proposed on-site paved travel lane in Phase 1. A 12-inch "Stub" is required to be installed at the Phase Line in the northerly access drive that heads easterly to McAndrews Road.
4. Proposed Phase 2 will require the installation of a "on-site" 12-inch water line that connects to Phase 1 water line stub and valve and shall extend within the proposed travel lane out to McAndrews Road for connection to an existing 6-inch water line along the north side of the roadway. This water line will provide domestic and fire protection water to proposed Lot 6 and Lot 7
5. A portion of the existing 6-inch water line which crosses proposed Lot 2, Lot 7, and a portion of the "common" area of Phase 2 is required to be abandoned. The Applicants Civil Engineer shall coordinate with MWC Engineering staff for limits of abandonment.

Continued to Next Page



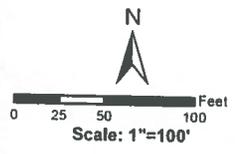
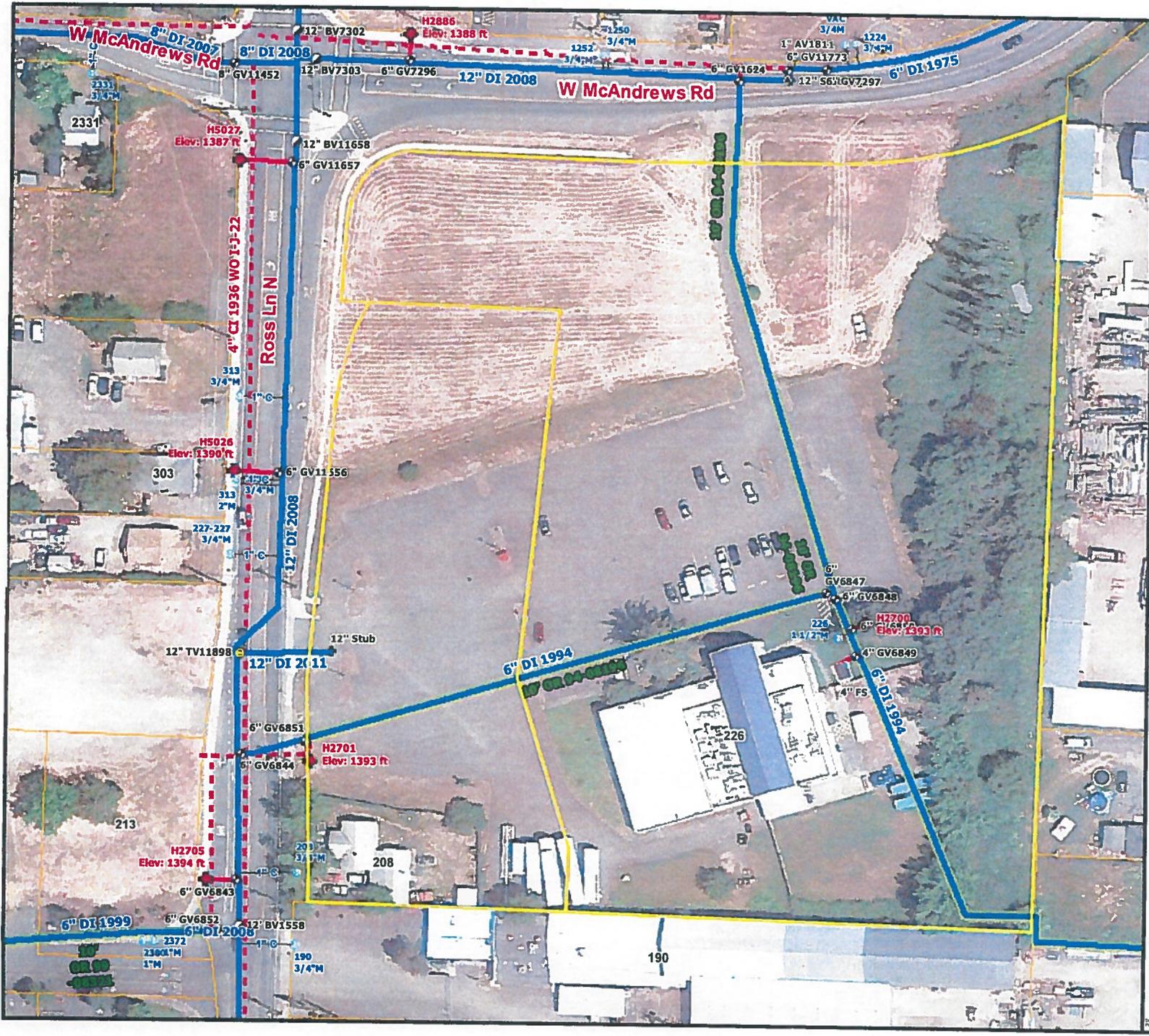
BOARD OF WATER COMMISSIONERS
Staff Memo

