

SITE PLAN & ARCHITECTURAL
COMMISSION
AGENDA
JULY 19, 2019



MEDFORD
OREGON

Commission Members

Jim Quinn, Chair

Bill Chmelir, Vice Chair

Jeff Bender

Jim Catt

David Culbertson

Bob Neathamer

Marcy Pierce

Milo Smith

Rick Whitlock

Regular Commission meetings are held on
the first and third Fridays of every month

Beginning at 12:00 Noon

City of Medford

Council Chambers,

Third Floor, City Hall

411 W. 8th Street

Medford, OR 97501

(541) 774-2380

SITE PLAN & ARCHITECTURAL COMMISSION AGENDA



MEDFORD
OREGON

July 19, 2019

12:00 P.M.

Medford City Hall, Council Chambers
411 West 8th Street, Medford, Oregon

10. Roll Call

20. Consent Calendar / Written Communications (voice vote)

30. Approval or Correction of the Minutes from the June 21, 2019 hearing.

40. Oral Requests and Communications from the Audience

COMMENTS WILL BE LIMITED TO 3 MINUTES PER INDIVIDUAL OR 5 MINUTES IF REPRESENTING A GROUP OR 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.**

Old Business.

50.1 **AC-19-047** Consideration of a proposal for the construction of a 4,456 square foot restaurant with drive-thru (McDonald's) and parking area located on a 1.07 acre project site in a shopping center on the north side of East Barnett Road approximately 560 feet east of South Riverside Avenue in the C-R (Regional Commercial) zoning district (371W30DC TL 5900). Applicant: McDonald's Corporation; Agent: AKS Engineering and Forestry; Planner: Liz Conner

60. Written Communications

70. Unfinished Business

80. New Business

90. Report from the Planning Department

100. Messages and Papers from the Chair

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.

110. Propositions and Remarks from the Commission

120. Adjournment

SITE PLAN & ARCHITECTURAL COMMISSION MINUTES



MEDFORD
OREGON

June 21, 2019

12:00 P.M.

Medford City Hall, Council Chambers

411 West 8th Street, Medford, Oregon

The regular meeting of the Site Plan and Architectural Commission was called to order at noon in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Jim Quinn, Chair
Bill Chmelir, Vice Chair
Jeff Bender
Jim Catt
David Culbertson
Bob Neathamer
Marcy Pierce
Milo Smith

Staff Present

Kelly Evans, Assistant Planning Director
Katie Zerkel, Senior Assistant City Attorney
Doug Burroughs, Public Works/Engineering
Steffen Roennfeldt, Planner III
Liz Conner, Planner II
Debbie Strigle, Recording Secretary

Commissioners Absent

Rick Whitlock, excused absence

10. Roll Call

20. Consent Calendar / Written Communications (voice vote)

20.1 **AC-19-048** Final Order for consideration of a site plan review for a proposed 15,250 square foot industrial warehouse to an existing developed site on approximately 3.4 acres located on the north side of Bateman Drive, 400 feet east of Table Rock Road within the I-L (Light Industrial) zoning district and within the Table Rock Industrial Park subdivision (362W36D TL 104).

20.2 **AC-19-050** Final Order for consideration of a proposed 3,200 square foot, two story, general office building on 0.13 acre in Navigators Landing Planned Unit Development zoned - L/PD located west of the Medford International Airport 150 feet west from the corner of O'Hare Parkway and National Drive (372W12D TL 90005).

20.3 **AC-19-051** Final Order for consideration of a proposed development consisting of the construction of a 3,994 square foot mechanics shop, on a parcel totaling 1.9 acres, currently containing a single-family home, and located at 3622 Table Rock Road in the Light-Industrial (I-L) zoning district (372W12A700).

20.4 **AC-19-053** Final Order for consideration of a request to construct a 26,400 square foot warehouse building on 1.62 acres located at 553 Parsons Drive within the I-G/PD/AC (General Industrial/Planned Development Overlay/Airport Area of Concern Overlay) zoning district. (372W24BC 2400 & 2401, 372W24CB 2601 & 2700).

Motion: Adopt the Consent Calendar.

Moved by: Commissioner Bender Seconded by: Commissioner Chmelir

Voice Vote: Motion passed unanimously, 8-0

30. Approval or Correction of the Minutes from the June 21, 2109, hearing

30.1 There being no additions or corrections, the minutes for the June 7, 2019, meeting, were approved as submitted.

40. Oral Requests and Communications from the Audience

COMMENTS WILL BE LIMITED TO 3 MINUTES PER INDIVIDUAL OR 5 MINUTES IF REPRESENTING A GROUP OR ORGANIZATION. PLEASE SIGN IN.

50. Public Hearings

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Katie Zerkel, Senior Assistant City Attorney, read the rules governing the public hearings.

Old Business

50.1 **AC-19-046/E-19-045** Consideration of a proposal for the development of 2.74 acres located at 3602 N Pacific Hwy consisting of the construction a convenience store and offices, a residential care facility with 30 beds, enclosed RV storage facilities, and a new fueling/lubrication and maintenance station for large vehicles and semi-trucks in conjunction with an Exception request to three separate standards of the code: (1) Street Circulation Design and Connectivity, (2) Block Length and Perimeter Length, and (3) Driveway Spacing in the Heavy Commercial (C-H) zoning district (372W11DC4700 & 372W14AB1800). Applicant: C&J Super Service, Inc.; Agent: Straus & Seibert Architects, LLP; Planner: Steffen Roennfeldt.

Chair Quinn asked for any potential conflicts of interest, ex-parte communications, or site visits. There were none.

Steffen Roennfeldt, Planner III, gave a PowerPoint presentation of the June 14, 2019, Staff Report. Staff recommended approval.

The public hearing was opened and the following testimony was given:

a) Clay Ver Bryck, 3602 N. Pacific Hwy., talked about the project, saying he started this project mainly for the homeless veterans. He also spoke briefly regarding the

fueling/lubrication and maintenance station for large vehicles and semi-trucks, convenience store and offices. Mr. Ver Bryck asked for approval from the Commission.

Mr. Ver Bryck reserved time for rebuttal.

The public hearing was closed.

Motion: Adopt the findings as recommended by staff and adopt the final order for approval of AC-19-046/E-19-045 per the staff report dated June 14, 2019, including Exhibits A through CC.

Moved by: Commissioner Bender Seconded by: Commissioner Neathamer

Amended Motion: Original motion to include Exhibit DD.

Moved by: Commissioner Bender Accepted by: Commissioner Neathamer

Roll Call Vote: Motion passed, 8-0

New Business

50.2 **AC-19-052** Consideration of a master site plan for Rogue Community Health including a new two story general office buildings and shared parking areas on approximately 2 acres zoned C-S/P (Commercial – Service Professional) south of East Main Street between Myrtle Street and Portland Avenue (371W30AC TL 3200, 3300, 3400, 3500, 3700, 8200, 8400) Applicant, Rogue Community Health: Agent, CSA Planning Ltd: Planner, Liz Conner.

Chair Quinn asked for any potential conflicts of interest, ex-parte communications, or site visits. There were none.

Liz Conner, Planner II, gave a PowerPoint presentation of the June 14, 2019, Staff Report. She pointed out that a letter from Boldt Dental had been emailed to the Commissioners a few days prior to this meeting. The letter has been labeled as Exhibit R. Staff recommended approval.

The public hearing was opened and the following testimony was given:

b) Jay Harland, agent for the applicant, CSA Planning, 4497 Brownridge Terrace, stated that the site plan meets all the criteria for approval and can be approved. He said the applicant doesn't have any concerns with the content of the conditions of approval but their concern is with timing and implementation issues with the project. He pointed out that Conditions 2 and 9 say the same thing and wondered why they would have to submit a revised site plan showing the bicycle parking twice. He also stated that the timing of Conditions 3 and 4 are awkward due to phasing and explained the reasons why. Mr. Harland requested that the Public Works Department Report be simplified so that there would be some restructuring of the language to allow things to happen in order of the phasing. He brought hard copies with the language changes made they are requesting and explained each change and the reason for the change.

Mr. Harland requested that the project be approved with the conditions of approval language changes he presented.

Doug Burroughs, Public Works Department, stated he had a few minutes to read over the condition of approval changes requested by Mr. Harland and did not disagree with anything that was said. He felt the Public Works Staff Report already says the things Mr. Harland was talking about and does not feel the need to change anything in their report. As far as timing issues, there are a couple of options that are available. Mr. Burroughs went over those options. He reiterated that all the issues Mr. Harland talked about are already addressed in the Public Works Department Report.

Commissioner Bender asked if Mr. Burroughs felt the condition changes that Mr. Harland requested were in harmony with the Public Works Report. Mr. Burroughs answered yes.

Mr. Harland clarified that the main issue is not with the Public Works Report but with the Planning Department's Conditions 3 and 4, and the timing issue of those prior to any site work for Phase 2 or Phase 3.

Mr. Harland requested time for rebuttal.

Ms. Conner stated that Planning can get close to what Mr. Harland is requesting by striking Conditions 2, 3, and 4 and just using Condition 5.

Mr. Burroughs said that looking again at Mr. Harland's requested condition of approval changes he had an exception to the language of "public improvements *shall be completed concurrently with the applicable phase*" and then underneath that "*the applicant may provide security....*" Mr. Burroughs stated that if they are going to complete the improvements with the concurrent phase, they will have to provide security to do that; there is not a "*may provide*".

Commissioner Catt asked if there needed to be any changes made to the Public Works Staff Report. Mr. Burroughs again answered no.

Commissioner Bender asked if Mr. Burroughs was good with striking Conditions 2, 3, and 4. Mr. Burroughs replied yes.

Mr. Harland said that with Mr. Burroughs' suggested change to Condition 3, they would be fine with that. He added they would be okay with striking the three conditions of approval as well.

Commissioner Neathamer suggested that staff write the condition the way they are agreeing on before any more actions are taken. He suggested taking a five minute break for staff to prepare a condition of approval that the Commission could adopt.

Chair Quinn called for a five minute break at approximately 12:58 p.m.

Chair Quinn reconvened the meeting at approximately 1:02 p.m.

Ms. Conner presented an amended Recommended Action for the Commissioners to consider.

The public hearing was closed.

Motion: Adopt the findings as recommended by staff and adopt the final order for approval of AC-19-052 per the staff report dated June 14, 2019, including Exhibits A through R, and also including:

- Deletion of Conditions 2, 3, and 4 on Exhibit A

Moved by: Commissioner Bender Seconded by: Commissioner Neathamer

Roll Call Vote: Motion passed, 8-0

50.3 **AC-19-054** Consideration of a request to add a 1,700 square feet to an existing 6,336 square foot building on approximately 3.07 acres located at 600 N Central Avenue within the C-C/AC (Community Commercial/Airport Area of Concern Overlay) zoning district. (372W24DD5200) Applicant: Enterprise Holdings, Inc.; Agent: Scott Sinner Consulting, Inc.; Planner: Kelly Evans.

Chair Quinn asked for any potential conflicts of interest, ex-parte communications, or site visits.

Commissioner Neathamer disclosed that he has an on-going professional relationship with Mr. Sinner but can remain fair and unbiased.

Commissioner Smith disclosed he also has an on-going professional relationship with Mr. Sinner but it won't have any effect on his decision with this application.

Kelly Evans, Assistant Planner Director, gave a PowerPoint presentation of the June 14, 2019, Staff Report. She pointed out that a hand-out had been placed at each of the Commissioner's seats. This has submitted as Exhibit P. Staff recommended approval.

The public hearing was opened and the following testimony was given:

a) Scott Sinner, Scott Sinner Consulting Inc., agent for the applicant, talked about the modified condition to the Fire Department's report saying that's what they wanted. They are ready to pull permits and are 99% sure that all of the conditions for pulling permits have been met. They are asking for approval and adoption of the final order today.

Mr. Sinner requested time for rebuttal.

The public hearing was closed.

Motion: Adopt the findings as recommended by staff and adopt the final order for approval of AC-19-054 per the Commission report dated June 21, 2019, including Exhibits A-1 through P, and also the following:

- Amend Condition 3 to incorporate Exhibit P and modify the Fire Department conditions of approval in Exhibit J.

Moved by: Commissioner Bender Seconded by: Commissioner Culbertson

Roll Call Vote: Motion passed, 8-0

60. Written Communications None.

70. Unfinished Business None.

80. New Business None.

90. Report from the Planning Department

90.1 Ms. Evans said there would be no business scheduled for the July 5th meeting. There is business scheduled for the July 19th and August 2nd meetings.

90.2 Ms. Evans reported that City Council had adopted the new fee schedule for the Planning Department and had approved a vacation request related to McKenzie Village.

90.3 Ms. Evans announced that the Parks Department and Planning had partnered together to make the Vogel Plaza mural happen.

90.4 Ms. Evans gave the Commissioners an update on amending the code related to fuel/gas stations.

Commissioner Catt wanted to know if City Council had made any decisions on the Circle K project. Ms. Evans explained the appeal process and said an appeal had not yet been filed.

100. Messages and Papers from the Chair

100.1 Chair Quinn stated he would not be able to attend the July 19, 2019, meeting.

110. Propositions and Remarks from the Commission

110.1 Commissioner Bender stated he may not be able to attend the July 19, 2019, meeting.

120. Adjournment

120.1 The meeting was adjourned at approximately 1:20 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:



Debbie Strigle
Recording Secretary

Bill Chmelir
Site Plan and Architectural Commission Vice Chair

Approved: July 19, 2019

REVISED STAFF REPORT

for a Type-III quasi-judicial decision: Site Plan & Architectural Review

Project McDonald's Restaurant
 Applicant: McDonald's Corporation; Agent: AKS Engineering and Forestry

File no. AC-19-047

To Site Plan & Architectural Commission *for July 19, 2019 hearing*

From Liz Conner, Planner II

Reviewer Kelly Evans, Assistant Planning Director *ke.*

Date July 12, 2019

BACKGROUND

Proposal

Consideration of a proposal for the construction of a 4,456 square foot restaurant with drive-thru (McDonald's) and parking area located on a 1.07 acre project site in a shopping center on the north side of East Barnett Road approximately 560 feet east of South Riverside Avenue in the C-R (Regional Commercial) zoning district (371W30DC TL 5900).

Vicinity Map



Subject Site Characteristics

Zoning	C-R	Regional Commercial
GLUP	CM	Commercial
Use		Winco Shopping Center

Surrounding Site Characteristics

<i>North</i>	Zone:	C-R
	Use:	Winco Shopping Center
<i>South</i>	Zone:	C-R
	Use:	Hotel, Furniture re-sale
<i>East</i>	Zone:	C-R
	Use:	Jack in the Box Restaurant
<i>West</i>	Zone:	C-R
	Use:	Existing McDonald's Restaurant

Related Projects

AC-07-154	Liberty Bank
PA-18-082	Pre-Application

Applicable Criteria

SITE PLAN AND ARCHITECTURAL REVIEW APPROVAL CRITERIA FROM SECTION 10.200(E) OF THE *MEDFORD LAND DEVELOPMENT CODE*

The Site Plan and Architectural Commission shall approve a site plan and architectural review application if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

- (1) The proposed development is compatible with uses and development that exist on adjacent land, and
- (2) The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in Section 10.186.

Corporate Names

The Oregon Secretary of State Business Registered has the listed agent for PAPP Medford LLC, as C T Corporation System doing business at 780 Commercial Street SE Suite 100, Salem, Oregon 97301. The following Registered Agents were also found, but do not do business in the State of Oregon: National Registered Agents – New York, New York.

ISSUES AND ANALYSIS

Background

The subject site is located within the Winco Shopping Center and is currently developed with the approximately 4,000 square foot Liberty Bank building that was approved in 2007 (AC-07-154). The subject site is proposed as a lease area comprised of 1.08 acres. The proposal is to demolish the existing structure and construct a 4,456 square foot restaurant with drive thru to relocate the existing McDonald's located to the west.

At the first Site Plan & Architectural Commission hearing on June 7, 2019, the agent provided an Alternate Site Plan submitted into the record at Exhibit S as it met the standards of the code. The original site plan (Exhibit B) will remain in the record for any future requests for modifications, but is not recommended or included for approval. The Alternate Site Plan is similar to Exhibit B with the exception of the parking area to the western property boundary.

Site Plan (Exhibit S)

The proposed site fronts East Barnett Road. The site plan shows parking situated to the rear of the building and adjacent to the shopping center parking area. The drive thru consists of two order points that merge into one lane for pick up, then exits across the parking lot.

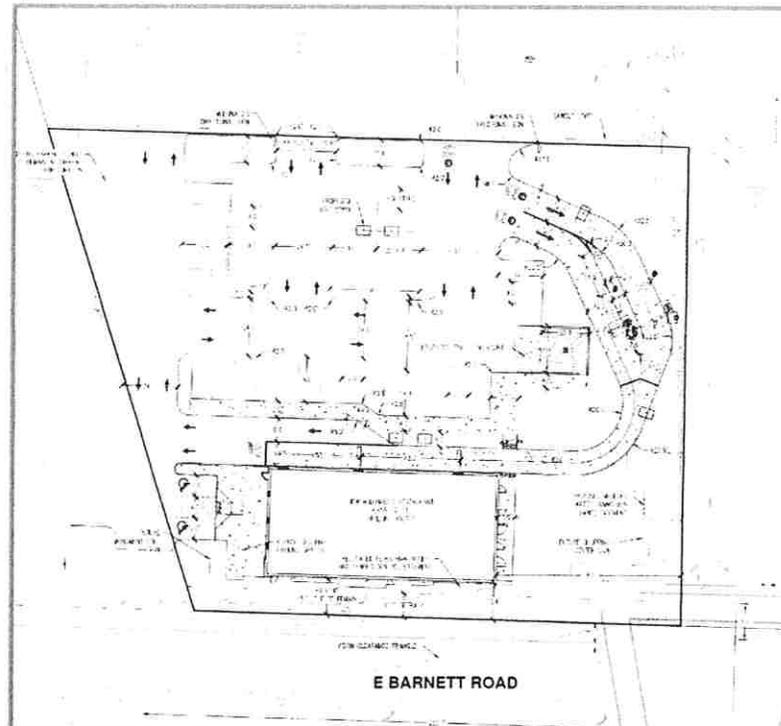


Figure 1: Alternate Site Plan

The site plan meets the site design standards in the MLDC Section 10.721 Commercial and Industrial Site Development Standards as shown in the table below.

Design Standards (MLDC 10.721)	Required	Proposed
Front Yard Setback	10 ft. min. – 20 ft. max.	15 ft. 4 in.
Side Yard	0	32 and 71 ft.
Rear Yard	0	Over 100 ft.
Lot Coverage	40% max.	10% approx.

Table 1: Design Standards

Ground Lease and Access

The subject site has direct access from the existing signal controlled driveway on the eastern property boundary. The proposal does not include any changes to the current access point. A secondary right in/right out is obtained through Tax Lot 200.

The original site plan (Exhibit B) indicated a pedestrian walkway running northwest along the westerly property boundary identified in red. While the sidewalk would have provided access to the Winco Shopping Center, the design cut off access to the existing developed parking area.

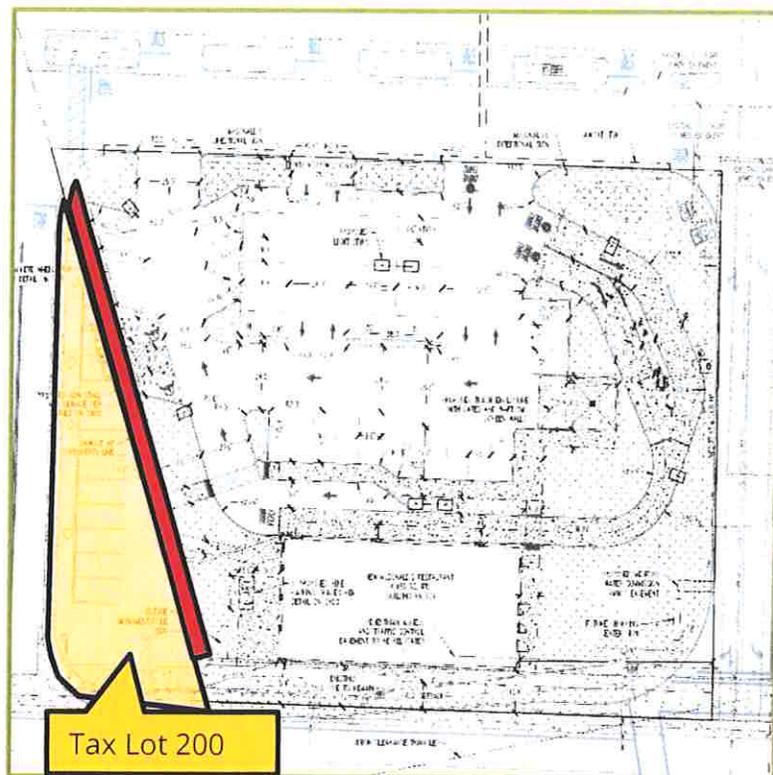


Figure 2: Original Site Plan

The Alternate Site Plan (Exhibit S) now incorporates the existing parking located on Tax Lot 200 and does not restrict access.