Continued to Previous Page

6. Static water pressure is expected to be near 85 psi. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".
7. Installation of an Oregon Health Authority approved backflow device is required for all commercial, industrial, municipal, and multi-family developments. New backflow devices shall be tested by an Oregon certified backflow assembly tester. See MWC website for list of certified testers at the following web link <http://www.medfordwater.org/Page.asp?NavID=35>.
8. Dedication of a 10-foot-wide (minimum) access and maintenance easement to MWC over all water facilities located outside of public right-of-way is required. Easement shall be submitted to MWC for review and recordation prior to construction.
9. Applicant shall coordinate with Medford Fire Department for Fire Hydrant locations.

COMMENTS

1. Off-site water line installation is required for tie-in to the existing 12-inch water line in W McAndrews Road.
2. On-site water facility construction is required. (See Condition 3 & 4 above)
3. MWC-metered water service does exist to this property. There is an existing 1.5-inch water meter that serves the existing building at 226 Ross Lane North, and there is a ¾-inch water meter along Ross Lane North that serves the existing house located at 208 Ross Lane North.
4. There is an existing 6-inch Fire Service to the existing building located at 226 Ross Lane North.
5. Access to MWC water lines is available. There is an existing 12-inch water line in Ross Lane North, and also in McAndrews Road for approximately 375-feet east of Ross Lane North. There is also on-site 6-inch water lines that extend from Ross Lane North across the paved parking area to the east side of the existing building and continue along the east side of the building and extend east to Reager Street.



Water Facility Map
City of Medford
Planning Application:
LDS-18-078
(Pioneer Marketplace
Subdivision)
November 7, 2018

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:**
- C** Control Station
 - P** Pump Station
 - R** Reservoir



Map prepared by MWC GIS Department. All rights reserved. No warranty is made for the use of this map. The user assumes all responsibility for the use of this map. Date: 11/07/18. Photo: © Mapbox, OpenStreetMap contributors, and the GIS User Community. No part of this publication may be reproduced without the prior written permission of the Medford Water Commission.



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 11/12/2018
Meeting Date: 11/21/2018

LD File #: LDS18078

Planner: Dustin Severs

Applicant: CDT- Bar LLC

Project Location: Southeast corner of West McAndrews Road and North Ross lane in the C-C (Community Commercial) zoning district

ProjectDescription: Consideration of tentative plat approval for Pioneer Marketplace Subdivision, a proposed two-phase, 12-lot land division consisting of six standard lots, four pad lots and two common area tracts on two contiguous parcels totaling 7.6-acres

Specific Development Requirements for Access & Water Supply

Reference	Description	Conditions
Approved	Approved as submitted with no additional conditions or requirements.	

Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon 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 (fire 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 information provided only.

Design and installation shall meet the Oregon requirements of the International Fire, Building, Mechanical Codes and applicable NFPA Standards.

Medford Fire-Rescue, 200 S Ivy St. Rm 180, Medford OR 97501 541-774-2300

www.medfordfirerescue.org

CITY OF MEDFORD
EXHIBIT # 0
File # LDS-18-078



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

November 8, 2018

City of Medford Planning Department
200 S. Ivy Street
Medford, Oregon 97501

Re: LDS-18-078, (Map 372W26AD, TL2400 & 2600)

ATTN: Dustin,

The subject property is within the RVSS sewer service area. There is an existing 8 inch sewer main along W McAndrews and a 30 inch main along N Ross Lane. The existing building within the development is currently served by a 6 inch service connection to the existing 8 inch main. This service must be abandoned at the right of way per RVSS standards. Sewer service for the remainder of the proposed development can be had by sewer mainline extension from either of the adjacent mains.

Permits to connect to the constructed services are issued by the City of Medford. However, there will be system development charges owed to RVSS prior to connection.