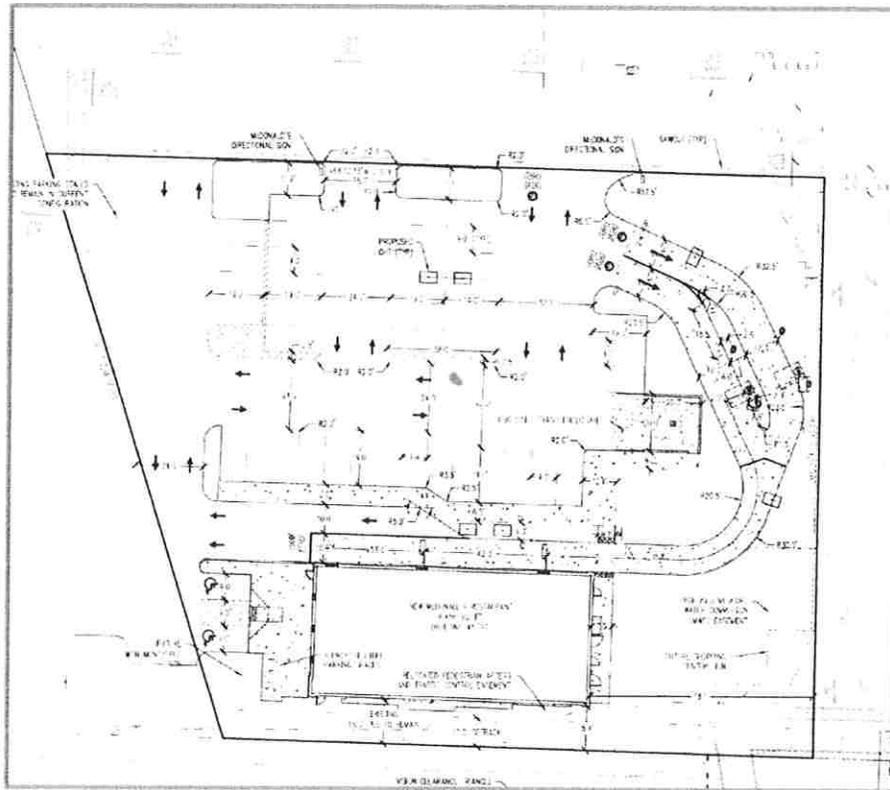


Figure 3: Alternate Site Plan

There is a recorded ground lease and easement between the subject property and Tax Lot 200, which is under separate ownership, that is set to expire within the next two years; however, at the time of this application it is in effect. (Exhibit L)

In accordance with MLDC 10.550(3)(3), the owner of the subject site shall grant a cross-access easement to Tax Lot 200. The cross-access easement is a condition of approval for the current development application and is not required to be reciprocated by the owner of Tax Lot 200 at this time. Once there is an application to develop Tax Lot 200, a cross-access easement will be required in accordance with Section 10.550(3)(3). The cross-access easement will effectively replace the existing ground lease for the purpose of access.

MLDC Section 10.550(3)(3) states, in part, that *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. Site design must accommodate future use of such accesses.*

At the June 7, 2019 hearing there was discussion regarding what properties were to be granted cross access by the subject property. The Cross Access Map (Exhibit U) identifies 12 adjacent parcels that shall be granted cross access pursuant to MLDC 10.550(3)(3).

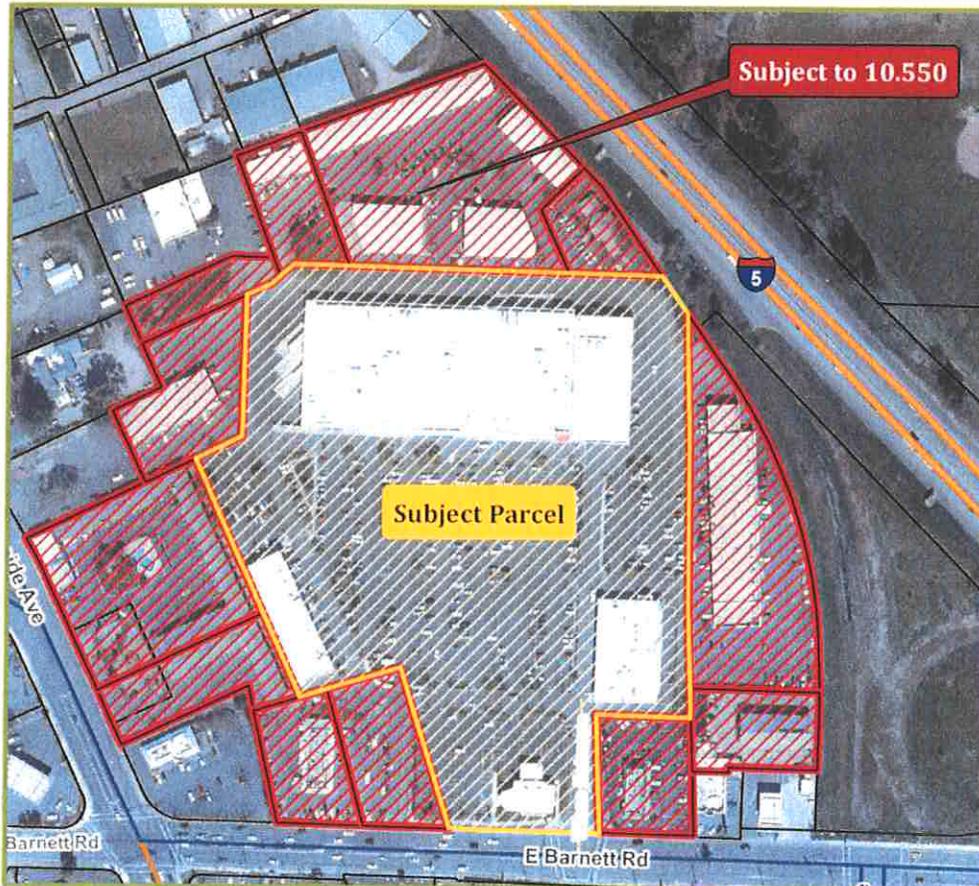


Figure 4: Adjacent Properties Exhibit U

An email provided by the subject properties owner's general counsel (Exhibit V), stated that the owner will comply with granting cross access to adjacent properties.

The Agent has provided a letter (Exhibit R) stating their intent to work with the abutting property owner on a potential purchase of this area. If a purchase is successful the subject property owner intends to remove the existing asphalt and associated parking facilities and replace it with landscaping that is appropriate for the area.

Staff had originally included a condition requiring that the applicant submit a revision to the site plan that does not restrict current and future use of the existing parking spaces located on the adjacent property, Tax Lot 200 to the west. This was completed by the Agent at the hearing as shown in Exhibit S.

Pedestrian Easement

An existing 15 foot pedestrian access easement runs along the Barnett Road frontage of the leased area as shown in the applicant's Boundary Map and Easement Exceptions (Exhibit G). The proposed building encroaches into a portion of the pedestrian easement that is not part of the paved area.



Figure 5: Sidewalk

Architecture

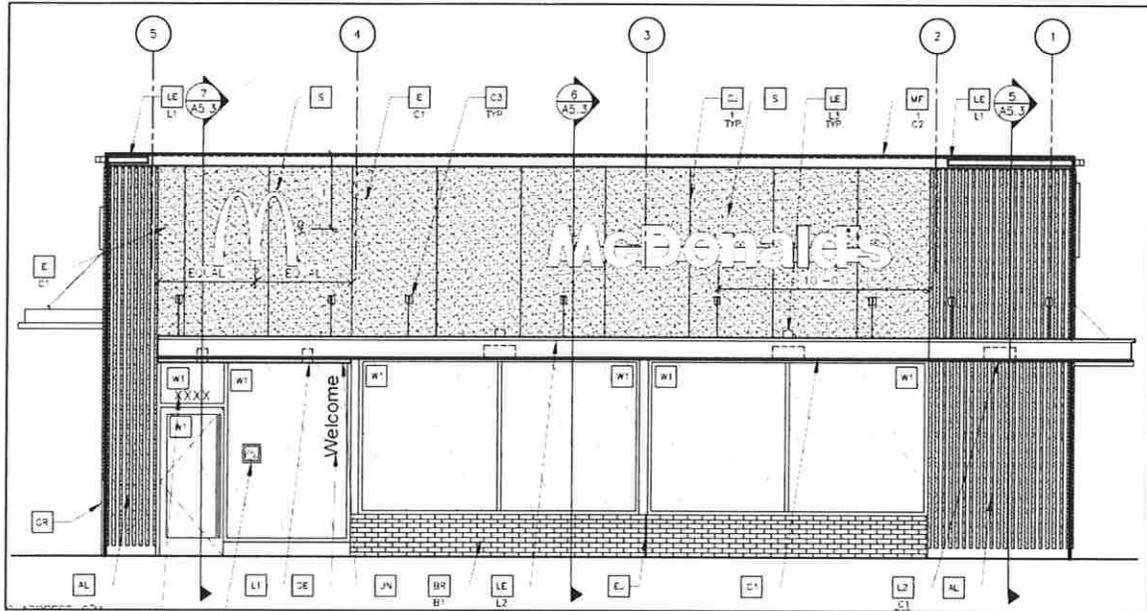


Figure 7: Front Elevation

The applicant states that the new McDonald's restaurant will use company design standards which include mixed, complementary and contemporary exterior materials like metal panel and brick, blazing, metal sun shades and efficient site lighting for safety. Building protrusions and differing materials will help create visually interesting articulation. Glazing will break up large facades and provide a visual link between the building interior and adjacent public right-of-way.

Parking

The applicant's findings (Exhibit K), state that the proposed restaurant will provide 42 new parking spaces and share 12 additional spaces with the Winco shopping center. The total 54 spaces is the minimum required for this proposal. The new restaurant is within a leased area and not on a separate unit of land; therefore, a cross access for parking is not required. The table below shows compliance with MLDC Section 10.743-10.751.

MLDC 10.743-10.751	Required	Shown
Total Spaces	54 min. - 63 max.	54 (12 shared)
Accessible Spaces	2	2
Bicycle Spaces	5 (per min. 54 spaces)	0

Table 2: Parking Requirements

Landscaping

The provided landscape plan (Exhibit E) shows a diverse selection of trees, shrubs, and grasses.

Parking area planters are required when there are 24 or more parking spaces. The proposal has a total of 54 spaces with 12 being shared. Parking area planters are required for the new 42 spaces. The landscape plan submitted is in accordance with the MLDC Section 10.746 as shown by the table below.

C-R	Required for 42 spaces	Proposed
Area	875 sq. ft.	1695 sq. ft.
Trees	6	10
Shrubs	11	29 +

Table 3: Parking Area Landscaping

Surveyor Comments (Exhibit P)

The City Surveyor submitted comments regarding the land divisions that were done not in accordance with local and state laws. Prior to issuance of a building permit for vertical construction, the developer shall provide evidence that the parcel was lawfully created. A condition of approval (Exhibit A) has been included.

Committee Comments

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

No other issues identified by staff.

FINDINGS AND CONCLUSIONS

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

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of AC-19-047 per the revised staff report dated July 12, 2019, including Exhibits A through V.

EXHIBITS

- A. Conditions of Approval, dated July 12, 2019
- B. Preliminary Site and Dimensional Plan submitted March 13, 2019
 - a. Site details
- C. Preliminary Grading Plan received March 13, 2019
- D. Preliminary Utility Plan received March 13, 2019
- E. Preliminary Landscape Plan received March 13, 2019
- F. Architectural Plans received March 13, 2019
 - a. Floor plan
 - b. Roof plan
 - c. Elevations
 - d. Plans & Sections
 - e. Lighting plan
- G. Alta/NSPS Survey received March 13, 2019
- H. Demolition plan received March 13, 2019
- I. Assessor Map received March 13, 2019
- J. Major Transit Stops Figure 22 map adopted December 6, 2018
- K. Applicants findings and conclusions received March 13, 2019
- L. Ground Lease and Easement Agreement recorded January 1970
- M. Public Works Department report dated April 24, 2019
- N. Medford Fire Department report dated April 24, 2019
- O. Medford Building Department memo dated April 17, 2019
- P. City Surveyor comments dated April 18, 2019
- Q. Medford Water Commission memo dated April 24, 2019
- R. Letter from Agent regarding Tax Lot 200 received May 30, 2019
- S. Alternate Site Plan received June 7, 2019
- T. Aerial Photo of Meg LLC parcel ownership received June 7, 2019
- U. Cross Access Easement Map received June 19, 2019
- V. Email from Argonaut Investments received June 26, 2019
 - Vicinity map

SITE PLAN & ARCHITECTURAL COMMISSION AGENDA:

**JUNE 7, 2019
JULY 19, 2019**

EXHIBIT A

McDonald's Restaurant

AC-19-047

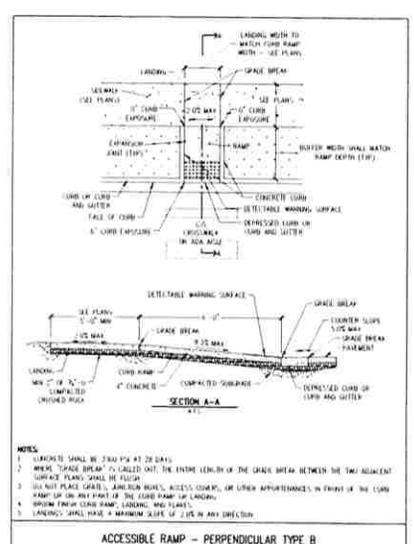
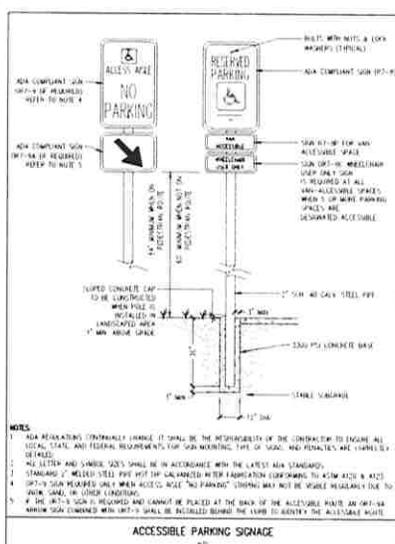
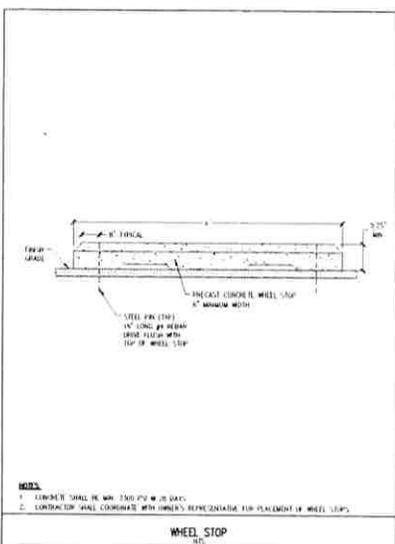
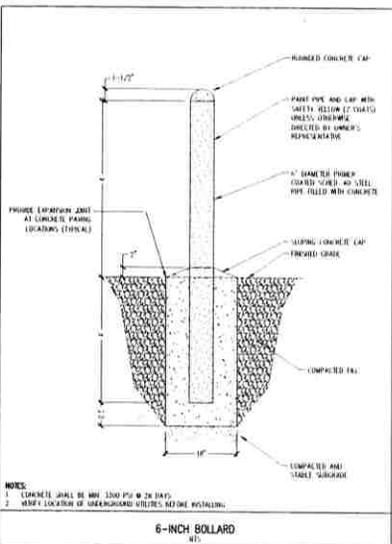
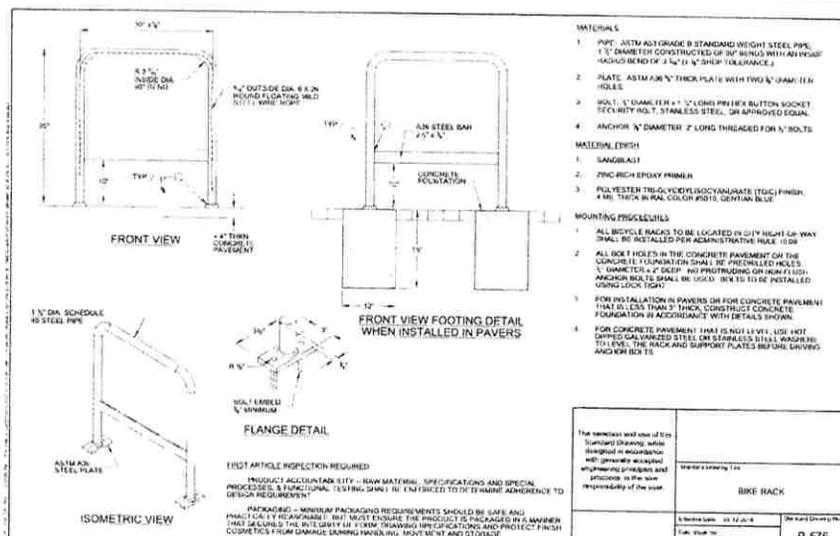
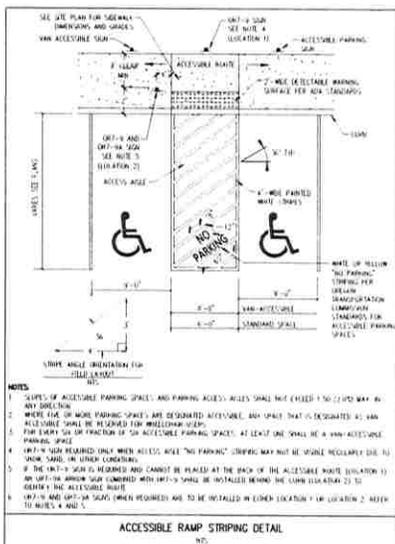
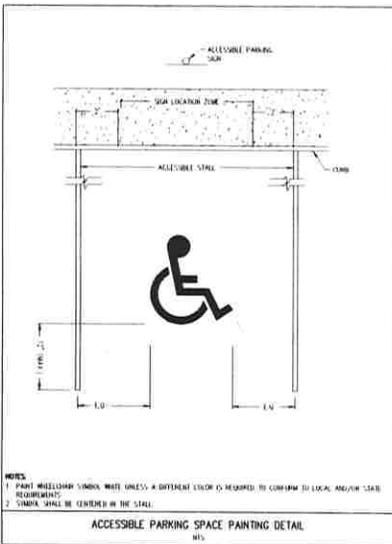
Conditions of Approval

July 12, 2019

CODE REQUIRED CONDITIONS

Prior to the issuance of a building permit for vertical construction, the applicant shall:

1. Comply with all requirements of the Public Works Staff Report (Exhibit M).
2. Comply with all requirements of the Medford Fire Department Staff Report (Exhibit N).
3. Comply with City Surveyor comments to submit evidence that the subject parcel was lawfully established (Exhibit P).
4. Comply with all conditions stipulated by the Medford Water Commission (Exhibit Q).



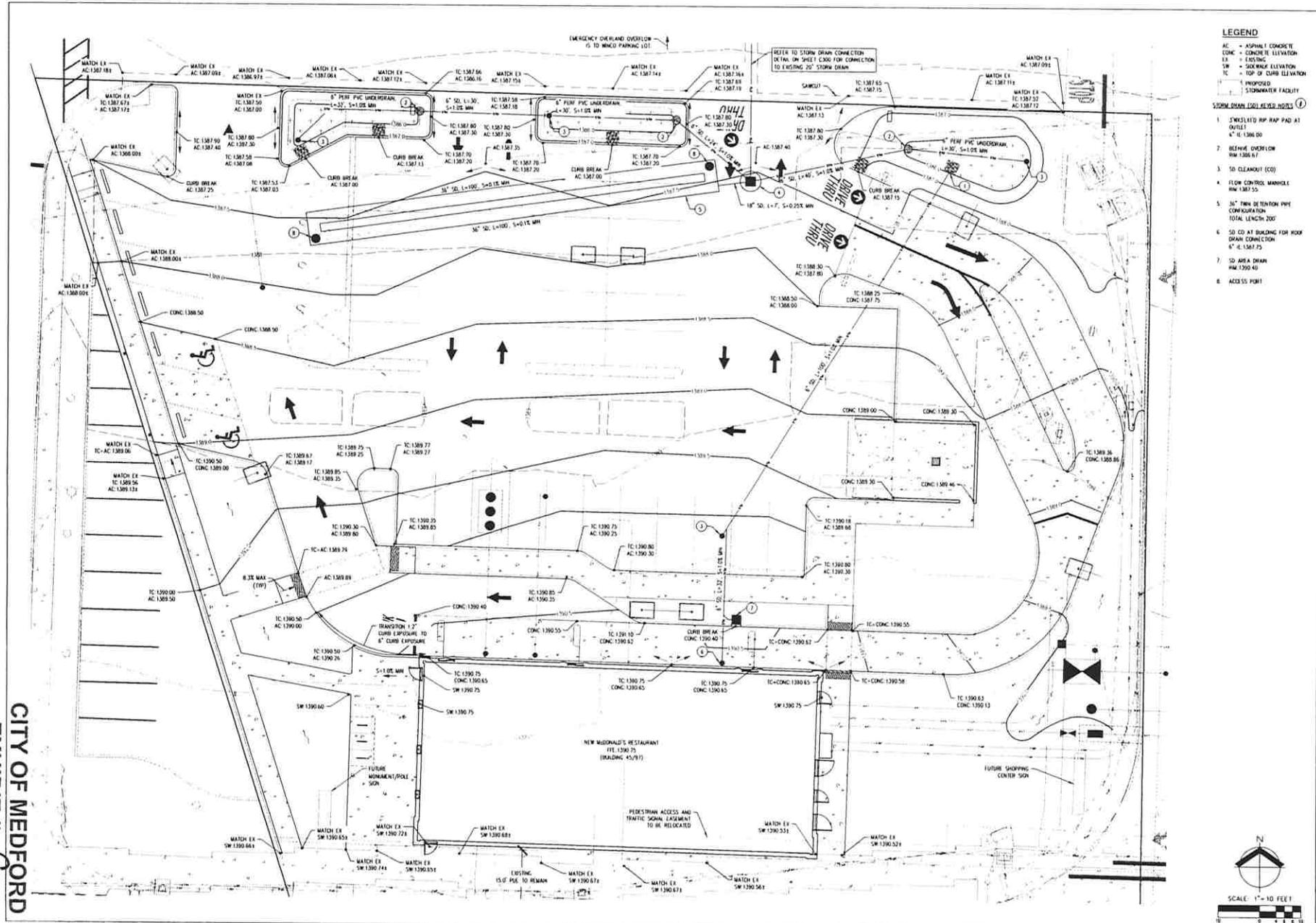
McDonald's USA, LLC
 2017 - STANDARD BUILDING - BE20 - WOOD/WOOD
 4597
 PRELIMINARY SITE DETAILS
 1/21/2018
 C400

AKS
 ENGINEERING - SURVEYING - NATURAL RESOURCES
 FORESTRY PLANNING - LANDSCAPE ARCHITECTURE

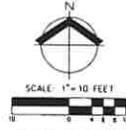
NOT FOR CONSTRUCTION

11R
 2017

CITY OF MEDFORD



- LEGEND**
- AC = ASPHALT CONCRETE
 - CONC = CONCRETE ELEVATION
 - EX = EXISTING
 - SW = SURFACE ELEVATION
 - TC = TOP OF CURB ELEVATION
 - PROPOSED STORMWATER FACILITY
- STORM DRAIN (SD) SEWER NODES**
1. 24\"/>



REV	DATE	DESCRIPTION

PREPARED FOR: **McDonald's USA, LLC**
 455 N. WOOD AVENUE
 SUITE 200
 MEDFORD, MA 01905
 TEL: 978.675.1234
 FAX: 978.675.1234

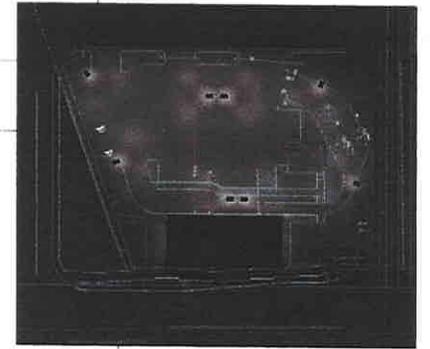
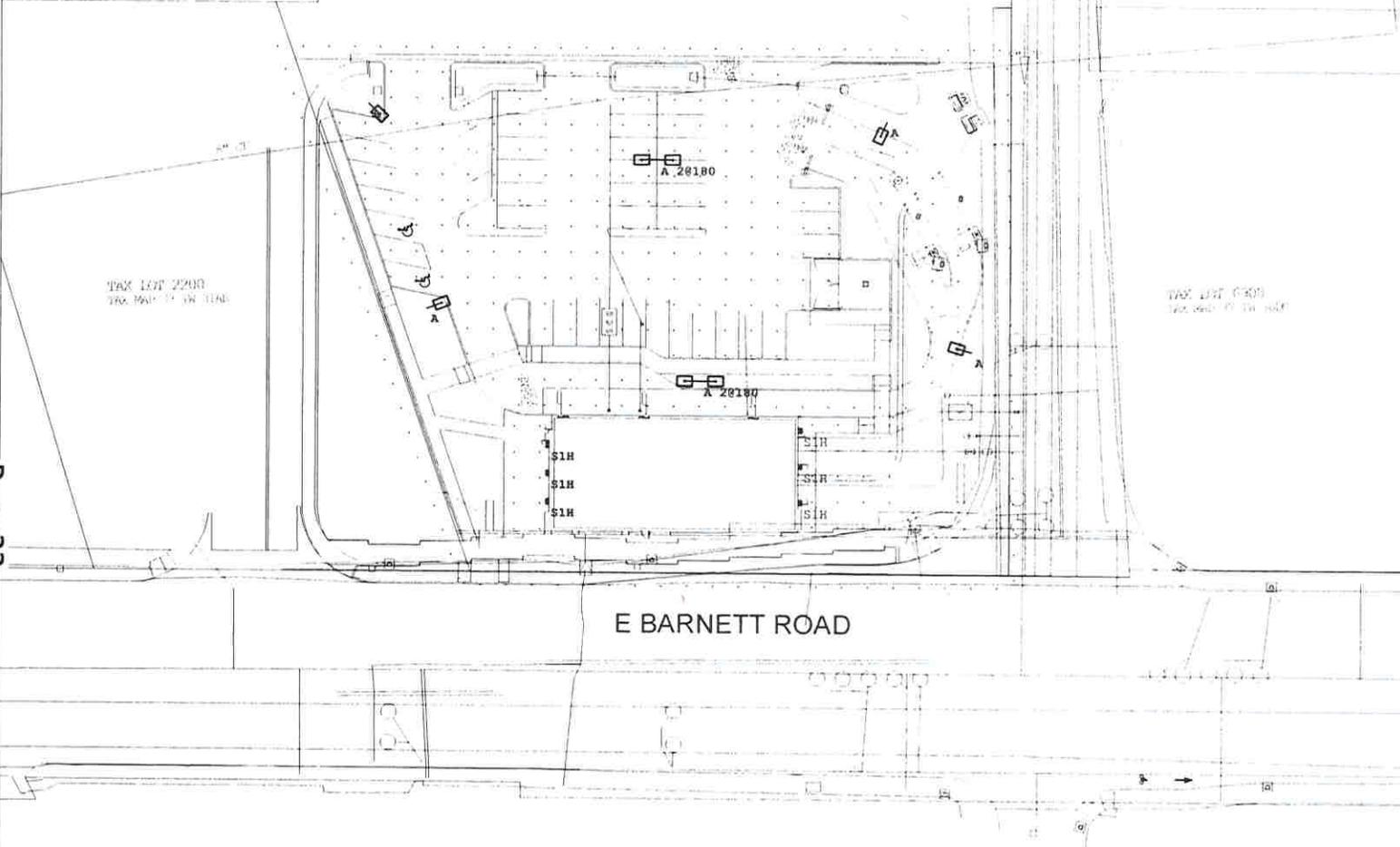
PROJECT: **2017 STANDARD BUILDING - 8820**
 4557 - WOOD/WOOD
PRELIMINARY GRADING PLAN

SHEET NO: **C200**
 DATE: 12/21/2019
 SCALE: 1" = 10 FEET

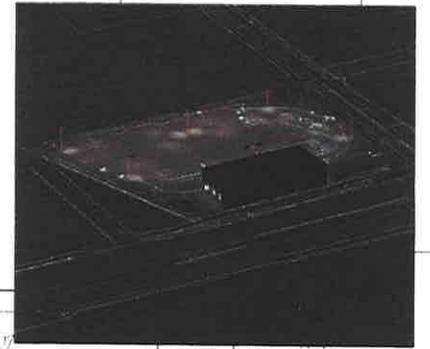
ENGINEERING - SURVEYING - NATURAL RESOURCES
 FORESTRY PLANNING - LANDSCAPE ARCHITECTURE

AKS
 REGISTERED PROFESSIONAL ENGINEER
 LICENSE NO. 100000000
 STATE OF MASSACHUSETTS
 1999A, 2012, 2015, 2018

NOTES:
 1. THE FOOTCANDLE LEVELS AS SHOWN ARE BASED ON THE FOLLOWING:
 OPERATING HOURS SUBSTITUTIONS IN SPECIFIED EXTENTS OR CHANGES
 TO LAYOUT WILL AFFECT FOOTCANDLE LEVELS. SHOW AND WILL NOT
 BE THE RESPONSIBILITY OF SECURITY LIGHTING.
 2. DISTANCE BETWEEN READINGS: 10'



PLAN VIEW



SOUTHWEST VIEW

Pages 33

E BARNETT ROAD

Calculation Summary

Label	Quantity	Wattage								
PAVED SURFACE READINGS										
TRIP POINT LIGHT READINGS										
ROOF BOLLARD AREA READINGS										
SEWAGE & FIRE BARNETT READINGS										

--- SPECIFY COLOR

LABEL	FIXTURE TYPE	SYMBOL	WATTAGE	EDGE ID	QUANTITY	WATTAGE	WATTAGE	WATTAGE	WATTAGE	WATTAGE	WATTAGE
A	VEHICLE MOUNTED LIGHTING	□	240	4	100	24000	24000	24000	24000	24000	24000
CH	WALL MOUNTED LIGHTING	□	6	6	70	420	420	420	420	420	420

* PROJECT WIND LOADS CRITICAL BACK UP, ACC TO WIND SPEED. 1.3 SEC PER UNIT PER HOUR PER HOUR WINDSPEED 100MPH

SEE DRAWING FOR NOTES AND SPECIFICATIONS OF ALL LIGHTING FIXTURES AND ACCESSORIES TO BE USED.

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

LIGHTING

POINT-TO-POINT FOOTCANDLE PLST FLD

ME SERIAL D. 075 1 00000001 PD IN DR 0001 00

DATE: 11/11/11

PROJECT NUMBER: 415286

70572
 11'F11
 29

MEDFORD MCDONALD'S RELOCATION MEDFORD, OREGON

LYING WITHIN DONATION LAND CLAIM NO. 44,
 LOCATED IN THE NE 1/4 OF SECTION 31,
 TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
 CITY OF MEDFORD, JACKSON COUNTY, OREGON

SHEET INDEX

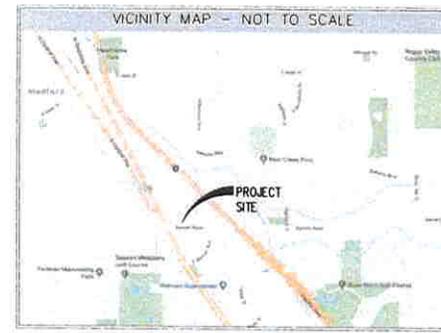
- SHEET 1 - COVER SHEET
- SHEET 2 - TITLE EXCEPTIONS
- SHEET 3 - BOUNDARY MAP
- SHEET 4 - EXISTING CONDITIONS PLAN

BASIS OF BEARINGS

THE BASIS OF BEARINGS / HORIZONTAL DATUM ARE BASED ON A LOCAL DATUM PLANE (LDP) SCALED FROM
 ORIGIN COORDINATE SYSTEM (OCS) (1983/2011), SOUTH ZONE, WITH RESPECT TO LOCAL LATITUDE AND GROUND
 ELEVATION. THE LDP COORDINATES DEFINE TRUE DISTANCES.

PROJECT WAS PROJECTED TO GROUND COORDINATES AT CONTROL POINT 10

LATITUDE	N47°18'58" 74.336"
LONGITUDE	W122°31'59" 35696"
HEIGHT	1208.55
GROUND SCALE FACTOR	1.0000067954
OCS NORTHING	243260.24
OCS EASTING	426265.968
CONVERGENCE ANGLE	-1'36.54"



ALTA/NSPS LAND TITLE SURVEY
 295 E BARNETT ROAD, MEDFORD, OR
 for
 MCDONALD'S USA LLC,
 2999 OAK ROAD, SUITE 900
 WALLACIA, CALIF. 94597

BASED UPON TITLE REPORT NUMBER 470317056578
 OF TICOR TITLE COMPANY OF OREGON
 BEARING AN EFFECTIVE DATE OF JULY 30, 2016

SURVYORS CERTIFICATE
 TO MCDONALD'S USA LLC, AND THEIR SUCCESSORS AND ASSIGNS, AND TICOR TITLE COMPANY AND THEIR
 SUCCESSORS AND ASSIGNS
 THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN
 ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS,
 JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(A)(8),
 7(A)(8)(C), 8, 9, 10(A)(8), 11, 13, 14, 16, 17, 18, 19, 20 TABLE A THEREOF. THE FIELD WORK WAS COMPLETED
 ON OCTOBER 22, 2018.

DATE OF MAP: 1-23-2019

REGISTERED PROFESSIONAL LAND SURVEYOR, OREGON LS 70652
 NICK S. WHITE
 12965 SW HERMAN ROAD, SUITE 100
 TUALATIN, OR 97062
 PHONE: (503) 563-6151

LEGEND OF SYMBOLS & ABBREVIATIONS

FIRE HYDRANT	11	STORM SEWER CLEAN OUT	17
WATER BLOWOFF	9	STORM SEWER CATCH BASIN	13
WATER METEOR	6,3	STORM SEWER AREA DRAIN	11
WATER VALVE	15	STORM SEWER MANHOLE	10
SANITARY SEWER CLEAN OUT	12	GAS METER	18
SANITARY SEWER MANHOLE	14	GAS VALVE	19
SOEN	16	CITY WIRE ANCHOR	20
STREET LIGHT	1	POWER POLE	21
MALIBO	2	POWER VAULT	22
COMMUNICATIONS VAULT	3	POWER JUNCTION BOX	23
COMMUNICATIONS JUNCTION BOX	4	POWER PEDESTAL	24
COMMUNICATIONS RISER	5		



TABLE A ITEMS

- MONUMENTS HAVE BEEN PLACED AT ALL MAJOR CORNERS OF THE BOUNDARY OF THE SURVEYED PROPERTY, UNLESS ALREADY MARKED OR REFERENCED BY EXISTING MONUMENTS OR WITNESSES IN CLOSE PROXIMITY TO THE CORNER. SEE SHEET 3 - BOUNDARY MAP.
- ADDRESSES OF THE SURVEYED PROPERTY ARE AS SHOWN ON SHEET 4 - EXISTING CONDITIONS PLAN.
- THE "SURVEYED PROPERTY" IS IN ZONE "C" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY NO. 1008, MAP NUMBER 10202C1919M WHICH BEARS AN EFFECTIVE DATE OF MAY 3, 2011, AND IS IN "OTHER FLOOD HAZARDOUS AREA" (0.2% ANNUAL CHANCE FLOOD). NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE.
- CROSS AREAS OF SURVEYED PROPERTY IS 1.095 ACRES / 47,082 SQUARE FEET.
- ELEVATIONS ARE BASED ON CITY OF MEDFORD BENCHMARK IS HD C-78, LOCATED AT THE NE CORNER OF EAST BARNETT ROAD AND HERASDORF AVENUE, WITH AN ELEVATION OF 1391.26 FEET (NOOD 29). CONTOUR INTERVAL IS 1 FOOT. TO COMPUTE NAUGHTER ELEVATIONS ADD 3.25 FEET.
- NO ZONING REPORT WAS PROVIDED BY THE CLIENT AS PART OF THIS SURVEY PER THE CITY OF MEDFORD PLANNING DEPARTMENT, THE SUBJECT PROPERTY IS ZONED C-R (REGIONAL COMMERCIAL). CITY OF MEDFORD MUNICIPAL CODE, ARTICLE 5, CHAPTER 10.721 (AS NOTED ON CITY OF MEDFORD WEBSITE ON 1/17/2019). DEVELOPMENT STANDARDS ARE AS FOLLOWS:

MINIMUM & MAXIMUM AREA	NONE
MINIMUM LOT AREA	15,000 SQUARE FEET
MAXIMUM COVERAGE FACTOR	40%
MINIMUM LOT WIDTH	20 FEET
MINIMUM LOT DEPTH	100 FEET
MINIMUM LOT FRONTAGE	20 FEET
- MINIMUM SETBACKS:

FRONT & STREET SIDE YARD BUILDING SETBACK	10 FEET EXCEPT 20 FEET FOR VEHICULAR ENTRANCES TO GARAGES OR CARPORTS
MINIMUM SIDE AND REAR YARD BUILDING SETBACK	NONE EXCEPT 1/2 FOOT FOR EACH FOOT IN BUILDING HEIGHT OVER 20 FEET
MAXIMUM BUILDING HEIGHT	85 FEET EXCEPT 25 FEET IF STRUCTURE IS WITHIN 150 FEET OF A RESIDENTIAL ZONING DISTRICT BOUNDARY OF SPECIAL AREA PLAN DESIGNATION
- MAXIMUM GROSS FLOOR AREA: NONE
- PER BUSINESS (SQUARE FEET) EXCEPT AS NOTED IN 10.3.33
- PERMITTED OUTDOOR USES: SEE NOTE 2
- NOTE 1: ALL USES MUST BE LOCATED COMPLETELY WITHIN AN ENCLOSED BUILDING OR BEHIND A SIGN-OBSCURING FENCE.
- NOTE 2: ALL USES, EXCEPT THOSE CUSTOMARILY CONDUCTED OUTDOORS, MUST BE LOCATED COMPLETELY WITHIN AN ENCLOSED BUILDING.
- NOTE 3: ALL USES, EXCEPT THOSE CUSTOMARILY CONDUCTED OUTDOORS, MUST BE LOCATED BEHIND A SIGN-OBSCURING FENCE.
- NO ZONING REPORT WAS PROVIDED BY THE CLIENT AND THE BUILDING SETBACKS ARE NOT GRAPHICALLY SHOWN.
- EXTERIOR DIMENSIONS OF ALL BUILDINGS AT GROUND LEVEL ARE AS SHOWN ON SHEET 4 - EXISTING CONDITIONS PLAN.
- SQUARE FOOTAGE OF BUILDINGS AT GROUND LEVEL IS AS SHOWN ON SHEET 4 - EXISTING CONDITIONS PLAN.
- MEASURED HEIGHT OF ALL BUILDINGS ABOVE GRADE IS AS SHOWN ON SHEET 4 - EXISTING CONDITIONS PLAN.
- SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK ARE AS SHOWN ON SHEET 4 - EXISTING CONDITIONS PLAN.
- THE SURVEYED PROPERTY CONTAINS 62 CLEARLY IDENTIFIABLE PARKING SPACES, OF WHICH THERE ARE 60 REGULAR PARKING SPACES AND 2 HANDICAP PARKING SPACES.
- NO PARTIAL WALLS EXIST WITHIN 5 FEET OF THE SURVEYED PROPERTY LINE.
- NO BUILDING WALLS EXIST WITHIN 5 FEET OF THE SURVEYED PROPERTY LINE.
- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS. PER UTILITY LOCATE TICKET NUMBER 1898115 THE SURVEYOR MARKS NO QUARRANTS THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR RE-VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
- NAMES OF ADJOINING OWNERS ACCORDING TO CURRENT TAX RECORDS ARE AS SHOWN ON SHEET 4 - EXISTING CONDITIONS PLAN.
- THE SURVEYED PROPERTY ADJUTS EAST BARNETT ROAD. THE DISTANCE TO THE NEAREST INTERSECTING STREET IS SHOWN ON SHEET 4 - EXISTING CONDITIONS PLAN.
- THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- THERE ARE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES PER CITY OF MEDFORD PUBLIC WORKS DEPARTMENT STAFF REPORT DATED 8/22/2018. FILE NUMBERS PA-18028. NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THIS SURVEY.
- NO FIELD DELINEATION OF WETLANDS WAS OBSERVED IN THE PROCESS OF CONDUCTING THIS SURVEY. THE NATIONAL WETLANDS INVENTORY MAPPER DOES NOT SHOW ANY WETLANDS ABOVE THE ORDINARY HIGH WATERLINE.
- PLOTTABLE OFFSITE (I.E. APPURTENANT) EASEMENTS OR SERVITUDES DISCLOSED IN DOCUMENTS PROVIDED TO OR OBTAINED BY THE SURVEYOR AS PART OF THIS SURVEY ARE AS SHOWN ON SHEET 3 - BOUNDARY MAP.

LEASE AREA DESCRIPTION (PARCEL 1)

SURVEYED PROPERTY IS FOR A PROPOSED GROUND LEASE AREA AND LIES ENTIRELY WITHIN THE PARENT PARCEL.

COMMENCING AT THE SOUTHWEST CORNER OF DONATION LAND CLAIM NO. 44, TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, THENCE ALONG THE EAST LINE OF SAID DONATION LAND CLAIM NO. 44, NORTH 07°27'41" EAST, 1033.50 FEET TO THE ORIGINAL CENTERLINE OF EAST BARNETT ROAD, FROM WHICH THE NORTH EAST CORNER OF DONATION LAND CLAIM NO. 50 BEARS NORTH 07°27'41" EAST, 100.82 FEET, THENCE ALONG SAID CENTERLINE OF EAST BARNETT ROAD NORTH 08°23'31" WEST, 437.79 FEET, THENCE LEAVING SAID CENTERLINE NORTH 05°42'23" WEST, 52.10 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT OF WAY [52.00 FEET FROM CENTERLINE] OF EAST BARNETT ROAD AND THE WESTERLY BOUNDARY OF THAT PROPERTY DESCRIBED AS "TRACT B" IN INSTRUMENT NO. 89-4504, OFFICIAL RECORDS OF JACKSON COUNTY, OREGON, THENCE ALONG SAID NORTHERLY RIGHT OF WAY, NORTH 08°23'41" WEST, 49.77 FEET TO THE TRUE POINT OF BEGINNING, THENCE LEAVING SAID NORTHERLY RIGHT OF WAY, NORTH 08°37'43" EAST, 208.41 FEET TO A POINT, THENCE NORTH 88°23'27" WEST, 270.90 FEET TO THE EASTERN BOUNDARY OF THAT PROPERTY DESCRIBED IN INSTRUMENT NO. 88-03789, OFFICIAL RECORDS OF JACKSON COUNTY, OREGON, THENCE ALONG SAID EASTERN BOUNDARY, SOUTH 17°22'40" EAST, 211.32 FEET RETURNING TO SAID NORTHERLY RIGHT OF WAY, THENCE ALONG SAID NORTHERLY RIGHT OF WAY SOUTH 08°23'31" EAST, 205.54 FEET TO THE TRUE POINT OF BEGINNING.

PARENT RECORD DESCRIPTION (PARCEL 2)

RECORD DESCRIPTION PER EXHIBIT A OF TITLE REPORT NUMBER 470317056578, REGION 2

COMMENCING AT THE NORTHWEST CORNER OF DONATION LAND CLAIM NO. 50, TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, THENCE NORTH, 112.5 FEET, THENCE WEST, 291.63 FEET, TO A 4" GALVANIZED IRON PIPE LOCATED ON THE SOUTHWESTERN RIGHT OF WAY LINE OF THE SOUTHWESTING OFF-RAMP OF INTERSTATE HIGHWAY NO. 5, FOR THE TRUE POINT OF BEGINNING, THENCE ALONG THE RIGHT OF WAY LINE, NORTH 36°13'25" WEST, 24.80 FEET, THENCE SOUTH 89°58'40" WEST, 420.54 FEET, THENCE SOUTH 47°29'40" WEST, 49.98 FEET, THENCE SOUTH 63°28'26" WEST, 45.23 FEET, TO THE MOST NORTHEASTERLY CORNER OF LAND DESCRIBED IN INSTRUMENT NO. 09-32791, OFFICIAL RECORDS, JACKSON COUNTY, OREGON, THENCE SOUTH 0°00'00" EAST, ALONG THE EASTERN BOUNDARY OF SAID LAND, 224.11 FEET, THENCE SOUTH 67°03'00" WEST, ALONG THE SOUTHERLY LINE OF SAID LAND, 91.17 FEET, TO THE MOST NORTHERLY CORNER OF PARCELS DESCRIBED IN VOLUME 499, PAGE 348, DEED RECORDS, JACKSON COUNTY, OREGON, THENCE SOUTH 29°49'00" EAST, ALONG THE EXTERIOR BOUNDARY OF SAID PARCEL, AND THE SOUTHERLY EXTENSION THEREOF, 453.30 FEET, TO THE NORTHEASTERLY BOUNDARY OF TRACT DESCRIBED IN INSTRUMENT NO. 99-02286, SAID OFFICIAL RECORDS, THENCE NORTH 22°10'24" EAST, ALONG SAID BOUNDARY, 49.80 FEET, THENCE NORTH 77°02'40" EAST, ALONG THE NORTHERLY BOUNDARY OF TRACT DESCRIBED IN INSTRUMENT NO. 86-02569, SAID OFFICIAL RECORDS, 150.00 FEET, THENCE SOUTH 19°02'53" EAST, ALONG THE EASTERN BOUNDARY OF SAID TRACT, 280.53 FEET, TO THE WELCATED RIGHT OF WAY LINE OF EAST BARNETT ROAD, BEING 52.00 FEET NORTH OF AT RIGHT ANGLES TO THE ORIGINAL CENTER LINE OF SAID ROAD, THENCE NORTH 89°59'40" EAST, ALONG SAID NORTH RIGHT OF WAY LINE, 355.45 FEET, THENCE NORTH 03°34'40" WEST, ALONG THE WEST LINE OF TRACT DESCRIBED IN VOLUME 567, PAGE 262, SAID DEED RECORDS, 197.96 FEET, THENCE NORTH 89°59'40" EAST, ALONG THE NORTH LINE OF SAID TRACT, 160.00 FEET, THENCE NORTH 03°34'40" WEST, ALONG THE NORTHERLY PROJECTION OF THE EASTERN LINE OF SAID TRACT, 562.51 FEET, THENCE NORTH 03°34'40" WEST, 127.99 FEET, THENCE NORTH 01°44'00" WEST, 278.04 FEET, THENCE NORTH 03°02'50" WEST, 223.12 FEET, TO SAID NORTHEASTLY RIGHT OF WAY LINE OF THE SOUTHWESTING OFF-RAMP OF INTERSTATE HIGHWAY NO. 5, THENCE NORTH 36°13'25" WEST, ALONG SAID RIGHT OF WAY, 50.00 FEET, TO THE TRUE POINT OF BEGINNING.