RVSS requests that approval of this application be subject to the following conditions:

1. The existing 6 inch service must be abandoned per RVSS standards and a no-cost abandonment permit must be obtained from RVSS.
2. All sewer facilities must be designed and constructed per RVSS standards.
3. The applicant must pay sewer system development charges to RVSS prior to issuance of a building permit.

Feel free to call with any questions.

Sincerely,

Nicholas R. Bakke

Nicholas R. Bakke, P.E.
District Engineer

K:\DATA\AGENCIES\MEDFORD\PLANNGLAND SUB\2018\LDS-18-078_PIONEER MARKETPLACE SUB.DOC

CITY OF MEDFORD
EXHIBIT # P
File # LDS-18-078



JACKSON COUNTY

Roads

Roads
Engineering

Chuck DeJanvier
Construction Engineer

200 Antelope Road
White City, OR 97503
Phone (541) 774-6255
Fax: (541) 774-6295
dejanvca@jacksoncounty.org

www.jacksoncounty.org

November 16, 2018

Attention: Dustin Severs
Planning Department
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: Plat approval on North Ross Lane- a City maintained roads at this location
and West McAndrews Road – both City and County maintained road at this location
Planning File: LDS-18-078

Dear Dustin:

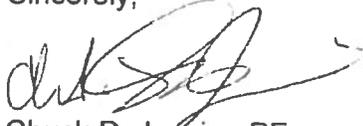
Thank you for the opportunity to comment on this consideration of a request for a tentative plat approval for Pioneer Marketplace Subdivision, a proposed two-phase 12-lot land division consisting of six standard lots, four pad lots and two common area tracts on two contiguous parcels totaling 7.6 acres located at the southeast corner of West McAndrews Road and North Ross Lane in the Community Commercial (C-C) zoning district (37-2W -26AD tax lots 2400 & 2600). Jackson County Roads has the following comments:

1. If frontage improvements are required off West McAndrews Road, they shall be permitted and inspected by the City of Medford.
2. Any new or improved road approaches off West McAndrews Road shall be permitted and inspected by the City of Medford.
3. Roads recommend the removal of any existing driveways not being used on West McAndrews Road and replacing them with new curb, gutter and sidewalk
4. The applicant shall submit construction plans to Jackson County Roads, so we may determine if county permits will be required.
5. We would like to be notified of future development proposals, as county permits may be required.
6. West McAndrews Road is a County Minor Arterial and is county-maintained in part at this location. The Average Daily Traffic Count on the City of Medford 2016 Traffic Volume Map is 6,700.

7. Jackson County's General Administration Policy #1-45 sets forth the County's position as it relates to the management of County roads located within existing or proposed city limits or Urban Growth Boundaries (UGB). The County has no current plans for improvements to West McAndrews Road. Jackson County Roads recommends that the city request jurisdiction of this road.
8. Storm water should meet City of Medford requirements that also include water quality.
9. Jackson County Roads would like to review and comment on the hydraulic report including the calculations and drainage plan. Capacity improvements or on site detention, if necessary, shall be installed at the expense of the applicant. Upon completion of the project, the developer's engineer shall certify that construction of the drainage system was constructed per plan and a copy of the certification shall be sent to Jackson County Roads.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,



Chuck DeJanvier, PE
Construction Engineer

TERRA SCIENCE, INC.

Soil, Water & Wetland Consultants
CCB no. 138507

September 28, 2007

Kids Discovery Museum
c/o Batzer, Inc.
Attn: Andy Batzer
Post Office Box 4460
Medford, Oregon 97501

RECEIVED

NOV 12 2010

PLANNING DEPT.

Re: Wetland Assessment of Jackson County Tax Lot 2400, T. 37S, R. 02W, Sec. 34E, S1/4
Medford, Jackson County, Oregon (Department of State Lands WD#07-0372)

RECEIVED

NOV 01 2010

PLANNING DEPT.

Dear Mr. Batzer,

As requested, this letter and enclosures outline results of our preliminary site assessment for potentially jurisdictional wetland and water resources contained within the above referenced parcel located at 226 North Ross Lane in southeast Medford. During review of City of Medford Local Wetland Inventory (LWI) and Jackson County Soil Survey maps, Jevra Brown of the Oregon Department of State Lands (DSL) indicated the potential presence of a waterway along the eastern portion of the property. Specific site characteristics observed during Terra Science, Inc.'s September 12, 2007 site visit are discussed herein.