MISCELLANEOUS NOTES

- SURVEY AS SHOWN WAS PREPARED FROM A LEGAL DESCRIPTION, TOGETHER WITH THE EXCEPTIONS FOR THE PARCELS CONTAINED IN THE TITLE REPORT ISSUED BY TICOR TITLE COMPANY OF OREGON, UNDER NO. 47031705678 WITH AN EFFECTIVE DATE OF JULY 30, 2016.
- ONLY THE ABOVE-GROUND IMPROVEMENTS AND UTILITIES SHOWN ON THE FACE OF THIS DRAWING HAVE BEEN VISITED AND LOCATED AT THIS TIME. THE UNDERGROUND UTILITIES SHOWN ON THE FACE OF THIS DRAWING ARE BASED ON LOCATE MARKINGS PROVIDED BY OTHERS, ABOVE-GROUND IMPROVEMENTS, RECORD DRAWINGS PROVIDED BY OTHERS, AND EVIDENCE OF UNDERGROUND SPRING AS DETERMINED FROM VISUAL INSPECTION OF VAULTS, MANHOLES AND OTHER STRUCTURES. PER LOCATE TICKET NUMBER 1898115, THE FOLLOWING COMPANIES MAY HAVE UTILITIES IN THE SURVEY AREA:

CHARTER COMMUNICATIONS	(800)778-9140
CITY OF MEDFORD	(541)774-2600
MEDFORD WATER COMMISSION	(541)774-7687
ORACLE POWER	(503)255-1634
ORCA-CENTURYLINK	(800)778-9140
VERIZON UTILITIES	(541)613-0100
- THE SURVEYED PROPERTY IS A FUTURE GROUND LEASE PARCEL (PARCEL 1) AND A PORTION OF THAT PROPERTY DESCRIBED IN JACKSON COUNTY TAX LOT 5000, TAX MAP 37 19 500C. ONLY NECESSARY CONTROLLING PARENT PARCEL (PARCEL 2) LINES WERE SURVEYED TO ESTABLISH THE LIMITS OF THE FUTURE GROUND LEASE PARCEL.

EXCEPTIONS

THE FOLLOWING ITEMS WERE LISTED IN PRELIMINARY TITLE REPORT 470317064078, AND ARE LISTED BY THE SAID REPORT NUMBER HERE, WITH OUR COMMENTS IN BOLD:

- 1-6 - NOT A SURVEY MATTER
- 7. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF: PACIFIC POWER AND LIGHT COMPANY FOR: ELECTRICAL FACILITIES VOLUME: 234 PAGE: 105 IN JACKSON COUNTY, OREGON VOLUME: 374 PAGE: 378 IN JACKSON COUNTY, OREGON -DOES NOT AFFECT PARCELS.
- 8. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF: SANITARY SEWER FOR: VOLUME: 492 PAGE: 319 AND 323 IN JACKSON COUNTY, OREGON -DOES NOT AFFECT PARCELS.
- 9. LIMITED ACCESS PROVISIONS CONTAINED IN FINAL JUDGMENT AND ORDER OF TAXICUT TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, WHICH PROVIDES THAT NO RIGHT OR EASEMENT OF RIGHT OF ACCESS TO, FROM OR ACROSS THE STATE HIGHWAY OTHER THAN EXPRESSLY THEREIN PROVIDED FOR SHALL ATTACH TO THE ADJUTING PROPERTY. FILED: NOVEMBER 10, 1981 CASE NO: 67-276 CHIEF CLERK FOR JACKSON COUNTY -DOES NOT AFFECT PARCELS.
- 10. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, FOR: PUBLIC UTILITIES, DRIVEWAYS, INGRESS AND EGRESS RECORDED: OCTOBER 1, 1970 INSTRUMENT NO: 70-09882 IN JACKSON COUNTY, OREGON AFFECTS: SOUTHERLY 50 FEET (TAX LOT 6200), MOST NORTHERLY 20 FEET (TAX LOT 5900) -AFFECTS NORTHERN PART OF PARCEL 2.
- 11. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF: CITY OF MEDFORD FOR: MUNICIPAL WATER SYSTEM RECORDED: MARCH 26, 1971 INSTRUMENT NO: 71-02673 IN JACKSON COUNTY, OREGON -DOES NOT AFFECT PARCELS.
- 12. AGREEMENT REGARDING MUNICIPAL WATER SYSTEM, INCLUDING THE TERMS AND PROVISIONS THEREOF. RECORDED: MARCH 26, 1971 INSTRUMENT NO: 71-02674 RECORDS OF JACKSON COUNTY, OREGON -DOES NOT AFFECT PARCELS.
- 13. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF: PACIFIC POWER AND LIGHT COMPANY FOR: ELECTRICAL FACILITIES RECORDED: APRIL 2, 1971 INSTRUMENT NO: 71-02589 IN JACKSON COUNTY, OREGON -DOES NOT AFFECT PARCELS.
- 14. INDEMNITY OF ACCESS, INCLUDING THE TERMS AND PROVISIONS THEREOF. RECORDED: MARCH 20, 1972 INSTRUMENT NO: 72-03337 RECORDS OF JACKSON COUNTY, OREGON -DOES NOT AFFECT PARCELS.
- 15. EASEMENT FOR INGRESS, EGRESS DRIVEWAY AND PUBLIC UTILITIES, INCLUDING THE TERMS AND PROVISIONS THEREOF. RECORDED: MARCH 21, 1972 INSTRUMENT NO: 72-03419 IN RECORDED: APRIL 4, 1972 RECORDS OF JACKSON COUNTY, OREGON -DOES NOT AFFECT PARCELS.
- 16. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, FOR: PUBLIC UTILITIES RECORDED: MAY 8, 1976 INSTRUMENT NO: 76-07860 IN JACKSON COUNTY, OREGON -AFFECTS PARCELS 1&2.
- 17. EASEMENT AGREEMENT REGARDING WATER LINE, SANITARY SEWER AND UNDERGROUND CONDUIT, INCLUDING THE TERMS AND PROVISIONS THEREOF. RECORDED: JULY 29, 1977 INSTRUMENT NO: 77-15475 RECORDS OF JACKSON COUNTY, OREGON -AFFECTS PARCEL 2.
- 18. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF: PACIFIC POWER AND LIGHT COMPANY FOR: ELECTRICAL AND COMMUNICATION FACILITIES RECORDED: JULY 29, 1977 INSTRUMENT NO: 77-15426 IN JACKSON COUNTY, OREGON -AFFECTS PARCEL 2.
- 19. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, FOR: INGRESS, EGRESS DRIVEWAY PURPOSES RECORDED: JULY 29, 1977 INSTRUMENT NO: 77-15477 IN JACKSON COUNTY, OREGON -AFFECTS PARCEL 2.
- 20. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF: PACIFIC POWER AND LIGHT COMPANY FOR: ELECTRICAL AND COMMUNICATION FACILITIES RECORDED: OCTOBER 18, 1999 INSTRUMENT NO: 99-52822 IN JACKSON COUNTY, OREGON -AFFECTS PARCELS 1&2.
- 21. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF: CITY OF MEDFORD FOR: WATER MARKS RECORDED: JUNE 1, 2000 INSTRUMENT NO: 00-22923 IN JACKSON COUNTY, OREGON -DOES NOT AFFECT PARCELS.

EXCEPTIONS

- 22. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF: CITY OF MEDFORD FOR: SANITARY SEWER RECORDED: JULY 1, 2000 INSTRUMENT NO: 00-22924 IN JACKSON COUNTY, OREGON -DOES NOT AFFECT PARCELS.
- 23. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF: CITY OF MEDFORD FOR: PUBLIC ACCESS RECORDED: JANUARY 19, 2001 INSTRUMENT NO: 01-02349 IN JACKSON COUNTY, OREGON -AFFECTS PARCELS 1&2.
- 24. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF: CITY OF MEDFORD FOR: PEDESTRIAN ACCESS AND TRAFFIC SIGNAL RECORDED: JANUARY 19, 2001 INSTRUMENT NO: 01-02350 IN JACKSON COUNTY, OREGON -AFFECTS PARCELS 1&2.
- 25. BUILDING SITE IMPROVEMENT AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF. RECORDED: MARCH 27, 2001 INSTRUMENT NO: 01-11767 RECORDS OF JACKSON COUNTY, OREGON -AFFECTS PARCELS 1&2.
- 26. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF: CITY OF MEDFORD FOR: PUBLIC UTILITIES RECORDED: MARCH 27, 2001 INSTRUMENT NO: 01-11768 IN JACKSON COUNTY, OREGON -AFFECTS PARCELS 1&2.
- 27. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, FOR: DRIVEWAY FOR INGRESS AND EGRESS RECORDED: MAY 1, 2002 INSTRUMENT NO: 02-24267 IN JACKSON COUNTY, OREGON -AFFECTS PARCEL 2.
- 28. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF: PACIFIC POWER AND LIGHT COMPANY FOR: ELECTRICAL AND COMMUNICATION FACILITIES RECORDED: MAY 3, 2002 INSTRUMENT NO: 02-24787 IN JACKSON COUNTY, OREGON -AFFECTS PARCELS 1&2.
- 29. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, FOR: DRIVEWAY FOR INGRESS AND EGRESS RECORDED: MAY 8, 2002 INSTRUMENT NO: 02-25641 IN JACKSON COUNTY, OREGON -AFFECTS PARCEL 2.
- 30. -NOT A SURVEY MATTER
- 31. -NOT A SURVEY MATTER
- 32. ROAD MAINTENANCE AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF. RECORDED: AUGUST 30, 2005 INSTRUMENT NO: 2005-052773 RECORDS OF JACKSON COUNTY, OREGON -DOES NOT AFFECT PARCELS.
- 33. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF: CITY OF MEDFORD FOR: WATER FACILITY RECORDED: MARCH 2, 2006 INSTRUMENT NO: 2006-010504 IN JACKSON COUNTY, OREGON -DOES NOT AFFECT PARCELS.
- 34. -NOT A SURVEY MATTER
- 37. -NOT A SURVEY MATTER
- 41. -NOT A SURVEY MATTER
- 42. -NOT A SURVEY MATTER
- 43. -NOT A SURVEY MATTER
- 44. -NOT A SURVEY MATTER
- 45. ANY ENCROACHMENT OF EXISTING IMPROVEMENTS LOCATED ON THE SUBJECT LAND ONTO ADJACING LAND OR OF EXISTING IMPROVEMENTS LOCATED ON ADJACING LAND ONTO THE SUBJECT LAND, (INCLUDING, VIOLATION, VARIATION OR AMENDMENT, CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE SUBJECT LAND. THE COMPANY WILL REQUIRE AN INSPECTION OF THE PREMISES, AND THIS EXCEPTION MAY BE ELIMINATED OR LIMITED AS A RESULT THEREOF. -AFFECTS PARCELS 1&2.
- 46. -NOT A SURVEY MATTER
- 47. -NOT A SURVEY MATTER
- 48. -NOT A SURVEY MATTER
- 49. -NOT A SURVEY MATTER

MEDFORD MCDONALD'S RELOCATION MEDFORD, OREGON

LYING WITHIN DONATION LAND CLAIM NO. 44,
LOCATED IN THE NE 1/4 OF SECTION 31,
TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
CITY OF MEDFORD, JACKSON COUNTY, OREGON



AKS ENGINEERING & FORESTRY, LLC
1000 N. STEWART ST., STE. 100
MEDFORD, OREGON 97504
P: 531.252.9131
F: 531.252.9132
www.aks-engineer.com

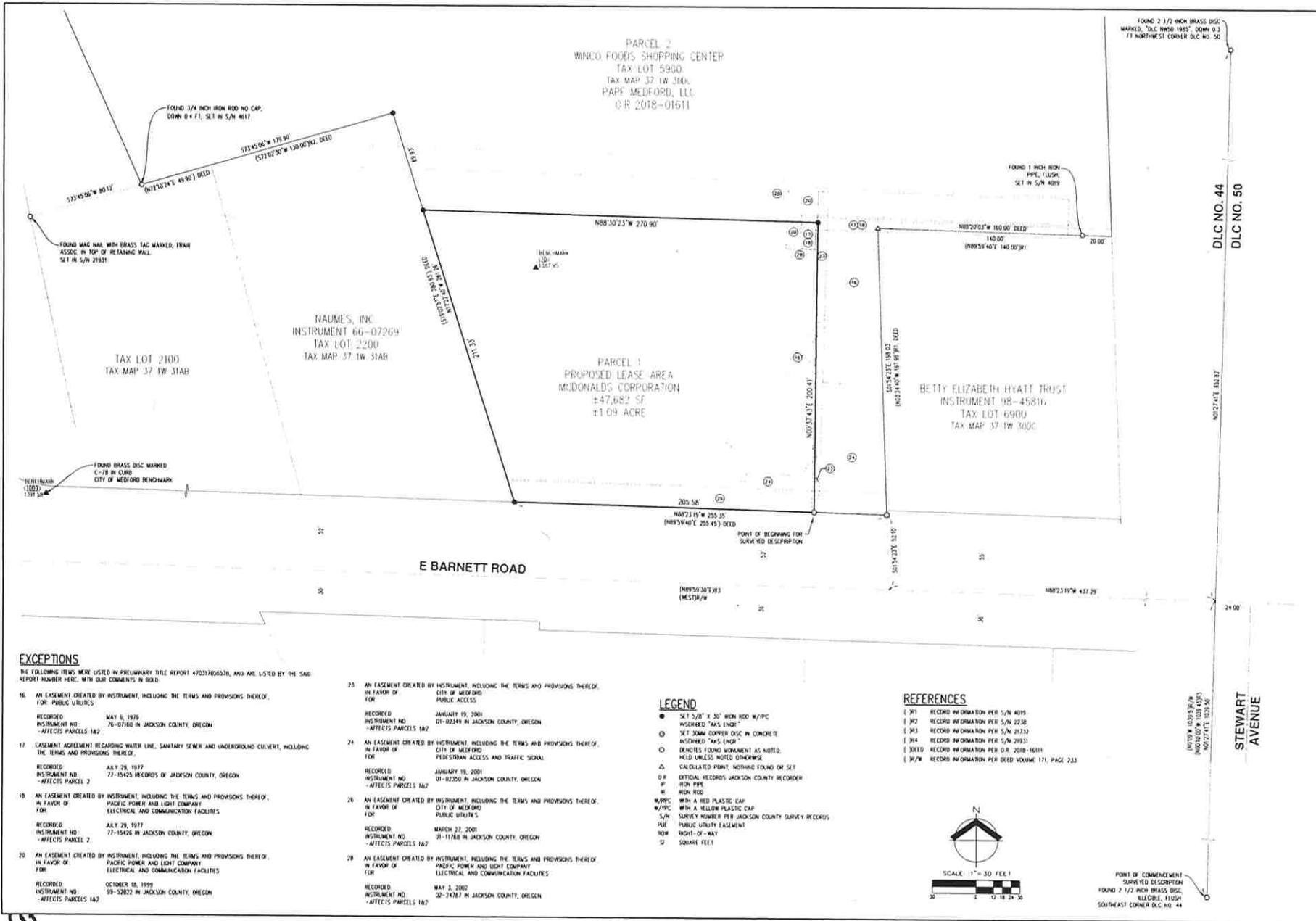
ENGINEERING - SURVEYING - NATURAL RESOURCES
FORESTRY PLANNING - LANDSCAPE ARCHITECTURE

ALTA/NSPS
TITLE LAND SURVEY
MCDONALD'S RELOCATION
MEDFORD
OREGON
JACKSON COUNTY, TAX MAP 37, 1/4, 30C

TITLE EXCEPTIONS

FILED BY:	
DATE:	1/23/2015
SCALE:	AS NOTED
REGISTERED PROFESSIONAL LAND SURVEYOR	
<i>Mark White</i>	
OREGON	
JANUARY 9, 2007	
MARK WHITE	
12555	
RENEW: 12/31/2010	
FILE NO.:	
JOB NUMBER:	5722-06
SHEET:	02

2 of 4
16 11



EXCEPTIONS

THE FOLLOWING ITEMS WERE LISTED IN PRELIMINARY TITLE REPORT 470337026578, AND ARE LISTED BY THE SAID REPORT NUMBER HERE, WITH OUR COMMENTS IN BOLD:

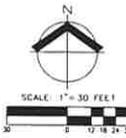
- 16. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, FOR: PUBLIC UTILITIES
RECORDED: MAY 6, 1976
INSTRUMENT NO.: 70-07160 IN JACKSON COUNTY, OREGON
- AFFECTS PARCELS 1&2
- 17. EASEMENT AGREEMENT REGARDING WATER LINE, SANITARY SEWER AND UNDERGROUND CULVERT, INCLUDING THE TERMS AND PROVISIONS THEREOF.
RECORDED: JULY 29, 1977
INSTRUMENT NO.: 77-15425 RECORDS OF JACKSON COUNTY, OREGON
- AFFECTS PARCEL 2
- 18. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF: PACIFIC POWER AND LIGHT COMPANY, ELECTRIC AND COMMUNICATION FACILITIES
RECORDED: JULY 29, 1977
INSTRUMENT NO.: 77-15426 IN JACKSON COUNTY, OREGON
- AFFECTS PARCEL 2
- 20. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF: PACIFIC POWER AND LIGHT COMPANY, ELECTRIC AND COMMUNICATION FACILITIES
RECORDED: OCTOBER 18, 1999
INSTRUMENT NO.: 99-52822 IN JACKSON COUNTY, OREGON
- AFFECTS PARCELS 1&2
- 23. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF: CITY OF MEDFORD, PUBLIC ACCESS
RECORDED: JANUARY 19, 2001
INSTRUMENT NO.: 01-02349 IN JACKSON COUNTY, OREGON
- AFFECTS PARCELS 1&2
- 24. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF: CITY OF MEDFORD, PEDESTRIAN ACCESS AND TRAFFIC SIGNAL
RECORDED: JANUARY 19, 2001
INSTRUMENT NO.: 01-02350 IN JACKSON COUNTY, OREGON
- AFFECTS PARCELS 1&2
- 26. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF: CITY OF MEDFORD, PUBLIC UTILITIES
RECORDED: MARCH 27, 2001
INSTRUMENT NO.: 01-11782 IN JACKSON COUNTY, OREGON
- AFFECTS PARCELS 1&2
- 29. AN EASEMENT CREATED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF: PACIFIC POWER AND LIGHT COMPANY, ELECTRICAL AND COMMUNICATION FACILITIES
RECORDED: MAY 3, 2002
INSTRUMENT NO.: 02-24787 IN JACKSON COUNTY, OREGON
- AFFECTS PARCELS 1&2

LEGEND

- SET 3/8" x 30" IRON ROD W/PC INScribed "MS INCH"
- SET 3/8" COPPER DISC IN CONCRETE INScribed "MS INCH"
- DENOTES FOUND MONUMENT AS NOTED, HEAD UNLESS NOTED OTHERWISE
- △ CALCULATED POINT, NOTHING FOUND ON SET
- OR IR ORIGINAL RECORDS JACKSON COUNTY RECORDER
- # IRON PIPE
- W IRON ROD
- W/PC WITH A RED PLASTIC CAP
- W/PC WITH A YELLOW PLASTIC CAP
- S/N SURVEY NUMBER PER JACKSON COUNTY SURVEY RECORDS
- P/LE PUBLIC UTILITY EASEMENT
- ROW RIGHT-OF-WAY
- S² SQUARE FEET

REFERENCES

- [31] RECORD INFORMATION PER 5/8" 4019
- [32] RECORD INFORMATION PER 5/8" 2238
- [33] RECORD INFORMATION PER 5/8" 21732
- [34] RECORD INFORMATION PER 5/8" 21933
- [30E] RECORD INFORMATION PER O.R. 2018-1611
- [31W] RECORD INFORMATION PER DEED VOLUME 171, PAGE 233



AKS
AKS ENGINEERING & FORESTRY, LLC
1000 N. WASHINGTON ST., 2ND FL.
MEDFORD, OREGON 97504
P: 503.753.4100
F: 503.753.4101
S: 503.753.4102

ALTA/NSP TITLE LAND SURVEY
BOUNDARY MAP AND EASEMENT EXCEPTIONS
MEDFORD OREGON
JACKSON COUNTY, 1/4, 1/4, 31, W. 300C
DA. 077.5900

REGISTERED LAND SURVEYOR
MEDFORD, OREGON
JANUARY 9, 2007
NICK WHITE
798553
LICENSE 171075

JOB NUMBER: 5722-06
SHEET: 03

30 ft 4
11
11



AKS ENGINEERING & ARCHITECTS, LLC
 1100 N. 10TH ST. SUITE 100
 MEDFORD, OREGON 97504
 P. 503.754.4444
 F. 503.754.4444

ENGINEERING - SURVEYING - NATURAL RESOURCES
 FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

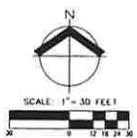
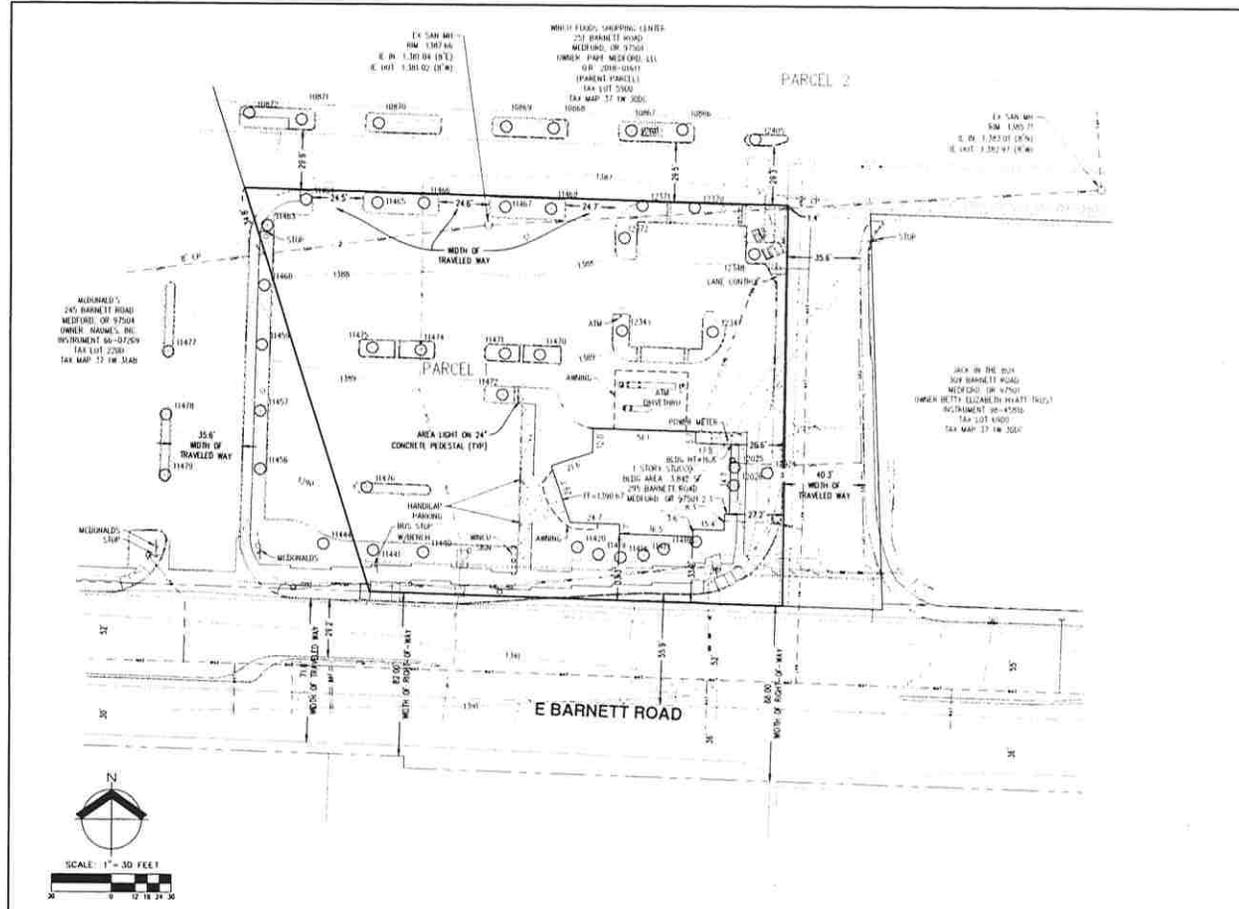
ALTA/NSPS
 TITLE LAND SURVEY
 OREGON
 MEDFORD
 JAN 10/2020

EXISTING
 CONDITIONS PLAN

132-20012-01
 DRAWN BY: BC
 CHECKED BY: ALI
 SCALE: AS NOTED
 DATE: 1/29/2020
 REGISTERED PROFESSIONAL LAND SURVEYOR
 [Signature]
 OREGON
 JANUARY 8, 2007
 NICK WHITE
 75503.0
 LICENSE #122720
 JOB NUMBER
 5722-06
 SHEET
 04

LEGEND

EXISTING	EXISTING
DECIDUOUS TREE	STORM SEWER CLEAN OUT
CONIFEROUS TREE	STORM SEWER CATCH BASIN
FIRE HYDRANT	STORM SEWER AREA DRAIN
WATER BLOWOFF	STORM SEWER MANHOLE
WATER METER	GAS METER
WATER VALVE	GAS VALVE
DOUBLE CHECK VALVE	GUY WIRE ANCHOR
SANITARY SEWER CLEAN OUT	UTILITY POLE
SANITARY SEWER MANHOLE	POWER VAULT
SIGN	POWER ANCHOR BOX
STREET LIGHT	POWER PEDestal
WALDOE	COMMUNICATIONS VAULT
TRAFFIC SIGNAL WHITE	COMMUNICATIONS ANCHOR BOX
	COMMUNICATIONS RISER
EXISTING	EXISTING
RIGHT-OF-WAY LINE	A.C. PAYMENTS
BOUNDARY LINE	CONCRETE
PROPERTY LINE	
CENTERLINE	
STITCH	
CURB	
EDGE OF PAVEMENT	
EASEMENT	
FENCE LINE	
GRAVEL EDGE	
POWER LINE	
OVERHEAD WIRE	
COMMUNICATIONS LINE	
FIBER OPTIC LINE	
GAS LINE	
STORM SEWER LINE	
SANITARY SEWER LINE	
WATER LINE	



TREE TABLE											
TREE NUMBER	TYPE	DBH (IN)									
10886	DECIDUOUS	10	11444	DECIDUOUS	8	11474	DECIDUOUS	5	12247	DECIDUOUS	3
10887	DECIDUOUS	11	11456	DECIDUOUS	7	11475	DECIDUOUS	5	12248	DECIDUOUS	4
10888	DECIDUOUS	10	11457	DECIDUOUS	4	11476	DECIDUOUS	4	12310	DECIDUOUS	4
10889	DECIDUOUS	8	11459	DECIDUOUS	8	11477	DECIDUOUS	8	12371	DECIDUOUS	4
10890	DECIDUOUS	7	11460	DECIDUOUS	6	11478	DECIDUOUS	5	12372	DECIDUOUS	4
10870	DECIDUOUS	12	11463	DECIDUOUS	5	11479	DECIDUOUS	3	12405	DECIDUOUS	6
10871	DECIDUOUS	11	11464	DECIDUOUS	4	11487	DECIDUOUS	4	12455	DECIDUOUS	8
11416	DECIDUOUS	6	11465	DECIDUOUS	6	11489	DECIDUOUS	6	12511	DECIDUOUS	8
11417	DECIDUOUS	4	11466	DECIDUOUS	4	11491	DECIDUOUS	6	12623	DECIDUOUS	6
11418	DECIDUOUS	5	11467	DECIDUOUS	5	11492	DECIDUOUS	4	12815	DECIDUOUS	7
11419	DECIDUOUS	6	11468	DECIDUOUS	5	11667	DECIDUOUS	10	12855	DECIDUOUS	9
11420	DECIDUOUS	9	11470	DECIDUOUS	4	11668	DECIDUOUS	3			
11440	DECIDUOUS	5	11471	DECIDUOUS	4	12024	DECIDUOUS	5			
11441	DECIDUOUS	8	11472	DECIDUOUS	4	12345	DECIDUOUS	3			

- ENCROACHMENTS:**
- UNDERGROUND COMMUNICATION LOCATE - CENTURYLINK
 - APPROXIMATE LOCATION OF UNDERGROUND SEWER PIPE
 - UNDERGROUND POWER LOCATE MARK TO TRAFFIC SIGNAL LOOP DETECTOR

- NOTES:**
- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS. PROVIDED PER UTILITY LOCATE TICKET NUMBER 1828153 THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
 - FIELD WORK WAS CONDUCTED AUGUST 1-3, AND OCTOBER 22, 2018.
 - VERTICAL DATUM ELEVATIONS ARE BASED ON CITY OF MEDFORD BENCHMARK NO. C-78, LOCATED AT THE NE CORNER OF BARNETT ROAD AND RIVERSIDE AVENUE (ELEVATION = 120.58 FEET (ICND 29)). VERIFICATION, LLC TO CITY OF MEDFORD BENCHMARK NO. C-31, AT THE NW CORNER OF RIVERSIDE AVENUE AND BOND STREET (ELEVATION = 138.63 FEET (ICND 29)). TO CONVERT ICND 29 ELEVATIONS TO NAVD 83 ELEVATIONS ADD 3.35 FEET.
 - THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
 - SURVEY IS ONLY VALID WITH SURVEYOR'S STAMP AND SIGNATURE.
 - BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
 - CONTOUR INTERVAL IS 1 FOOT.
 - TREES WITH DIAMETER OF 4" AND GREATER ARE SHOWN. TREE DIAMETERS WERE DETERMINED BY VISUAL INSPECTION. TREE INFORMATION IS SUBJECT TO CHANGE UPON ARBORIST INSPECTION.

4 of 4
 "G"
 22

S.W. 1/4, S.E. 1/4, SEC. 30, T. 37S., R. 1W., WM
JACKSON COUNTY
1" = 100'

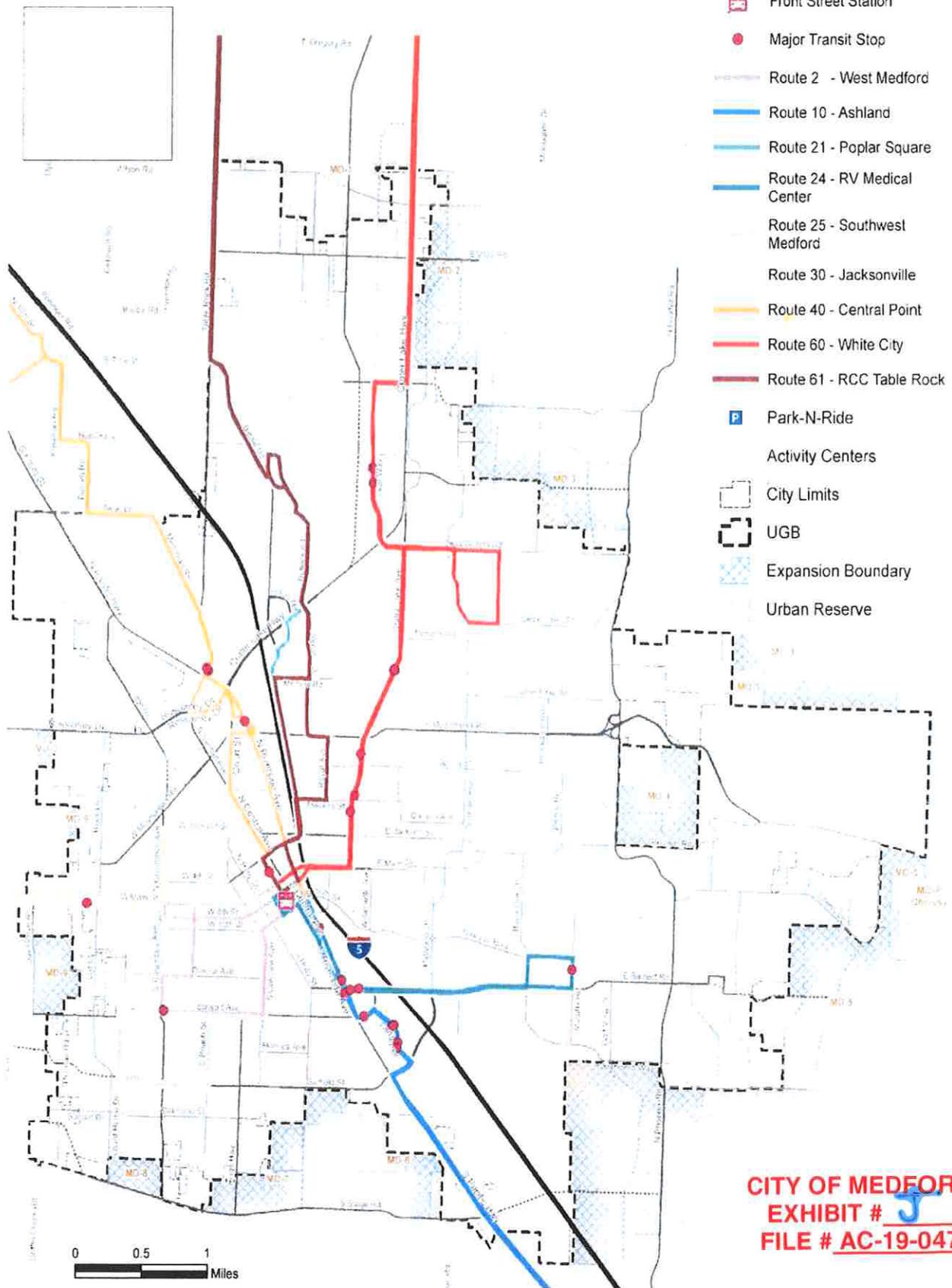
37 1W 30DC
MEDFORD



PLAT 49-1, 49-50
 1/4 SEC. 30, T. 37S., R. 1W., WM
 JACKSON COUNTY, OREGON
 1" = 100'
 PREPARED BY: [illegible]
 DATE: [illegible]

37 1W 30DC
MEDFORD

Figure 22 Major Transit Stops



CITY OF MEDFORD
 EXHIBIT # **J**
 FILE # AC-19-047

0 0.5 1 Miles

RECEIVED
MAR 13 2019
PLANNING DEPT.

III. Applicable Review Criteria

MEDFORD LAND DEVELOPMENT CODE

Article 2-Procedural Requirements

10.200 Site Plan and Architectural Review

(A) Purpose of Site Plan and Architectural Review.

The Site Plan and Architectural Review process is established in order to provide for review of the functional and aesthetic adequacy of commercial, industrial and multi-family development and to assure compliance with the standards and criteria set forth in this chapter for the development of property as applied to the improvement of individual lots or parcels of land as required by this code. Site Plan and Architectural Review considers consistency in the aesthetic design, site planning and general placement of related facilities such as street improvements, off-street parking, loading and unloading areas, points of ingress and egress as related to bordering traffic flow patterns, the design, placement and arrangement of buildings as well as any other subjects included in the code which are essential to the best utilization of land in order to preserve the public safety and general welfare, and which will encourage development and use of lands in harmony with the character of the neighborhood within which the development is proposed.

(B) Site Plan and Architectural Review Required.

Projects which are not exempt from Site Plan and Architectural Commission Review pursuant to Subsection (C) below, except that exterior alterations to a building or site and new construction in a Historic Overlay shall require Historic Review pursuant to Section 10.188, but shall not require Site Plan and Architectural Review.

(C) Exemptions from the Site Plan and Architectural Commission Review Requirement.

(1) An exemption from Site Plan and Architectural Commission (SPAC) review does not exempt the use or development from compliance with the applicable standards of this chapter, including but not limited to access, parking, riparian protection, and landscaping. Exemptions under this section do not apply to uses subject to a conditional use permit or park development review or major modification thereof.

(2) The following uses or developments do not require SPAC review.

(a) Parking lots and parking lot additions, when not associated with building construction required to be reviewed by the Site Plan and Architectural Commission, except any parking lot or parking lot additions located within a Historic Overlay requires Historic Review. (Effective Dec. 1, 2013.)

(b) Construction of a new building if it does not increase motor vehicle trip generation by more than 10 average daily trips, unless within a Historic Overlay, in which case, Historic Review is required for all new construction. (Effective Dec. 1, 2013.)



- (c) A building addition similar to the existing building in architectural style and exterior building materials and that is no more than a 20 percent or 2,500 square-foot increase in gross floor area, whichever is less, unless within a Historic Overlay, in which case, Historic Review is required for all building additions and exterior alterations. (Effective Dec. 1, 2013.)
- (d) Detached single-family residential development on a lot within a final platted land division or on an otherwise legally created lot, unless within a Historic Overlay, in which case, Historic Review is required for all single-family residential development. (Effective Dec. 1, 2013.)
- (e) Solar Photovoltaic/Solarvoltaic energy systems, as defined in ORS 757.360, except when located on historic landmarks or within historic districts, in which case the review authority shall be the Landmarks and Historic Preservation Commission.
- (f) One duplex dwelling divided by a lot-line or on a single, vacant lot within a final platted land division or on an otherwise legally created lot, unless within a Historic Overlay, in which case, Historic Review is required.
- (g) Airport accessory structure(s) including hangars, aircraft storage, maintenance facilities, warehouse storage, and office buildings to be located on airport property within the secured fence area (as shown on the Medford Zoning Map) not intended for public use.

Response: This project does not qualify for any of the above listed exemptions from Site Plan and Architectural Commission Review. Therefore Site Plan and Architectural Review is included in this application.

- (D) Site Plan and Architectural Review approval and a development permit shall be required prior to the application for a building permit.

Response: Site Plan and Architectural Review is included in this application. This standard is understood.

- (E) Site Plan and Architectural Review Approval Criteria.
 - (I) The Site Plan and Architectural Commission shall approve a site plan and architectural review application for a commercial or industrial development, if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:
 - (a) The proposed development is compatible with uses and development that exist on adjacent land, and
 - (b) The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in Section 10.186.

Response: This project involves construction of a new McDonald's restaurant on the site of an existing bank building in the Winco shopping center. The site is in the Regional

Commercial (C-R) Zone. Drive-thru restaurants are a permitted use in the zone and are common in the area. The planned restaurant will relocate an existing McDonald's restaurant, which is located west of the subject property. There is a Jack in the Box restaurant to the east that is a similar use and type of development to this project. In the narrative that follows, findings are provided that demonstrate compliance with applicable standards and criteria in the Medford Land Development Code (MLDC). These criteria are met.

- (2) The Site Plan and Architectural Commission shall approve a site plan and architectural review application for a residential development if the proposed development complies with the applicable provisions of all city ordinances, or if the Site Plan and Architectural Commission has approved either of the following:
 - (a) Any Exceptions, as provided for in MLDC Section 10.186, which resolve(s) any instances of non-compliance with those provisions.
 - (b) Any Adjustments or Exceptions from the Special Development Standards for Multiple-Family Dwellings, as provided for in MLDC Section 10.715A through 10.717.

Response: This project does not involve an application for residential development. These criteria do not apply.

- (F) Site Plan and Architectural Review Conditions of Approval. In approving a site plan and architectural review application, the Site Plan and Architectural Commission may impose, in addition to those standards expressly specified in this code, conditions determined to be reasonably necessary to ensure compliance with the standards of the code and the criteria in Subsection (E) above, and to otherwise protect the health, safety and general welfare of the surrounding area and community as a whole. These conditions may include, but are not limited to the following:
 - (1) Limiting the number, height, location and size of signs;
 - (2) Requiring the installation of appropriate public facilities and services and dedication of land to accommodate public facilities when needed;
 - (3) Limiting the visibility of mechanical equipment through screening or other appropriate measures;
 - (4) Requiring the installation or modification of irrigated landscaping, walls, fences or other methods of screening and buffering;
 - (5) Limiting or altering the location, height, bulk, configuration or setback of commercial and industrial buildings, structures and improvements.
 - (6) Requiring the improvement of an existing, dedicated alley which will be used for ingress or egress for a development;
 - (7) Controlling the number and location of parking and loading facilities, points of ingress and egress and providing for the internal circulation of motorized vehicles, bicycles, public transit and pedestrians;
 - (8) Requiring the retention of existing natural features;

- (9) Modifying architectural design elements of commercial and industrial buildings. Such modifications may include, but are not necessarily limited to: exterior construction materials and their colors, roofline, and fenestration; and, restricting openings in the exterior walls of structures;
- (10) Modifying architectural design elements of multiple-family dwelling buildings when the applicant has affirmatively elected to request an adjustment from the Special Development Standards in MLDC Sections 10.715A through 10.717. Such modifications may include but are not necessarily limited to: exterior construction materials and their colors, roofline, and fenestration; and, restricting openings in the exterior walls of structures;
- (11) Restricting the height, directional orientation and intensity of exterior lighting

Response: The authority of the Site Plan and Architectural Review Commission to impose reasonable conditions of approval is understood. In the narrative that follows, findings are provided demonstrating compliance with the applicable standards and criteria in the Medford Land Development Code (MLDC).

(***)

(J) Site Plan and Architectural Review Application Form

The application for Site Plan and Architectural Review (SPAR) shall contain the following plans, submitted in the quantity and sizes specified on the Site Plan and Architectural Review application form, including legible reduced copies of all plan documents.

- (1) Landscape Plan meeting the specifications and requirements in Section 10.780.

Response: A landscape plan prepared and stamped by a licensed landscape architect is included in Exhibit B. Findings are provided in the responses to the applicable standards in Section 10.780 of this narrative. This requirement is met.

- (2) Building Construction Plans: A site plan and architectural plan which are clearly and legibly drawn to scale shall be provided. Building construction plans shall include north arrow, orientation of building elevations indicating full dimensions and providing the following information:

(a) Site Plan:

- (i) Lot dimensions.
- (ii) All proposed and existing buildings and structures: location, size, height, proposed use.
- (iii) Public and private yards and open space between buildings.
- (iv) Walls and fences: location, height and material.
- (v) Existing and proposed off-street parking: location, number, type and dimensions of spaces, parking area, internal circulation pattern.

- (vi) Access: pedestrian, vehicular, service, points of ingress and egress.
- (vii) Loading: location, dimension, number of spaces, type of space (A or B), internal circulation.
- (viii) Lighting: location and general nature, hooding devices.
- (ix) Street dedication and improvements.
- (x) Drainage plan.
- (xi) Location of existing public improvements including streets, curbs, sidewalks, street trees, utility poles, light fixtures, traffic signs and signals, and such other data as may be required to permit the Site Plan and Architectural Commission to make the required findings.
- (xii) Location and screening of mechanical equipment.
- (xiii) Location and screening of outdoor trash bins.

Response: Preliminary Plans that include the required information are provided in Exhibit B of this application. These requirements are met.

- (b) Architectural Plans:
 - (i) Roof plan.
 - (ii) Floor plan.
 - (iii) Architectural elevations.
 - (iv) Materials and Colors.

Response: Architectural plans that include the information listed in (b) above are provided as part of the Preliminary Plans in Exhibit B of this application. These requirements are met.

- (c) A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).

Response: The Preliminary Utility Plan in Exhibit B shows stormwater facilities planned for the project. A Preliminary Landscape Plan is included in Exhibit B. These requirements are met.

Article 3-Zoning Districts

10.328 Regional Commercial, C-R

The C-R zone provides land for the development of those service and commercial uses which serve shoppers from the surrounding region as well as from the local community. The C-R zone shall be located in areas served by adequate regional and local street systems to avoid the impact of regional traffic using neighborhood streets.