The federal and state governments define wetlands as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." In Oregon, wetlands are identified using the methodology prescribed by the 1987 Corps of Engineers Wetland Delineation Manual with guidance from DSL, U.S. Army Corps of Engineers (Corps), and U.S. Environmental Protection Agency. Proper identification of a jurisdictional wetland requires the presence of positive evidence or indicators of wetland hydrology, hydric soils, and hydrophytic vegetation. This wetland assessment focused on the presence or absence of hydrophytic plants and potential wetland drainage patterns; however, soil conditions were not examined as part of this wetland assessment.

The study area contains a former Moose Lodge and grounds currently being renovated as the Children's Discovery Museum. Based on existing topographical conditions, vegetation communities, and developed characteristics, a majority of the parcel contains upland. TSI verified the LWI labeled "Elk Creek" drainage as a linear feature located three to eight feet lower than the surrounding upland terrace flanking the eastern site boundary. Portions of the drainage supporting herbaceous vegetation such as *Typha latifolia*, *Phalaris arundinacea*, *Mentha pulegium*, and *Rumex crispus* would likely qualify as palustrine, emergent, seasonally flooded (PEMC) type wetland while areas supporting mature *Salix spp.*, *Fraxinus latifolia*, *Rosa spp.*, *Alnus rubra*, and *Typha latifolia* would best qualify as palustrine, scrub-shrub, seasonally flooded (PSSC) type wetland. Although no specific outflow point was observed during the field visit, the topographic setting of the area would best qualify as Depression Outflow by Hydrogeomorphic assessment standards.

A dramatic transition from wetland drainage bottom to surrounding upland fill slopes is observable. Although a few mature *Salix spp.* and *Fraxinus latifolia* trees are observed on the fill slopes, *Rubus discolor* is the primary dominate species. Similarly, several primary hydrological indicators including surface saturation, inundation, water stained leaves, and sediment deposits are observable along the ditch bottom while the surrounding fill slopes lack a high water table.