10.337 Uses Permitted in Commercial and Industrial Zoning Districts

58 Eating and Drinking Places. This major group includes establishments selling prepared foods and drinks for consumption on the premises; and also lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption. Restaurants, lunch counters, and drinking places

operated as a subordinate service facility by other establishments are not included in this group unless they are operated as leased departments by outside operators. Thus, restaurants and lunch counters operated by hotels are classified in Services, Major Group 70; those operated by department stores in Major Group 53. Bars and restaurants owned by and operated for members of civic, social, and fraternal associations only are classified in Industry 8641.

		C-R
5812	Eating and Drinking Places	
5815	without entertainment	P
5816	With outdoor eating	P(S)

Response: A drive-thru restaurant use is permitted as an eating and drinking place in the C-R Zone. This standard is met.

Article 4-Public Improvement Standards and Criteria

10.421 General Development Design Standards and Criteria

The developer shall design and improve all required public right-of-way elements, including streets, bicycle lanes, sidewalks, planter strips, street lights, alleys, storm drains, sanitary sewers, waterlines, accessways and public easements which are a part of the development, and those off-site public improvements necessary to serve the development consistent with the Comprehensive Plan or any specific plan thereof, and such other public improvements as required by this chapter in accord with the standards and criteria set forth herein and shall thereafter warrant the materials and workmanship of said improvements for a period of one (1) year from the date of completion. Such improvements as set forth herein shall be considered necessary for the general use of the property owner(s) of the development, the local neighborhood and the city's traffic and drainage needs including without limitation grading and surfacing of streets and accessways, installation of facilities to supply domestic water, construction of storm and sanitary drainage and treatment facilities, all other improvement work as hereafter set forth. All improvement work shall be at the sole cost and expense of the developer unless otherwise specifically provided herein.

(***)

10.425 Street Access and Dedication Requirements

Prior to the issuance of a development permit, land shown on any development proposal and intended for vehicular use shall have access to a paved street. Land intended for vehicular and accessway use by the general public shall be offered for dedication.

Response: The project site is part of the Winco shopping center. The site is accessed from E Barnett Road via two private driveways, to the east and west of the site, which also serve the shopping center. The application does not seek to modify the site access configuration. Street access is provided to the site, and no dedications for access are required. This standard is met.

(***)

10.431 Street Improvement

All new street improvements required as a condition of development shall be improved to the standards set forth in this chapter unless otherwise specified herein or excepted

as per Section 10.186. For purposes of this section, the term new street shall be defined as an unimproved street or existing street which does not have curb and gutter.

Response: The project site has frontage on E Barnett Road. All street sections for E Barnett Road have been completed to City standards including pavement, curb and gutter, sidewalks, and street lights. Please refer to the Public Works Department Staff Report in the Pre-Application Summary File #PA-18-082 in Exhibit D. This standard is met.

(***)

10.481 Improvement Standards Adopted

Except as otherwise set forth in this chapter the Standard Specifications for public works construction by Oregon Chapter, American Public Works Association, City of Medford standards, The Rogue Valley Stormwater Quality Design Manual, and the Medford Water Commission Standards for Design and Constructing Water Facilities, all of which standards are hereby incorporated herein by reference, are hereby adopted as minimum design and improvement standards for all streets, sidewalks, driveways, storm drain facilities, street lighting, water facilities, and other development improvements in the city of Medford. In the event that there be any conflict between the standards and specifications set forth in said above referenced pamphlets and any of the standards of specifications specifically contained elsewhere in this code, the latter shall prevail.

Response: The improvements shown in the Preliminary Plans in Exhibit B are intended to comply with all applicable standards. To the extent they apply, the standards are met.

(***)

10.492 Sanitary Sewer Design

All sanitary sewer facilities shall be of a total gravity systems design installed in public or private street right-of-way or public easement to grades, standards, location, lengths and sizes, as approved by the Department of Environmental Quality and the City Engineer.

Response: The Preliminary Utility Plan in Exhibit B shows how sanitary sewer service is planned to be delivered to the project site. The improvements shown on the plans are intended to comply with all applicable standards. This standard is met.

Article 5-Site Development Standards

10.721 Commercial and Industrial Site Development Standards

The following standards apply to commercial and industrial development. See Article III, Sections 10.326 through 10.332 for detailed descriptions of each zoning district, and Section 10.337 for conditional, special, and permitted uses.

Commercial and Industrial Development	
Development Standards	C-R
Minimum and maximum area for zoning district (acres)	None
Minimum lot area square feet	15,000
Maximum coverage factor (see 10.706)	40%
Minimum lot width	70 feet
Minimum lot depth	100 feet
Minimum lot frontage	70 feet



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Commercial and Industrial Development	
Development Standards	C-R
Minimum front and street side yard building setback	10 feet, except 20 feet for vehicular entrance to garages or carports
Minimum side and rear yard building setback	None, except 1/2 foot for each foot in building height over 20 feet
Maximum building height (See 10.705)	85 feet, except 35 feet if structure is within 150 feet of a residential zoning district boundary or Special Area Plan designation
Maximum gross floor area per business (square feet) except as noted in 10.337)	None
Permitted outdoor uses	All uses, except those customarily conducted outdoors, must be located completely within an enclosed building.

Response: This project does not involve a land division. Therefore, the lot dimension standards do not apply. Existing buildings cover ±147,505 square feet of the ±13.59-acre (±591,980-square-foot) Tax Lot 5900. Existing building coverage is ±25% (±147,505 square feet / ±591,980 square feet = ±0.25). The existing bank building covers ±3,947 square feet and the new restaurant will cover ±4,455 square feet. The improved site will increase the building coverage on Tax Lot 5900 by approximately 0.1%, resulting in a total lot coverage that remains below the 40% maximum in this zoning district. The lot coverage standard is met.

The Preliminary Site and Dimensioning Plan in Exhibit B shows that the front building setback will be greater than 10 feet. The maximum front yard setback, will be met. There are no side or rear setback standards that apply in the C-R Zone. The Architectural Drawings in Exhibit B show the building is planned to be less than 35 feet in height. There is no standard for maximum gross floor area that applies in the C-R Zone. These standards, to the extent they apply, are met.

10.729 Stormwater Quality and Detention Facilities, Private Property

- A. Purpose. It is the City's policy to maintain the natural hydrology and preserve water quality by mitigating the direct impacts of new development and preserving the environmental benefits of natural water bodies.
- B. Applicability. Stormwater quality and detention facilities shall be required for development and building permits, with the exception of single-family residences and duplexes, which meet any one (1) of the following conditions
 - (1) Building permits for development that creates 5,000 square feet or more impervious surface; or
 - (2) Building permits for development that adds or reconstructs 1,000 square feet or more of impervious surface, if that construction activity is part of a larger common plan of development that contains, or will contain, 5,000 square feet or more of impervious surface. A "common plan of development" means the overall plan for development of land, including any pre-existing development and approved plans for future development; or
 - (3) Building permits for development that existed prior to adoption of City regulations requiring stormwater detention facilities that add or reconstruct 1,000 square feet or more of impervious surface. These shall provide stormwater detention for only the added or reconstructed portion; or

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- (4) Subdivisions, partitions, or PUDs which will contain new private streets, Minimum Access Easements, or other easements creating 5,000 square feet or more of impervious surface.

Response: This project involves reconstructing more than 5,000 square feet of impervious surface. Therefore, the provisions of this section apply.

- C. Location. Stormwater detention facilities for development that does not include public rights-of-way, as per Section 10.486, shall be constructed on private property.

Response: Stormwater detention will be provided as shown on the Preliminary Utility Plan in Exhibit B. The planned facilities will be constructed on private property as shown on the plans. This standard is met.

D. Construction and Maintenance Standards.

- (1) Stormwater detention facilities shall be constructed in conformance with Section 10.481, Improvement Standards Adopted.
- (2) Stormwater detention facilities for development that does not include public rights-of-way shall be privately maintained and shall have an Operation and Maintenance Plan approved by the City prior to construction of the facility. An approved form of the Operation and Maintenance Plan is located in Appendix of the current adopted version of the Rogue Valley Stormwater Quality Design Manual.
- (3) When the property owner will not be responsible for maintenance of the private stormwater detention facility or when there will be multiple responsible parties, an Operation and Maintenance Agreement, in a form acceptable to the Public Works Department and the City Attorney, shall be required, in addition to the Operation and Maintenance Plan.

Response: The planned stormwater detention facilities shown on the Preliminary Utility Plan in Exhibit B are intended to comply with the applicable City standards. An Operation and Maintenance Plan can be submitted for City review prior to construction. This standard is can be met.

10.735 Clear View of Intersecting Streets

- (1) In order to provide a clear view of intersecting streets, there shall be a triangular area of clear vision formed where a street intersects with another street, driveway, or alley.
- (2) The size of the triangular area is a function of traffic control, volume and speed. See Table 10.735-1 below for posted speeds and site distances.
- (3) On any portion of a lot that lies within the triangular area described and illustrated in Figures 10.735-1 & 2, below, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three (3) feet and ten (10) feet above the height of the top of the curb. Where there is no curb, the height shall be measured from the street center lines.
- (4) The triangular area of clear vision shall be determined based upon the type of stop control used at the subject intersection.

- (a) The clear vision triangular area for an intersection of a street without stop control is shown in Figure 10.735-1. See Table 10.735-2 below for determining all other curb line distances.
- (b) The clear vision triangle area for an intersection of a street, alley or driveway with stop control is shown in Figure 10.735-2.
- (c) Stop controlled intersections include driveways, alleys, and intersections with signals or stop signs.

Table 10.735-1 Intersection Site Distance	
Posted Speed Limit	Intersection Sight Distance (ft.)
35	250 ft.

Response: The intersection of the shopping center driveway and E Barnett Road to the east of the project site is a stop-controlled intersection. The clear vision triangle for this intersection, as determined by Table 10.735-1 and Figure 10.735-2, is shown on the Preliminary Site and Dimensioning Plan in Exhibit B. This standard is met.

- (d) On one-way streets, the clear vision triangle may be reduced or deleted on the down-stream side of the intersection with approval of the Director of Public Works or designee.

Response: The project site does not abut and is not served by a one-way street. This standard does not apply.

- (e) For alleys and streets with no curb in place, the anticipated location of the curb at full street build-out as per the current City of Medford Transportation System Plan (TSP) shall be used. Table 10.735-2 specifies the distance the curb would be expected from the right-of-way line.

Response: E Barnett Road is a major arterial that has been fully improved with curbs and gutters. This section does not apply.

- (5) The preceding provisions (1) through (4) of this Section shall not apply to the following:
 - (a) A public utility pole;
 - (b) A tree trimmed (to the trunk) to a line at least eight feet above the level of the intersection;
 - (c) Another plant species, other than trees of open growth habit, that is not planted in the form of a hedge, and which is so planted and trimmed as to leave, at all seasons, a clear and unobstructed cross-view;
 - (d) A supporting member or appurtenance to a permanent building lawfully existing on the date this standard became effective;
 - (e) An official warning sign or signal;
 - (f) A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.

Response: These exceptions are understood.

10.741 Parking and Loading, General Provisions

A. Off-Street Parking and Loading.

- (1) A development permit shall not be issued until plans and evidence are presented to show how the parking and loading requirements are to be fulfilled and that property is and will be available for exclusive use as parking and loading space.

Off-street parking and loading spaces shall be provided and maintained as set forth in Sections 10.741 - 10.745 for all uses in all zoning districts.

Response: Off-street parking and loading will be provided and maintained per Sections 10.741–10.745. This provision is understood.

- (2) Such off-street parking and loading spaces shall be provided at the time a certificate of occupancy is issued for a new building or the expansion of an existing building.

Any use requiring one-half (1/2) or more of a parking or loading space shall be deemed to require the full space.

Parking and loading spaces provided to meet the requirements of this code shall not be reduced in size or number to an amount less than required by this code for the use occupying the building or site.

The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner.

In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately.

Required parking spaces shall be available for the parking of operable automobiles of residents, customers and employees and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or use. A required loading space shall not be used for any purpose other than the immediate loading or unloading of goods.

Response: Off-street parking and loading will be provided and maintained per the above provisions.

B. Change of Use Parking and Loading Requirements.

The number of parking and loading spaces provided shall be increased when a change of use of either a structure or of land requires additional parking and loading spaces in compliance with this Code, except as provided below. Parking and loading spaces may be decreased when a change of use requires fewer spaces than originally provided.

A principal use which is not deficient in the number of parking and loading spaces provided may expand without having to provide additional parking and loading spaces under certain circumstances. Such circumstances are: (1) When after the expansion or change in use, the number of parking and loading spaces provided still meets or exceeds the required minimum or, (2) If the expansion or change in use results in the need to provide no greater than twenty-five percent (25%) additional parking and/or loading spaces in order to meet the minimum number of required spaces, these additional spaces are waived.

Response: Future changes of use may alter parking requirements. This provision is understood.

C. Parking and Loading Plan.

A parking plan, drawn to scale, shall accompany development permit applications for all developments excluding those for single and two-family dwellings. The parking plan shall show all those elements necessary to indicate that the requirements of this Code will be fulfilled and shall include, but are not limited to:

(1) Delineation and typical dimensions of individual parking and loading spaces;

Response: Delineation and dimensions of individual parking spaces are shown on the Preliminary Site and Dimensioning Plan in Exhibit B. This requirement is met.

(2) Dimensions of the circulation and maneuvering areas necessary to serve parking and loading spaces;

Response: The dimensions of the circulation and maneuvering areas necessary to serve the parking spaces are shown on the Preliminary Site and Dimensioning Plan in Exhibit B. This requirement is met.

(3) Access to streets, alleys and proper ties to be served;

Response: Street access will be provided to the site as shown on the Preliminary Site and Dimensioning Plan in Exhibit B. This requirement is met.

(4) Curb cuts;

Response: Curbs cuts are planned for the project as shown on the Preliminary Grading Plan in Exhibit B. This requirement is met.

(5) Type of fencing or other screening materials;

Response: No walls or fencing are associated with the parking area; however, the trash collection area will be screened as shown on the Preliminary Site and Dimensioning Plan, Landscape Plan, and the Plans and Sections sheet in Exhibit B. This requirement is met

(6) Abutting land uses;

Response: The abutting land uses are shown on the Preliminary Site and Dimensioning Plan in Exhibit B, and discussed in the Project Site Description/Setting section on Page 2 of this narrative. This requirement is met.

(7) Grading, drainage, surfacing and subgrading details;

Response: The grading, drainage, and surfacing details planned for the project are shown on the Preliminary Grading Plan in Exhibit B. These requirements are met.

(8) Location, height, and candlepower of lighting fixtures;

Response: The location, height, and candlepower of lighting fixtures are shown on the Security Lighting Plan in Exhibit B. This requirement is met.

(9) Delineations of all structures and other obstacles to parking and circulation on the site;

Response: Delineations of all structures and other obstacles to parking are shown on the Preliminary Site and Dimensioning Plan in Exhibit B. This requirement is met.

- (10) Specifications as to signs and bumper guards, and

Response: Sign and bumper guard details are provided in the Preliminary Plans in Exhibit B.

- (11) Parking lot landscaping plan.

Response: The parking lot is planned to be landscaped as shown on the Preliminary Landscape Plan in Exhibit B. This requirement is met.

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.
- (3) Uses not specifically mentioned. In the case of a use not specifically mentioned, the requirements for off-street loading facilities shall be the same as the above mentioned use which, as determined by the Planning Director, is most similar to the use not specifically mentioned.
- (4) Concurrent different uses. When any proposed structure will be used concurrently for different purposes, final determination of loading requirements will be made by the Planning Director but in no event shall the loading requirements be less than the total requirement for each use based upon its aggregate floor area.
- (5) Location of required loading facilities. The off-street loading facilities required for the uses mentioned in this code shall be in all cases on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements.
- (6) Manner of using loading areas. No space for loading shall be so located that a vehicle using such loading space projects into any public right-of-way. Loading space shall be provided with access to an alley, or if no alley adjoins the lot, with access to the street. Any required front, side or rear yard may not be used for loading.

Response: The building area is ±4,455 square feet; thus, it does not require a loading zone. These standards do not apply.

10.743 Off-Street Parking Standards

- (1) Vehicle Parking – Minimum and Maximum Standards by Use. The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10.743-1.

Where a use is not specifically listed in table 10.743-1, parking requirements shall be determined by the Planning Director or designee finding that the use is similar to one of those listed in terms of parking needs.

Parking spaces that count toward the minimum requirement are parking spaces meeting minimum dimensional and access standards in garages, carports, parking lots, bays along driveways, and shared parking areas.

[For non-residential uses, there is no minimum number of off-street parking spaces required in the Downtown Parking District, per Section 10.358(1)(a); and the Southeast (S-E) Overlay District, Commercial Center, per Section 10.378 (6).]

Response: A restaurant with drive-thru is specifically listed as a land use category in Table 10.743-1. The minimum number of parking spaces required for the new restaurant is 54 parking spaces. However, the project site is part of the larger Winco shopping center on Tax Lot 5900 and shares the parking area with the other tenants in the shopping center per the terms of their lease.

- (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.

Response: This project involves a ±4,455-square-foot restaurant with a drive-thru. According to Table 10.743-1, this use requires a minimum of 54 parking spaces and a maximum of 63 parking spaces. However, the project site is part of the larger Winco shopping center on Tax Lot 5900 and shares the parking area with the other tenants in the shopping center per the terms of their lease. It is understood that the City shall not require more than the

minimum number of parking spaces for this use, and the number of parking spaces shall not exceed the maximum.

- (3) Exceptions to Required Off-Street Parking for Non-Residential Uses. The approving authority may allow exceptions to the number of parking spaces in Table 10.743-1 for specific uses without complying with Section 10.186 if they find that the applicant's detailed description of the proposed use demonstrates that the number of needed parking spaces is less than the minimum required or more than the maximum allowable based upon one or both of the following (effective Dec. 1, 2013):
- (a) An explanation why the characteristics of the proposed use require a different off-street parking standard than what is otherwise required.

Response: A different off-street parking standard is appropriate for this project because the proposed use is on a site that is part of a shopping center with common parking facilities, as defined in Section 10.012 of the MLDC. The terms of the Applicant's lease include a non-exclusive access easement for use of the common parking area. Therefore, it is appropriate to evaluate the parking supply based on the gross square footage of commercial use in the shopping center. Please refer to the response following Table 10.743-1 below.

- (b) An analysis providing parking data for the same business or a similar use within the city that demonstrates a need for a different off-street parking standard than what is otherwise required.

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards			
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 required parking spaces		Maximum Permitted Parking Spaces
	Central District C-B Overlay	Business District C-B Overlay	All Other Zones
Commercial Use: more than 100,000 square feet	3.0 spaces	3.3 spaces	5.0 spaces
Restaurant (with drive thru)	11 spaces plus 5.0 spaces for drive-up queue	12 spaces plus 5.0 spaces for drive-up window queue	14 spaces

Response: According to the table above, the new restaurant with the drive-thru requires a minimum of 54 spaces ($\pm 4,455$ square feet / $1,000 \times 12$ spaces = 53.47) and a maximum of 63 spaces ($\pm 4,455$ square feet / $1,000 \times 14$ spaces = 62.38). However, the site is part of a shopping center with common parking facilities. The shopping center with the new fast-food restaurant will have $\pm 148,010$ square feet of commercial uses, requiring a minimum of ± 489 parking spaces ($\pm 148,010$ square feet / $1,000 \times 3.3$ = 488.43) and a maximum of ± 740 spaces ($\pm 148,010$ square feet / $1,000 \times 5$ = 740.05). The shopping center has ± 597 spaces not including this project site and will have ± 639 spaces including the 42 spaces planned for the new McDonald's parking lot. Therefore, the shopping center with the improved McDonald's site will meet the minimum and maximum parking standards under this section. The standard is met.

(4) Reductions in Required Parking Spaces.

The total number of required motor vehicle parking spaces for an existing or new industrial, commercial, or office development may be reduced by five percent (5%) for each of the activities listed below that are provided by the owners or operators in perpetuity, up to a maximum of ten percent (10%) reduction in the total number of motor vehicle spaces required per development.

- (a) Providing showers and lockers for employees who commute by bicycle or foot;
- (b) Providing twice as many covered, secured bicycle parking spaces as required by this code;
- (c) Providing a public plaza as defined herein adjacent to a transit route with transit service currently available, which is within one quarter (1/4) mile of a major transit stop on that route. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop. The plaza must be open to the public, and at least 300 square feet in size exclusive of connecting walkways.
- (d) Providing a transit shelter with landscaping, and trash receptacle;
- (e) Other incentives provided in an approved Transportation Demand Management Plan (TDM) approved by the Approving Authority.

Response: As discussed previously, the supply of parking spaces as planned is adequate to serve the planned use, and a reduction to the required parking spaces is not necessary or included in this application.

(5) Two-Wheeled Vehicle Parking.

When over twenty (20) spaces are required, a maximum of five percent (5%) of the required parking may be two-wheeled vehicle spaces (e.g. motorcycle/moped/scooter). Each two-wheeled vehicle space must be at least four (4) feet wide and eight (8) feet deep. The two-wheeled vehicle spaces shall be clearly designated by a sign posted or be marked on the pavement within the two-wheeled parking area. Two-wheeled spaces shall be grouped together in designated areas and need not be individually striped. Two-wheeled parking shall be closer to the building than fifty percent (50%) of the vehicle spaces.

Response: The planned parking area does not include two-wheeled vehicle parking. This standard does not apply.

(6) Design Requirements for Large Parking Lots.

Large parking areas shall not exceed three (3) contiguous acres without incorporating one or more of the following components: plazas, large landscape areas, pedestrian walkways consistent with 10.725(C)(2), interior streets or driveways with street-like features. Street-like features include: a raised sidewalk of at least four (4) foot in width with a six (6) inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian scale lighting.

Response: The parking lot planned for this project does not exceed 3 contiguous acres. This standard does not apply.

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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.

Response: As shown in the Preliminary Plans in Exhibit B, the parking planned for the project is on the same lot as the building it serves. This standard is met.

10.746 General Design Requirements for Parking

With the exception of storage of trailered items and recreational vehicles at single-family residences, all parking, loading, driveway, and vehicle maneuvering areas, including but not limited to, wheeled-vehicle sales lots, truck trailer parking areas, and on-site single-family residential driveways etc., shall be paved and improved pursuant to the following minimum design requirements of this section.

The design provisions of this section are applicable to all new parking facilities, parking lot expansions, and to areas where existing parking facilities are excavated and re-installed. A pre-existing parking lot that is legally nonconforming to a standard in subsections 10.746(3), (4), (9), or (10) and is improved with a surface pavement overlay only, without excavation of existing pavement, may remain nonconforming to that particular standard(s). All other provisions of this section are applicable to resurfaced parking lots.