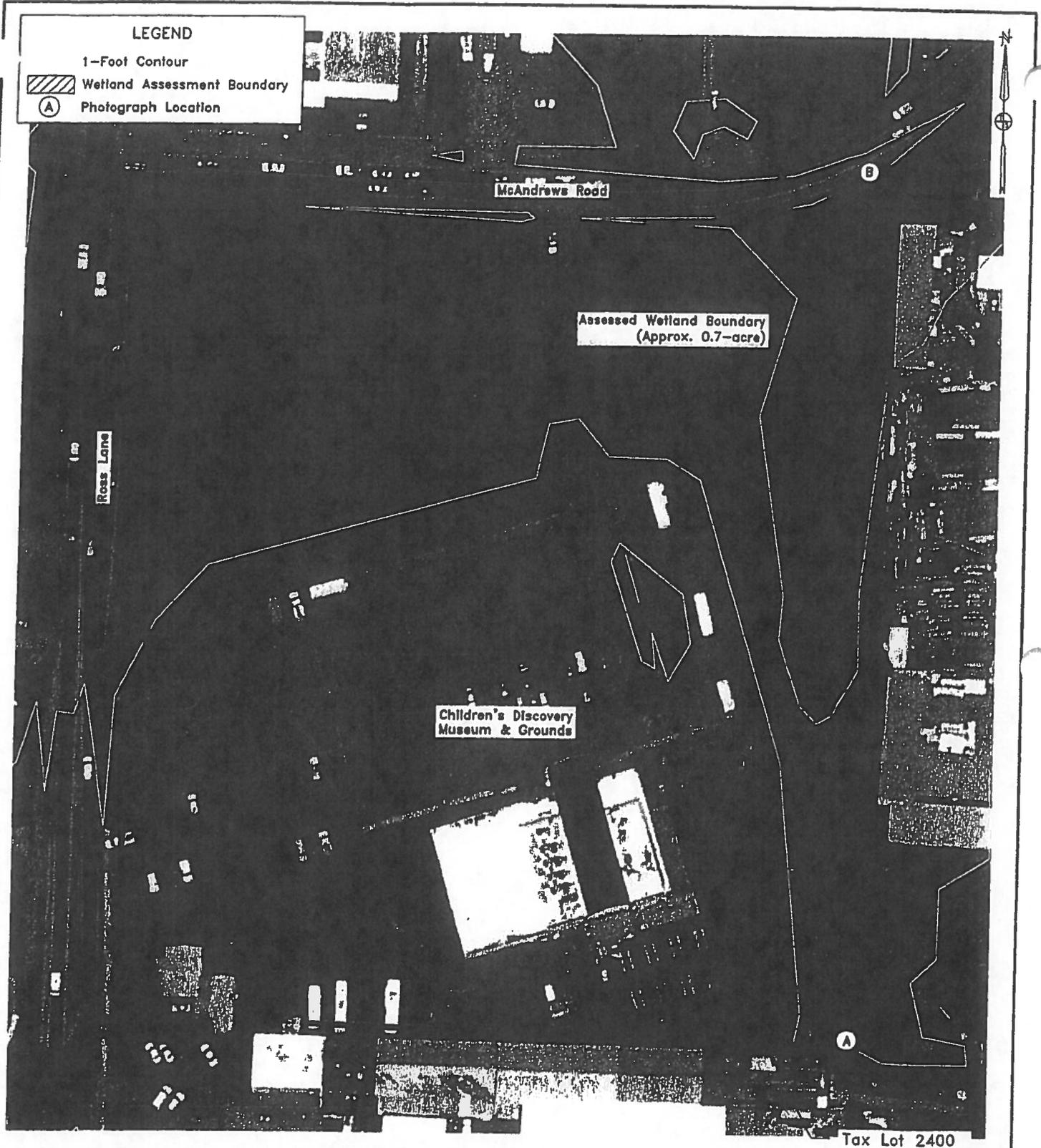
Kiddis WLA 070928.ltr

TSI 2007-0913

4710 S.W. Kelly Avenue

CITY OF MEDFORD
EXHIBIT W
FILE # AC-10-089

4-2100 / Fax: 503-774-2101
CITY OF MEDFORD
EXHIBIT # R
File # LDS-18-078



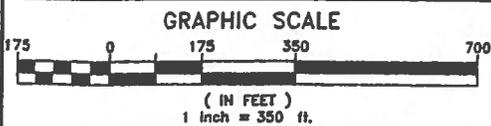
Source: Jackson County SmartMap & TSI GPS survey.

Terra Science, Inc.
Soil, Water, & Wetland Consultants

WETLAND ASSESSMENT FOR
JACKSON COUNTY TAX LOT 2400
T. 37S, R. 02W, SEC. 26
Medford, Jackson County, Oregon

EXISTING
CONDITIONS

ATTACH. 1



September 2007

Photo A: View looking west to north from developed fill terrace to identified drainage feature.