- (1) Surfacing. All surfacing shall be consistent with Section 9.550 of the City Code. Residential development may reduce the concrete standard to a four (4) inch minimum thickness.

Extended single-family residential driveways shall be a minimum of ten (10) feet in width.

Response: The new parking lot will be surfaced using AC pavement. The drive-thru is planned to be constructed of concrete. This project does not involve residential development. This standard is met.

- (2) Curb Cuts. Access points with the street shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Curb cuts shall be located not closer than 5 feet to a side lot line, except that a common access way to two adjacent properties (width not exceeding 45 feet) may be provided at the common lot line. Common access ways shall be encouraged in order to reduce the number of access points to streets. Access grades shall not exceed 15% and shall be graded to allow clearance to pass a standard American automobile 15 feet in length.

Response: As shown on the Preliminary Site and Dimensioning Plan in Exhibit B, this project does not include direct access points between the parking lot and the street. As stated previously, the application will not modify the existing access to the site. The parking lot will be accessed via a common accessway serving the shopping center. This configuration prevents new access points on E Barnett Road as encouraged under this section. This standard is met.

(3) Parking Area Planters.

It is the purpose of this subsection to create shade and visual relief for large expanses of parking.

- (a) Parking areas exceeding 24 parking spaces shall contain areas of interior landscaping, such as planter islands or planter projections into the parking area, which comply with the planting schedule provided in Subsection 10.746 (3)f. and Section 10.780, Landscape and Irrigation Requirements, and as approved by the approving authority.

Response: The project involves a parking area exceeding 24 parking spaces. Interior parking lot landscaping is planned as shown on the Preliminary Landscape Plan in Exhibit B. This standard is met.

- (b) Planters shall be dispersed throughout the parking area and contain, at minimum, the landscaping area square footage specified in the Planting schedule of Subsection 10.746 (3)f. Square footage of each parking area planter may vary; however, each parking area planter shall meet the soil volume requirements of Subsection 10.780 G(10)a.

Response: Interior parking lot landscaping is planned as shown on the Preliminary Landscape Plan in Exhibit B, which meets the standards of Subsection 10.746 (3)f. This standard is met.

- (c) Prior to installing plant materials in parking area planters, the developer shall remove detrimental construction materials and prepare the soil within the planters in accordance with Subsection 10.780 G(9). If structural soils are necessary, areas under planned impervious surfaces surrounding planters, shall be prepared in accordance with Subsection 10.780 G(10)(a).

Response: Interior parking lot landscaping is planned as shown on the Preliminary Landscape Plan in Exhibit B. Where structural soil is used, it will be prepared in accordance with Subsection 10.780 G(10)(a). This standard is met.

- (d) So as to not obstruct driver vision, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three (3) feet and eight (8) feet above the top of the curb. The property owner shall maintain shrub and tree growth in planter areas to ensure shrubs are kept lower than three (3) feet and tree canopies are maintained above eight (8) feet.

Response: The landscaping shown on the Preliminary Landscape Plan in Exhibit B will be maintained so that it does not encroach into the applicable clear vision area or impede driver vision. This standard is met.

- (e) Trees planted in parking area planters shall have a moderate to broad spreading canopy.

Response: Trees with a moderate to broad spreading canopy are planned to be planted in the parking area planters as shown on the Preliminary Landscape Plan in Exhibit B. This standard is met.

- (f) The minimum landscaped area within parking area planters and number of required plants per 24 spaces is as follows:

Parking Area Planters Planting Schedule		
Zoning District	Plants/ per 24 spaces tree/shrubs	Square feet/ per 24 spaces
Commercial Zones	3/6	500

Response: Interior parking lot landscaping is planned as shown on the Preliminary Landscape Plan in Exhibit B. This standard is met.

- (4) Irrigation Systems. All landscaped areas shall be irrigated with a permanent irrigation system unless a licensed landscape architect submits written verification that the proposed plant materials do not require irrigation.

Response: The landscaped areas are planned to be irrigated with a permanent irrigation system as noted on the Preliminary Landscape Plan in Exhibit B. This standard can be met.

- (5) Conformity with Code. No building or structure shall be changed or enlarged without the inclusion of additional parking spaces in conformance with the requirements of this code. The requirements of this code shall apply only to the additional parking necessitated by the change in use or building expansion.

Response: The project involves a change in use, and parking is planned as shown in the Preliminary Plans in Exhibit B. This standard is met.

- (6) D.E.Q. Indirect Source Construction Permit. All parking areas, where applicable, shall be subject to review and approval by the Department of Environmental Quality (D.E.Q.).

Response: This standard is understood.

- (7) Final Certificate of Occupancy. No Final Certificate of Occupancy shall be granted to any structure until the parking areas are completed and ready for use.

Response: This standard is understood.

- (8) Accessible Parking Space Requirements. The following rates and design regulations are derived from ORS 447.233.

- (a) The number of accessible parking spaces shall be provided at these rates:

Total Parking In Lot	Required Minimum Number of Accessible Spaces	Required Minimum Number of Van-Accessible Spaces	Required Minimum Number of Spaces marked "Wheelchair User Only"
26-50	2	1	-

Response: This project involves a parking lot with 42 spaces requiring two accessible parking spaces. These spaces are planned as shown on the Preliminary Site and Dimensioning Plan in Exhibit B. This standard is met.

- (b) In addition, one in every eight accessible spaces, but not fewer than one, shall be van accessible. Where five or more parking spaces are designated accessible, any space that is designated as van accessible shall be reserved for wheelchair users. A van-accessible parking space shall be at least nine feet wide and shall have an adjacent access aisle that is at least eight feet wide.

Response: As shown on the Preliminary Site and Dimensioning Plan in Exhibit B, the accessible parking spaces are also van-accessible. This standard is met.

- (c) Accessible parking spaces shall be at least nine feet wide and shall have an adjacent access aisle that is at least six feet wide.

Response: The accessible parking spaces shown on the Preliminary Site and Dimensioning Plan in Exhibit B, are at least 9 feet wide and have an access aisle greater than 6 feet wide. This standard is met.

- (d) The access aisle shall be located on the passenger side of the parking space except that two adjacent accessible parking spaces may share a common access aisle.

Response: The two accessible parking spaces are planned to share a common access aisle as shown on the Preliminary Site and Dimensioning Plan in Exhibit B. This standard is met.

- (e) A sign shall be posted for each accessible parking space. The sign shall be clearly visible to a person parking in the space, shall be marked with the International Symbol of Access and shall indicate that the spaces are reserved for persons with disabled person parking permits. A van-accessible parking space shall have an additional sign marked "Van Accessible" mounted below the sign. A van-accessible parking space reserved for wheelchair users shall have a sign that includes the words "Wheelchair User Only."

Response: The two accessible parking spaces are planned to be signed per the standard set forth by the Oregon Transportation Commission, as shown on the Preliminary Site and Dimensioning Plan in Exhibit B. Sign details are shown in Exhibit B. This standard is met.

- (f) Accessible parking spaces and signs shall be designed in compliance with the standards set forth by the Oregon

Transportation Commission in consultation with the Oregon Disabilities Commission.

Response: The two accessible parking spaces are planned to be signed per the standard set forth by the Oregon Transportation Commission, as shown on the Preliminary Site and Dimensioning Plan in Exhibit B. Sign details are shown in Exhibit B. This standard is met.

- (g) No ramp or obstacle may extend into the parking space or the aisle, and curb cuts and ramps may not be situated in such a way that they could be blocked by a legally parked vehicle.

Response: No ramp or obstacle will extend into a parking space or the aisle, and curb cuts and ramps will not be situated in such a way that they could be blocked by a legally parked vehicle. Please refer to the Preliminary Grading Plan in Exhibit B. This standard is met.

- (h) Accessible parking spaces shall be located on the shortest practical accessible route to an accessible building entry. In facilities with multiple accessible building entries with adjacent parking, accessible parking spaces shall be dispersed and located near accessible entries.

- (i) Parking spaces required by this section shall be maintained so as to meet the requirements of this section at all times and to meet the standards established by the state building code.

Response: The location of the accessible parking spaces, shown on the Preliminary Site and Dimensioning Plan in Exhibit B, provide the shortest practical accessible route to an accessible building entry. The location was chosen to eliminate the need for users of these spaces to cross a drive aisle to access the building. The accessible spaces shown are intended to meet the applicable standards of the state building code. This standard is met.

- (9) Screening. Where parking, vehicle maneuvering, or loading areas abut a public street, there shall be provided a minimum ten (10) foot wide landscaping buffer. Within public parks, shrub and groundcover within this area may be substituted with non-living ground cover if approved by the approving authority (artificial turf not allowed).

Response: The parking and vehicle maneuvering areas do not abut a public street, as shown on the Preliminary Site and Dimensioning Plan in Exhibit B. This standard does not apply.

- (10) Parking, Required Yard. Parking and loading spaces and their maneuvering area shall not be located in a required yard, except as follows:
 - (a) In a SFR or MFR zone, parking lots with more than three (3) spaces that do not back directly into the street may encroach to within ten (10) feet of a street right-of-way.
 - (b) When creating a common driveway with an adjacent parcel.
 - (c) At a single-family residence in a SFR zone, paving may be located within a required side or rear yard.

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- (d) Paved driveways located in a required front yard, street side yard, or rear yard off an alley may be counted toward the off-street parking requirement for the lot or parcel. The paved area shall meet the dimensional requirements for a parking space and shall not be located within a public right-of-way.

Response: As shown on the Preliminary Site and Dimensioning Plan in Exhibit B, the parking and vehicle maneuvering areas are not planned to be located in a required yard. This standard is met.

- (11) Driveways. All driveways shall be improved to the standards set forth in Article IV, Section 10.550, Driveway Approaches. Residential driveways on arterial and collector streets shall comply with the minimum turnaround standards as illustrated below:(see graphic image at bottom of page)

Response: The standards set forth in Article IV, Section 10.550, Driveway Approaches apply to driveways that connect to a public right-of-way. The project area does not include driveways that connect to a public right-of-way. This standard does not apply.

- (12) Aisles. Except for single or two family dwellings, groups of more than three parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.

Response: As shown on the Preliminary Site and Dimensioning Plan in Exhibit B, adequate aisles and turnaround areas are planned so that all vehicles may exit the parking area in a forward manner. This standard is met.

- (13) Minimum Clearance. Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of at least twelve feet for their entire length and width but such clearance may be reduced in parking structures.

Response: No structures are planned over the parking access aisles or turnaround areas. Therefore, vertical clearance of at least 12 feet will be provided for the entire length of these areas. This standard is met.

- (14) Drainage. Adequate drainage shall be provided to dispose of the runoff generated by the impervious surface area of the parking area. Provisions shall be made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.

Response: Drainage for the parking lot is planned as shown on the Preliminary Utility Plan in Exhibit B. This standard is met.

- (15) Connect Parking Areas. Parking areas with access to arterial or collector streets shall be so designed as to connect with existing or future parking areas on adjacent sites thereby eliminating the necessity of utilizing the arterial or collector street for cross movements.

Response: The parking area will be connected to the other parking areas in the shopping center and adjacent sites, as shown in the Preliminary Plans in Exhibit B. The project will not utilize arterial or collector streets for cross movements. This standard is met.

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(16) Parking Space Minimum Dimension Standards.

Parking Angle	Space Width	Space Length	Aisle Width (1-way)	Aisle Width (2-way)
90 deg.	9'0"	19'0"	24'0"	24'0"
60 deg.	9'0"	19'0"	16'0"	24'0"
45 deg.	9'0"	19'0"	12'0"	24'0"
0 deg./parallel	8'0"	24'0"	12'0"	24'0"

Response: The Preliminary Site and Dimensioning Plan in Exhibit B, shows that the planned parking spaces meet the applicable dimensional standards under this section. This standard is met.

(17) Compact Cars. A maximum of twenty (20) percent of the total required parking may be improved as compact parking spaces. All compact parking spaces must be identified for compact parking only. Compact parking space shall have the following minimum dimensions: 9 feet wide by 16 feet long

Response: Compact parking spaces are planned as shown on the Preliminary Site and Dimensioning Plan in Exhibit B. The number of compact spaces does not exceed 20% of the total required parking. This standard is met.

(18) Parking Encroachment. Vehicle encroachment and a reduction in the length of a standard parking space by two feet is permitted when adjacent to a seven-foot pedestrian walkway. Vehicle encroachment and a reduction in the length of a standard parking space by two feet is permitted into a required landscape yard if an additional two feet of landscape yard is provided. No vehicle encroachment is permitted into a bufferyard area.

Response: Where a 7-foot walkway exists, a portion of the proposed parking spaces have been reduced in length as permitted by this section. The Preliminary Site and Dimensioning Plan in Exhibit B shows that the planned parking spaces meet the applicable dimensional standards under this section. This standard is met.

10.747 General Provisions, Bicycle Parking

The bicycle parking and storage provisions are intended to provide bicycle parking facilities to accommodate bicycle travel and encourage additional bicycle trips. Bicycle parking facilities shall be either lockable enclosures in which the bicycle is stored or stationary racks which accommodate bicyclist's locks securing the frame and both wheels. Bicycle racks or lockers shall be securely anchored to the surface or to a structure. If 10 or more bicycle parking spaces are required, then at least 50% of the bicycle parking spaces shall be covered. For the purposes of this section, covered parking may include placement underneath an awning, eave or other overhang or other facility as determined by the approving authority that protects the bicycle from direct exposure to the elements. Bicycle parking shall be separated from motor vehicle parking and maneuvering areas by a barrier or sufficient distance to prevent damage to parked bicycles.

Any building expansion or any new construction, excluding two-family and three-family dwellings, shall bring the property into conformance with the Bicycle Parking and Storage Regulations.

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When required by this code, the site development plan shall include a bicycle parking plan, drawn to scale and submitted with the development permit application. The plan shall show all those elements necessary to indicate that the requirements of this code are being fulfilled.

Response: Bicycle racks will be "inverted-u" style to accommodate bicyclists securing the frame and both tires with their locks. Bicycle parking is located near the main entry of the proposed structure, separate from parking and maneuvering areas by a suitable distance to prevent damage, as shown on the Preliminary Site and Dimensioning Plan in Exhibit B. To the extent they apply, these standards are met.

10.748 Bicycle Parking Standards

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

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

Industrial: 20% of the number of spaces provided for automobiles, to be calculated by rounding up to the nearest whole number.

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

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

Residential, multiple-family: One space per unit (4 units or more).

Residential, retirement or congregate housing: .05 space per unit; 4 space minimum, regardless of number of units.

Schools: 4 spaces per classroom.

Transit centers/park and ride lots: 10% of the number of spaces provided for automobiles.

Response: According to Table 10.743-1 above, 54 parking spaces are required for the proposed commercial use. To meet the 10% bicycle parking requirement in the context of the planned use, six bicycle parking spaces ($54 \text{ spaces} \times 0.10 = 5.4$) are provided, as shown on the Preliminary Site and Dimensioning Plan in Exhibit B. This standard is met.

10.749 Location of Bicycle Parking Facilities

Required bicycle parking facilities shall be located on-site in well lighted, secure locations within 50 feet of well-used entrances and not farther from the entrance than the closest automobile parking space. Bicycle parking shall have direct access to both the public right-of-way and to a main entrance of the principal use. Bicycle parking may also be provided inside a building in suitable, secure and accessible locations. Bicycle parking for multiple uses (such as in a commercial center) may be clustered in one or several locations.

Response: Proposed bicycle racks are located within 12 feet of the main entrance on the west façade of the structure in a well-lit area. There is direct access to the adjacent public right-of-way as shown on the Preliminary Site and Dimensioning Plan in Exhibit B. This standard is met.

10.750 General Design Requirements for Bicycle Parking

All bicycle parking and maneuvering areas shall be constructed to the following minimum design standards:

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- (1) Surfacing: Outdoor bicycle parking facilities shall be surfaced in the same manner as a motor vehicle parking area or with a minimum of a three-inch thickness of hard surfacing (i.e., asphalt, concrete, pavers or similar material). This surface will be maintained in a smooth, durable and well-drained condition.

Response: Proposed bicycle racks are located on a concrete pad to match the adjacent walkway and maneuvering area, as shown on the Preliminary Site and Dimensioning Plan in Exhibit B. This standard is met.

- (2) Parking Space Dimension Standard: Bicycle parking spaces shall be at least 6 feet long and 2 feet wide with minimum overhead clearance of 7 feet.

Response: Bicycle parking will occur with spaces that are 2 feet wide and 6 feet long. There is nothing overhead to create clearance issues. This standard is met.

- (3) Lighting: Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking lots during all hours of use.

Response: Lighting is provided in the bike area as shown on Security Lighting Plan in Exhibit B. This standard is met.

- (4) Aisles: A 5-foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking.

Response: An area with a maneuvering aisle a minimum of 5 feet wide is provided for proposed bicycle racks. This standard is met.

- (5) Signs: Where bicycle parking facilities are not directly visible from the public rights-of-way, entry and directional signs shall be provided to direct bicycles from the public rights-of-way to the bicycle parking facility.

Response: Bicycle parking is directly visible from the public right-of-way. No signs are required. This standard is met.

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10.772 Pedestrian Walkway General Provisions

These walkway provisions are intended to provide safe, direct and convenient pedestrian access in new office and commercial developments.

Internal pedestrian circulation shall be provided in new office and commercial developments through clustering of buildings, construction of pedestrian ways, skywalks, where appropriate, and similar techniques.

Response: New pedestrian walkways are provided throughout the site to provide access from parking areas and public rights-of-way to the proposed structure. These provisions can be met.

10.773 Pedestrian Walkway Connections and Routing

A pedestrian walkway shall be provided:

- (1) To each street abutting the property, and for every 300 feet of street frontage not including limited access freeways.

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- (2) To connect with walkways, sidewalks, bikepaths, and other bicycle or pedestrian connections on adjacent properties.
- (3) To connect building entrances to one another, to existing or planned transit stops and to connect the pedestrian circulation system to other areas of the site such as parking lots, children's play areas, required outdoor areas and any pedestrian amenities such as plazas, resting areas and viewpoints.

Response: New pedestrian walkways are provided throughout the site to connect bike and vehicular parking to the proposed structure, and to provide connection to the adjacent right-of-way and pedestrian connections on adjacent properties. See the Preliminary Site and Dimensioning Plan in Exhibit B. These standards are met.

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. Vehicle encroachment is permitted into the walkway when a minimum of seven feet is maintained.

Response: All walkways are a minimum of 5 feet in width, with the exception of locations bordering parking spaces which are 7 feet wide. In locations where parking spaces abut 5-foot walkways, concrete bumpers will be used as shown on the Preliminary Site and Dimensioning Plan in Exhibit B. This standard is met.

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

Response: All walkways are separated from the parking area by a 6-inch curb. See the Preliminary Grading Plan in Exhibit B. This standard is met.

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

Response: A walkway from accessible parking spots is provided, with a ramp to the main walkway and front entrance. See the Preliminary Site and Dimensioning Plan in Exhibit B. This standard is met.

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

Response: Parking lot lighting and pedestrian scale lighting are both provided. See the Security Lighting Plan in Exhibit B. This standard is met.

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

Response: On-site walkways are designed to provide the most direct and safe route from building entrances to site amenities. See the Preliminary Site and Dimensioning Plan in Exhibit B. This standard is met.

- (6) Designed to minimize driveway crossings.

Response: On-site walkways are designed to minimize driveway crossings to the extent feasible. Accessible parking spots are placed so that no driveway crossings are necessary. See the Preliminary Site and Dimensioning Plan in Exhibit B. This standard is met.

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- (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.

Response: The proposed structure has direct pedestrian access from the public right-of-way. See the Preliminary Site and Dimensioning Plan in Exhibit B. This standard is met.

10.776 Exceptions to Pedestrian Walkway Standards

A required walkway or walkway connection need not be provided where an alternate route is reasonably direct. The alternate route is reasonably direct if the total walking distance does not increase by more than 50% and not more than 100 feet over the other required route.

Walkways are not required between buildings or portions of a site which are not intended for or likely to be used by pedestrians. Such building features include: truck loading docks, warehouses, not including office/warehouse combinations, automobile sales lots, temporary uses, outdoor storage areas, etc.

Response: On-site walkways are designed to meet all applicable requirements. No exceptions are needed. This standard does not apply.

10.780 Landscape and Irrigation Requirements

A. Purpose.

The purpose of this section is to help ensure the aesthetic environment of the entire community, and to enhance the quality of life for all citizens.

B. General Provisions.

- (1) Landscaping shall provide a variety of plant sizes, shapes, texture and color while being horticulturally compatible and minimizing irrigation reliance, thus conserving the public water supply.
- (2) Landscaping shall be maintained in good health by the property owner in conformance with approved landscaping plans and shall not be reduced in area or number.
- (3) Noncompliance with this section or approved plans is a violation of the Medford Land Development Code and is subject to a maximum fine of \$250 per day.

Response: A landscape plan prepared and stamped by a licensed landscape architect is included on the Preliminary Landscape Plan in Exhibit B. Findings are provided in the responses to the applicable standards in Section 10.780 of this narrative. These provisions are understood.

C. Applicability.

- (1) The provisions of this section are applicable to all landscaping areas within commercial, industrial, institutional, or multiple-family developments and open space/landscaping tracts within all subdivisions, including single family residential.

Response: As described above, this project involves the construction of a new McDonald's restaurant on the site of an existing bank building in the Winco shopping center. The provisions of this section are applicable.

- a. Except as provided in subsection 10.780 C.(1)b., provisions of this section are not applicable to:

1. Single-family lots.

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2. Duplex lots.
3. Individual townhome lots.
4. Public Parks
5. Future development sites, unless irrigated landscaping is placed thereon. When irrigated landscaping is provided upon a future development site, all provisions of this section shall apply.

Response: This project does not involve any residential or park uses. The provisions of this section are applicable.

- b. Covenants, Conditions and Restrictions (CC&Rs) recorded for private regulation of any development or subdivision, regardless of development type or zoning district, shall not establish any restriction inhibiting the use of water-conserving landscaping design, or require the installation of high water use landscape elements, as defined herein, upon property governed by the CC&Rs.

Response: This project does not establish any restriction inhibiting the use of water-conserving landscaping design or require the installation of high water use landscape elements. This requirement is met.