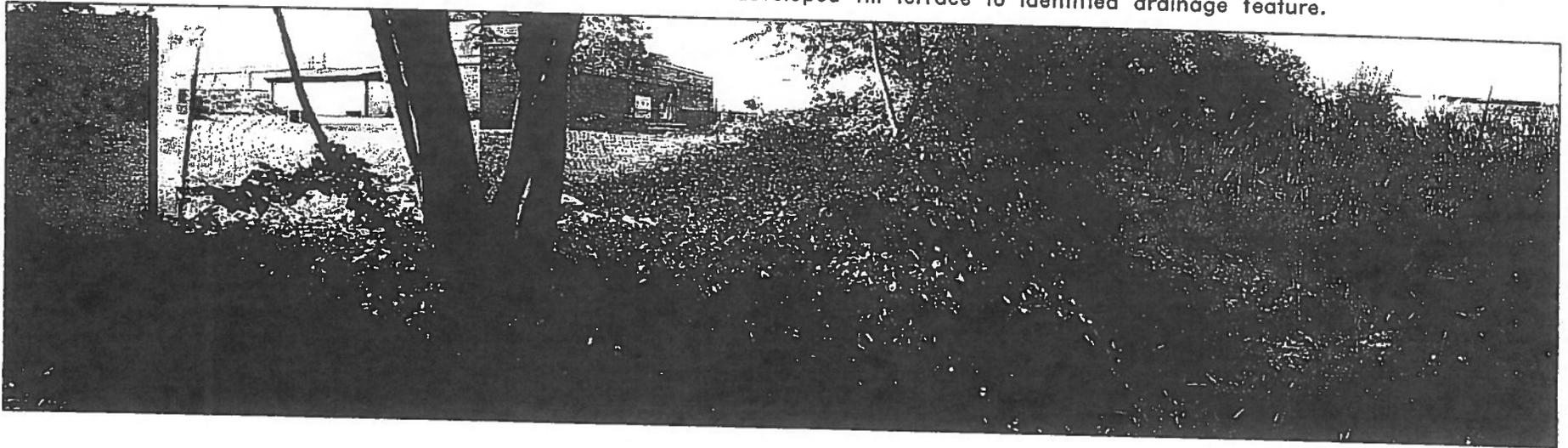
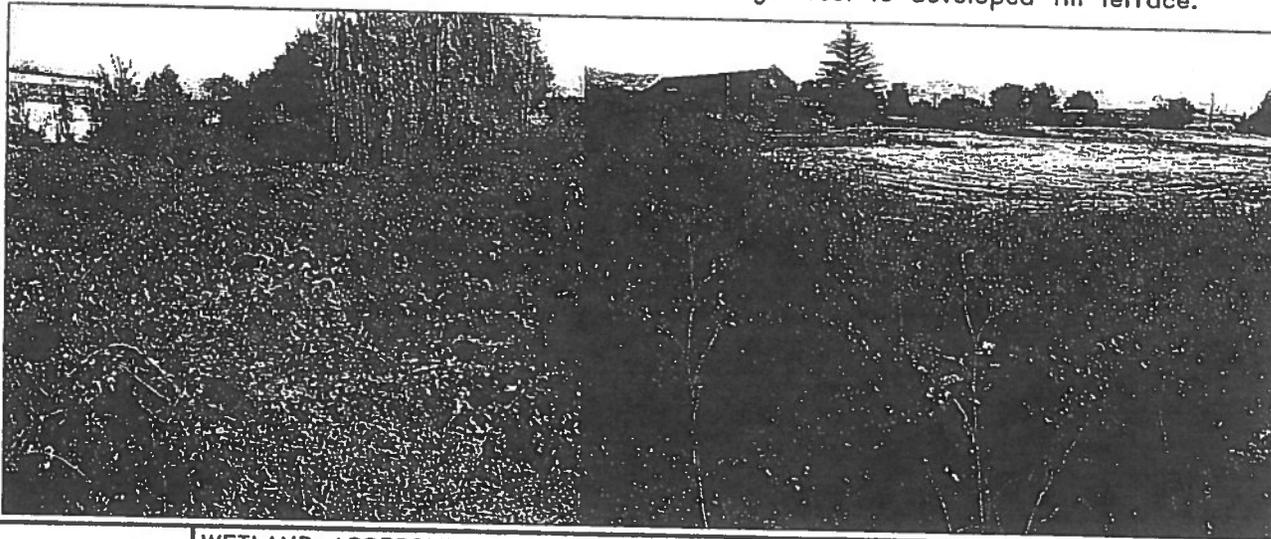


Photo B: View looking south at identified drainage west to developed fill terrace.



Terra Science, Inc.

Soil, Water, & Wetland Consultants

WETLAND ASSESSMENT FOR
JACKSON COUNTY TAX LOT 2400
T. 37S, R. 02W, SEC. 26
Medford, Jackson County, Oregon

Photos Taken On
September 12, 2007

ATTACH. 2

50.1 - 93

EXHIBIT 12

FORM No. 723 - BARGAIN AND SALE DEED Individual

JACKSON COUNTY CLERK'S OFFICE PORTLAND, OR www.clerk-jackson.com

EA

NO PART C

Jackson County Judicial Records 2013-019287
R-BSO
Cnt=1 BEANEAD 06/06/2013 10:58:58 AM
\$15.00 \$10.00 \$5.00 \$11.00 \$15.00 Total: \$56.00



I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk's records.

Christine Walker - County Clerk

SPACE RESERVED FOR RECORDER'S USE

Witness my hand and seal of County affixed

NAME TITLE

By _____, Deputy

Request LLC et al
Grantor's Name and Address
CDT-BAR LLC
Box 975
MEDFORD OR 97501
Grantee's Name and Address
After recording, return to (Name, Address, Zip):
CDT-BAR LLC
Address above
Until requested otherwise, send all tax statements to (Name, Address, Zip):
no change

BARGAIN AND SALE DEED

Reager Street LLC, an Oregon limited liability company;
Verde Station LLC, an Oregon limited liability company;
Plata Station LLC, an Oregon limited liability company; Rock On 2008 LLC, an Oregon limited liability company; and CDROSS LLC, an Oregon limited liability company
hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto
CDT-BAR LLC, an Oregon limited liability company
hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Jackson County, State of Oregon, described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ n/a. However, the actual consideration consists of or includes other property or value given or promised which is part of the whole (indicate which) consideration. (The sentence between the symbols, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument on _____, if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Reager Street LLC Verde Station LLC
BY: [Signature] BY: [Signature]
Plata Station LLC Rock On 2008 LLC
BY: [Signature] BY: [Signature]
CDROSS LLC
BY: [Signature] BY:

STATE OF OREGON, County of _____) ss.

This instrument was acknowledged before me on _____

by _____

This instrument was acknowledged before me on _____

by _____

as _____

of _____

Notary Public for Oregon
My commission expires _____

CITY OF MEDFORD
EXHIBIT #
File # LDS-18-078

STATE OF OREGON)
) ss.
COUNTY OF JACKSON)

This instrument was acknowledged before me on May 7, 2013, by F. Dan Thomas as member of CDTRUSS LLC.



J. Trumble
Notary Public for Oregon
My commission expires September 7, 2016

STATE OF OREGON)
) ss.
COUNTY OF JACKSON)

This instrument was acknowledged before me on May 16, 2013, by William J. Batzer as member of Rock On 2008 LLC



J. Trumble
Notary Public for Oregon
My commission expires September 7, 2016

STATE OF OREGON)
) ss.
COUNTY OF JACKSON)

This instrument was acknowledged before me on May 21, 2013, by R. Andrew Batzer as member of Verde Station LLC



J. Trumble
Notary Public for Oregon
My commission expires September 7, 2016

STATE OF OREGON)
) ss.
COUNTY OF JACKSON)

This instrument was acknowledged before me on May 15, 2013, by R. Russell Batzer as member of Reager Street LLC and Plata Station LLC



J. Trumble
Notary Public for Oregon
My commission expires September 7, 2016

EXHIBIT 'A'

PARCEL I:

Beginning at the Southeast corner of Donation Land Claim No. 72 in Township 37 South, Range 2 West, Willamette Meridian, in Jackson County, Oregon; thence North 0°10' East, 537.9 feet along the center line of the County Road; thence South 89°50' East, 608.5 feet along the center line of the County Road to a 2 1/2" gas pipe monument; thence South 0°10' East, 661.4 feet along the fence line to a 2 1/2" gas pipe monument; thence West 419.8 feet to a 1 1/2" gas pipe monument; thence North 67.32 feet to a 1/2" gas pipe monument; thence North 72°50' West, 197 feet to the point of beginning, all being in Jackson County, Oregon.

EXCEPTING THEREFROM the tract, conveyed to Jackson County, a POLITICAL SUBDIVISION, in Deed recorded August 7, 1980, Document No. 80-14790, for Ross Lane - McAndrews Street intersection.

PARCEL II:

Beginning at the Southeast corner of Donation Land Claim No. 72 in Township 37 South, Range 2 West, Willamette Meridian, in Jackson County, Oregon; thence South 72°50' East, 197 feet to a point which is the Northeast corner of the Tract described in Warranty Deed recorded December 10, 1981, Document 81-22325; thence North 81°45' West along the North boundary of the tract described in said deed 81-22325, 182.16 feet; thence Northwesterly 35 feet more or less to the place of beginning.

EXCEPTING THEREFROM the county road along the West boundary.

For Informational purposes only, the following is included:
(Map No. 372W26AD, Tax Lot 2400, Account No. 1-043029-3, Code 49-01)

PARCEL III:

Commencing at a point 450.12 feet (6.82 chains) South, and East 858 feet (13 chains) from the Northeast corner of Donation Land Claim No. 76 in Township 37 South, Range 2 West, of the Willamette Meridian, Jackson County, Oregon; run thence East 273.9 feet (4.15 chains); thence North 324.06 feet (4.91 chains); and thence West 419.76 feet (6.36 chains) to the true point of beginning; thence North 67.32 feet (1.02 chains); thence North 81° 45' West 182.16 feet (2.76 chains); thence South 90.42 feet (1.37 chains) to a point West of the true point of beginning; thence East 184.14 feet (2.79 chains) to the true point of beginning.



Project Name:

**Pioneer Marketplace
 Subdivision**

Map/Taxlot:

372W26AD TL 2400 & 2600



06/06/2018

Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots
-  City Limits