(2) The approving authority may approve landscape plans or irrigation plans not in full compliance with provisions of the Medford Land Development Code Chapter 10, without the need for a separate Exception application, subject to the following:

- a. The approving authority shall make one of the following findings to grant relief from a provision:
 1. Due to a unique circumstance of the site, strict application of the standards requires an improvement that does not further the intent of this chapter, and granting relief does not:
 - i. Diminish the quality of life;
 - ii. Diminish the aesthetic environment of the site and its surroundings;
 - iii. Increase reliance on irrigation water;
 - iv. Allow landscaping that is horticultural incompatible with the surroundings or climate.
 2. A particular public benefit will be achieved by not complying with a provision of this section.

Response: The ability of the approving authority to permit landscape or irrigation plans that are not in full compliance with provisions of the MLDC is understood. Findings are provided in this narrative demonstrating compliance with the applicable standards and criteria in the MLDC.

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- b. If an application proposes a landscaping area to be left in a natural condition with undisturbed soil for purposes of protecting natural features, such as native trees, riparian vegetation, or similar attributes, the approving authority may grant relief from landscaping and/or irrigation design standards in accordance with this subsection.

Response: This application does not involve landscaping areas to be left in a natural condition. This provision does not apply.

- c. Relief from a provision shall not be used to cure a self-imposed condition.
- d. Granting relief from provisions is a discretionary decision and shall be sparingly exercised. Other landscaping or irrigation measures may be imposed by the approving authority in lieu of relieved provisions.
- e. The applicant shall provide findings supporting the request for relief within the project narrative submitted with the application. The project narrative shall provide the following information:
 - 1. The specific provision(s) and site location(s) for which relief is sought; and,
 - 2. How the strict application of this section results in an improvement that does not further the intent of this chapter and meets the criteria of subsection 10.780 C.(2)a.1. or, how a public benefit is achieved by granting relief from the provision(s).

Response: Relief from a provision is not sought as a part of this application. These provisions do not apply.

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E. Landscape Plan and Irrigation Plan Review.

All development and building permit applications that include landscaping areas, as defined herein, with the exception of development types provided within Section 10.780 C.(1)a., shall include a Landscape Plan and Irrigation Plan in accordance with the provisions of this section. Landscaping and irrigation improvements shall be installed in accordance with approved plans.

(1) Landscape Plan Review Process.

- a. Landscape plan documents complying with Subsections 10.780 F and 10.780 G, and prepared by a State of Oregon Registered Landscape Architect or State of Oregon Licensed All-Phase Landscape Contractor for developments containing more than 1,500 square feet of landscaping area, unless exempted by ORS 671.540(a), shall be submitted for review and approval by the Approving Authority. Subsequent to the approval of the landscape plan, the applicant shall file an irrigation plan in accordance with Subsection 10.780 E.(2).
- b. The plan submittal shall include the quantity and size of landscape plan documents specified on the application form.

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Response: A landscape plan prepared and stamped by a licensed landscape architect is included in Exhibit B and large plans are included in the submittal packet. These requirements are met.

(2) Irrigation Plan Review Process.

- a. After approval of the landscape plan by the Approving Authority, and concurrently with submittal of plans for building permits, irrigation plan documents complying with Subsections 10.780 F and 10.780 H shall be submitted for staff review and approval. No permit for building, paving, utilities, or other onsite construction improvement, other than grading, shall be issued until irrigation plans for the landscaping have been approved.
- b. The applicant shall submit two sets of the irrigation plan at a scale matching the approved landscape plan or submit an electronic copy of the irrigation plan at scale matching the landscape plan with the building permit construction plan set.
- c. A full-sized copy of the approved landscape plan shall be submitted with the irrigation plan.
- d. The irrigation plan submitted for review shall be prepared by a Certified Irrigation Professional (CIP), as defined herein for developments containing more than 1,500 square feet of landscaping area, unless exempted by ORS 671.540(a).

Response: An irrigation plan prepared by a Certified Irrigation Professional (CIP) will be submitted with the building permit. Approved landscape plans shall be submitted with the irrigation plan. These requirements can be met.

F. Landscape Plan and Irrigation Plan Requirements.

- (1) Plan Title Block. The landscape or irrigation plan title block shall include:
 - a. Project name and address.
 - b. Applicant's or agent's name, address, phone number, fax number, and email address.
 - c. Designer's name, address, phone number, fax number, and email address.
 - d. Sheet numbers, if more than a single sheet.
 - e. Date of plan preparation and all revision dates subsequent to initial submittal.
 - f. Scale of plan in accordance with Subsection 10.780 F(2).

Response: A landscape plan prepared and stamped by a licensed landscape architect is included in Exhibit B with all applicable information. These requirements are met.

(2) Plan Scale. The landscape or irrigation plan shall be drawn at one of the scales below:

- a. One-inch equals ten feet.

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- b. One-inch equals twenty feet.
- c. One-inch equals thirty feet.
- d. 1/16 Architectural scale.
- e. 1/32 Architectural scale.

Response: The scale of the landscape plan is one in which 1 inch equals 20 feet. This requirement is met.

(3) Plan Information. The landscape or irrigation plan shall include the following:

- a. North arrow.
- b. Designer credentials:
 - 1. Landscape Plans. A State of Oregon Registered Landscape Architect's seal with signature, or State of Oregon Licensed All-Phased Landscape Contractor number.
 - 2. Irrigation Plans. A State of Oregon Registered Landscape Architect's seal with signature, State of Oregon Licensed Irrigation Contractor number, or attached copy of Irrigation Association Certificate for Irrigation Designers.

Response: A landscape plan prepared and stamped by a licensed landscape architect is included in Exhibit B with all applicable information. These requirements are met.

- c. Site information:
 - 1. Property lines, existing and proposed.
 - 2. Structures, existing and proposed.
 - 3. Existing natural features, including:
 - i. Trees with a trunk six (6) inches in diameter or greater, measured at four feet above ground, with location, species type, canopy edge, and notation of whether they are to be preserved or removed.
 - ii. The canopy of any tree on adjacent property that extends over the property line.
 - iii. Streams, riparian corridors and wetlands, including top-of-bank and/or wetland edge.
 - 4. Impervious surfaces, existing and proposed, including parking lots, plazas, concrete walkways, and other hardscape areas.
 - 5. On a separate plan sheet, a utilities plan showing all aboveground and underground utilities, including, sewer, water, communications, and electricity.
 - 6. Easements.

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7. Clear vision areas in accordance with Section 10.735, Clear View of Intersecting Streets.
8. Stormwater management facilities.
9. Any other site improvements.
10. Total square footage of landscaping areas noted on the cover page.
11. Total square footage of parking area planters noted on the cover page.
12. Existing topography at two (2) foot intervals, or direction of slopes, notated with arrows and slope percentage.

Response: A landscape plan prepared and stamped by a licensed landscape architect is included in Exhibit B with all applicable information. These requirements are met.

- (4) Landscape Plan Details. The landscape plan shall include the following additional information:
 - a. All proposed landscaping materials and location, including:
 1. Landscaping required by this chapter, including street frontage, parking area planter, and bufferyard landscaping.

Response: Landscaping plans (shown on the Preliminary Landscape Plan in Exhibit B) show all proposed landscaping as required by this chapter. This requirement is met.

2. Location of all plant materials, landscaping features, fences, retaining walls, hardscape elements, accent landscape lighting, and ground coverage materials (e.g., mulch, native grasses, shale, or other rock materials).
 - b. Legend that includes botanical and common names and sizes of plant materials, and ground coverage material.
 - c. Total square footage of all landscaping areas and total percentage of landscaping areas containing high water use landscape elements, as defined herein.
 - d. Details and specifications for tree planting, soil preparation, other applicable planting work, retaining walls, fences, landscaping headers, tree grates, and other landscaping improvements.

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- e. Location of all areas to be provided with protective fencing for soil and/or existing tree protection.
- f. On the cover page, a note stating the required soil preparation procedures outlined in Subsection 10.780 G.(9)b.

Response: Landscaping plans (shown on the Preliminary Landscape Plan in Exhibit B) show all information as required by this chapter. These requirements are met.

- (5) Irrigation Plan Details. The irrigation plan shall include the following additional information:
 - a. Water meter(s) size, location, static water pressure, and anticipated friction loss at the highest flow sprinkler design flow.
 - b. Backflow prevention device(s) location, model, and manufacturer.
 - c. Irrigation system layout identifying all components, including model and manufacturer.
 - d. Installation details for irrigation components.
 - e. Calculations, submitted on a separate worksheet provided by the City, providing data identifying the system's design parameters, hydraulics, and irrigation schedule.
 - f. An irrigation legend containing:
 - 1. A summary of the manufacturer's stated flow rates and pressure losses, and recommended operation pressures and sizes (e.g., nozzle sizes, pipe diameter sizes, and pop-up heights) for all system components.
 - 2. Identification of each unique irrigation component, with the manufacturer's recommended flow rates and pressure losses, and the manufacturer's recommended operating pressure and size.
 - g. A note in a conspicuous location on the cover page:
 - 1. Stating that the irrigation system is designed to operate within the manufacturer's recommendations.
 - 2. Directing the installer to verify proper operation of the irrigation system.
 - 3. Directing the installer to adjust pressure reducing valve(s) as necessary to ensure that all components operate within the manufacturer's recommendations.

Response: The Preliminary Landscape Plan provided in Exhibit B illustrates that irrigation plans and details in compliance with this section will be submitted with the building permit. These requirements will be met.

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- h. An irrigation schedule.
 - 1. The irrigation schedule shall be based on:
 - i. Medford area historical peak week ETo of 2.3 inches of water.
 - ii. The water needs of the plants on the approved landscape plan.
 - iii. The soil type of the site.
 - iv. The proposed slopes.
 - 2. For drip irrigation systems, the irrigation schedule shall provide instructions for adjustment of the system to accommodate the maturing plant water needs, and adding and/or resizing drip emitters at three-year increments until plant reaches maturity.

Response: An irrigation schedule will be submitted with the irrigation plan as part of the building permit process. This requirement can be met.

G. Landscaping Design Standards.

- (1) Other Applicable Code Sections. In addition to meeting the landscaping design requirements of this Section, the landscape plan shall also meet landscaping design requirements of the following Sections where applicable:
 - a. Street Frontage Landscaping Requirements. Private property abutting streets shall meet the landscaping provisions of Section 10.797.

Response: Landscaping along street-facing property lines is provided per the provisions of Section 10.797 of the MLDC, as shown on the Preliminary Landscape Plan in Exhibit B. This requirement is met.

- b. Parking Area Planter Landscaping Requirements. Parking lots shall meet the landscaping provisions of Section 10.746 (3).

Response: Parking area planter landscaping is provided per the provisions of Section 10.746(3) of the MLDC, as shown on the Preliminary Landscape Plan in Exhibit B. This requirement is met.

- c. Bufferyard Landscaping Requirements. Bufferyards shall meet the landscaping provisions of Section 10.790.

Response: The project site and all adjacent property is zoned C-R. Bufferyards are not required. This requirement does not apply.

- d. Southeast Overlay District Landscaping Requirements. Development occurring within the Southeast Overlay District shall meet the landscaping provisions of Sections 10.370 through 10.385.

Response: The project site is not located in the Southeast Overlay District. This requirement does not apply.

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- e. Stormwater Facilities Landscaping Requirements. Stormwater quality and detention facilities shall be landscaped in accordance with the current adopted version of the Rogue Valley Stormwater Quality Design Manual.

Response: Stormwater quality and detention facilities are landscaped in accordance with the current adopted version of the Rogue Valley Stormwater Quality Design Manual, as shown on the Preliminary Landscape Plan in Exhibit B. This requirement is met.

- f. Large Retail Structure Landscaping Requirements. Development subject to the provisions of Section 10.724 shall meet the landscaping provisions of Section 10.725.

Response: The project does not qualify as a large retail structure. This requirement does not apply.

(2) Plant Size Requirements.

The following minimum plant sizes shall apply at the time of planting to all landscaping required by this Chapter unless otherwise stated:

- a. Deciduous trees shall be a minimum of 1¾-inch caliper as defined herein.

Response: As shown on the Preliminary Landscape Plan in Exhibit B, new deciduous trees will be the minimum caliper of 1¾ inches at the time of planting. This requirement is met.

- b. Evergreen trees shall be a minimum of eight (8) feet in height.

Response: As shown on the Preliminary Landscape Plan in Exhibit B, evergreen trees are not proposed as a part of this project. This requirement does not apply.

- c. Shrubs shall be a minimum of one (1) gallon in size.

Response: As shown on the Preliminary Landscape Plan in Exhibit B, new shrubs will be a minimum of one gallon in size at the time of planting. This requirement is met.

- d. Groundcovers shall be in flats or a minimum size of four (4) inch pots.

Response: As shown on the Preliminary Landscape Plan in Exhibit B, new plantings will be in minimum size of 4-inch pots at the time of planting. This requirement is met.

(3) Living Groundcover Requirements.

All landscaping areas, including right-of-way planter strips adjacent to the site, shall include sufficient shrubs, turf grass, and/or other living groundcover to spread over 85% of each area within eight years.

Response: Landscaping is designed to ensure spread over 85% of each area within 8 years, as shown on the Preliminary Landscape Plan in Exhibit B. This requirement is met.

- a. An area without living groundcover within a three (3) foot radius centered at the base of each new tree may be counted toward this requirement.

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Response: Areas at the base of trees are calculated as landscape area per this subsection, as shown on the Preliminary Landscape Plan in Exhibit B. This requirement is met.

- b. For existing trees to be preserved, an area without living groundcover within a ten-foot radius centered at the base of each existing tree or 50% of the canopy area, whichever is less, may be counted toward this requirement.

Response: This application does not maintain existing trees. This requirement does not apply.

- c. In lieu of living groundcover, up to ten percent (10%) of the total landscaped area may be covered with rock, brick, or decorative pavers, and may be counted toward this requirement.

Response: Where applicable, river rock has been used in landscaping areas not in excess of 10% of the total landscaped area, as shown on the Preliminary Landscape Plan in Exhibit B. This requirement is met.

- d. In no circumstance shall the sum of ground cover credit provided in Subsections a, b, and c above cause the living ground cover percentage to be reduced to less than 50% of the total landscape area.

Response: Ground cover credits as listed above do not reduce the living ground coverage to less than 50%, as shown on the Preliminary Landscape Plan in Exhibit B. This requirement is met.

(4) Non-Living Groundcover Requirements.

Landscaping areas not covered with turf grass shall be covered with a minimum of three (3) inches of unsettled mulch. Subject to approval by the approving authority, a limited application of rock or similar non-living groundcover material may be utilized. Bark mulch applied within public right-of-way medians or planter strips shall be of shredded texture. Bark nuggets or chips may not be applied.

Response: Where applicable to the design, river rock has been used in landscaping areas not in excess to the requirements of MLDC 10.780.G(3)c above, as shown on the Preliminary Landscape Plan in Exhibit B. The landscape plan was prepared and stamped by a licensed landscape architect and intends to comply with all applicable portions of this code.

(5) High Water Use Landscape Element Limitations.

a. The total landscaping area of a development site, including areas located within adjacent public right-of-way planter strips, shall not exceed the following percentage of high water use landscape elements, as defined herein:

1. Single-family residential open space/landscaping tract = 40%
2. Multiple-family residential = 40%
3. Commercial/office = 30%
4. Institutional = 30%
5. Industrial = 20%

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Response: The new development is a commercial use. High water use landscaping elements do not exceed the 30% maximum allowed by this section, as shown on the Preliminary Landscape Plan in Exhibit B. This requirement is met.

b. Water features shall use recirculating water systems.

Response: Water features are not a part of this application. This requirement does not apply.

(6) Turf Grass Limitations.

a. Turf grass area shall have a minimum average width of eight (8) feet and shall be no less than six (6) feet in width at any point, except for stormwater facilities constructed in accordance with the current adopted version of the Rogue Valley Stormwater Quality Design Manual.

Response: Designated turf grass areas meet the minimum dimensions specified in this subsection, as shown on the Preliminary Landscape Plan in Exhibit B. This requirement is met.

b. Slopes exceeding 15% shall not be landscaped with turf grass.

Response: No portion of the project site contains slopes exceeding 15%. This requirement does not apply.

c. Where on-street parking is located adjacent to a public right-of-way planter strip, minimum turf width requirements of Subsection 10.780 G.(6)a. are not applicable to the adjoining planter strip. Turf grass applied in the planter strip shall be included and counted toward the High Water Use Landscape Element limitation identified in Section 10.780 G.(5).

Response: On-street parking does not exist in the project vicinity. This requirement does not apply.

(7) Slope Limitation in Landscaping Areas.

The maximum finished slope for landscaping areas is 33% (3 to 1). Slopes steeper than 33% shall be terraced. This provision is not applicable to landscaping areas intended to remain in their natural vegetated and soil condition.

Response: No portion of the landscaping contains slopes exceeding 33%. This requirement does not apply.

(8) Irrigated Landscaping Adjacent to Impervious Surfaces.

Landscaping areas located adjacent to an impervious surface shall have a finished grade that is one (1) inch lower than the impervious surface where they adjoin.

a. If there is a retaining wall or curb adjacent to the impervious surface, for areas uphill of the wall, the referenced grade for this provision shall be the top of the retaining wall or curb.

Response: Irrigation details specifying applicable information will be submitted with the irrigation plan as part of the building permit process. This requirement can be met.

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- b. Finished grade of the irrigated landscaping area is the top surface elevation after application of the required non-living groundcover material specified by Subsection 10.780 G.(4), or turf grass.

Response: This requirement is understood.

(9) Soil Quality/Restoration/Preparation

- a. Required Organic Content:

Mature compost, as defined herein, shall be added to the soil of landscaping areas at a rate of three cubic yards of compost per 1,000 square feet of landscaping area to be planted. This requirement is not applicable in the following circumstances:

- 1. In areas fully secured by fencing for the purpose of protecting undisturbed soil from damage and compaction during construction.

Response: The project does not include undisturbed soil areas. This exception does not apply.

- 2. In stormwater quality and detention facilities constructed in accordance with the current adopted version of the Rogue Valley Stormwater Quality Design Manual.

Response: Stormwater quality and detention facilities are construction in accordance with the Rogue Valley Stormwater Quality Design Manual.

- 3. In landscaped areas where a soil test demonstrates an organic content of at least three percent based upon core samples taken at one test per 20,000 square feet, with a minimum of three samples per test. Samples shall be taken at least 40 feet apart to a depth of six (6) inches following completion of rough grading.

Response: This exception is understood.

- b. Required Soil Preparation Procedures:

- 1. Assure that soil is suitably dry before beginning.
- 2. Spread desired topsoil. (Optional)
- 3. Open/rip soil to a depth of eight (8) inches.
- 4. Assure organic content as required by Subsection 10.780 G.(9)a.
- 5. Cultivate soil and amendment(s) to a depth of four (4) to six (6) inches.

Response: Soil preparation procedures are understood and described on the Preliminary Landscape Plan in Exhibit B. This requirement can be met.

(10) Tree Requirements.

- a. Soil Volume:

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Each new or existing tree shall have sufficient soil volume to establish and maintain a root system that will support the tree at maturity. For each tree, at least two cubic feet of soil volume is required for each one square foot of tree canopy at maturity.

1. Soil volume is calculated as the landscaping area under the tree canopy, free of impervious surface or paving, and measured at a depth of three (3) feet.
2. For trees within parking area planters or sidewalk planters, in lieu of the soil volume provisions above, structural soil may be utilized as an alternative material under impervious surfaces to meet the required soil volume calculation.

Response: Sufficient soil volume will be provided per the landscape plan and this section, as shown on the Preliminary Landscape Plan in Exhibit B. This requirement is met.

b. Root Barriers:

Commercially-engineered root barriers shall be installed for all new trees located within three feet of any public right-of-way impervious surface, and shall consist of six lineal feet of 24-inch barrier, running parallel to the impervious surface, centered on the tree.

Response: Root barriers will be installed per the landscape plan and this section, as shown on the Preliminary Landscape Plan in Exhibit B. This requirement is met.

c. Fencing:

Existing trees to be preserved shall be fully secured by fencing at the canopy edge for the purpose of protecting the tree from disturbance and soil compaction during construction.

Response: There are no existing trees to remain. This requirement does not apply.

H. Irrigation System Design Standards.

All landscaping areas shall be irrigated with an irrigation system having an automatic controller in accordance with the specifications provided in this Subsection.

- (1) Water Needs. Plants in the same irrigation zone shall have similar watering needs unless irrigated by drip irrigation having emitters sized for individual plant water needs.

Response: Plants with similar watering needs have been grouped into irrigation zones as shown on the Preliminary Landscape Plan in Exhibit B. This standard can be met.

- (2) Overhead Irrigation.

- a. A landscaping area irrigated by overhead irrigation shall have a minimum average width of eight (8) feet and shall be no less than six (6) feet in width at any point; if less than eight (8) feet in average width, it shall be irrigated by drip irrigation components or bubblers.

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Response: Any landscaping area irrigated by overhead irrigation will be designed to meet the requirements of this section. This standard can be met.

- b. The minimum pop-up sprinkler height shall be four (4) inches. All pop-up sprinklers within one valve zone shall have matched precipitation rates.

Response: Overhead irrigation will be designed to meet the requirements of this section. This standard can be met.

- c. Overhead irrigation systems shall be designed to maximize uniformity in water application, such as providing overlapping sprinkler spacing as appropriate for the planted area.

Response: Overhead irrigation will be designed to meet the requirements of this section. This standard can be met.

- d. Overhead irrigation shall not be utilized in parking area planters.

Response: Overhead irrigation will not be utilized in parking area planters. This standard is understood.

(3) Irrigation Flow.

- a. Irrigation systems designed for a flow of greater than 50 gallons per minute (GPM) shall have a master valve at the point of connection.

Response: If irrigation systems have a flow greater than 50 gallons per minute (GPM), they will have a master valve at the point of connection as required by this section. This standard can be met.

- b. Irrigation systems designed for a flow of greater than 80 GPM shall have a high flow sensor.

Response: If irrigation systems have a flow greater than 80 GPM, they will have a high-flow sensor as required by this section. This standard can be met.

(4) Irrigation Controllers. Automatic irrigation controllers shall be, at a minimum:

- a. Capable of storing at least three (3) complete programs, with each program providing three (3) or more start times, station run times in minutes to hours, and water days by interval, day of the week and even/odd days.
- b. Equipped with a percent adjust (water budget) feature unless utilizing weather-based sensors or soil moisture sensors.
- c. Equipped with non-volatile memory and/or a self-charging battery circuit.
- d. Capable of accepting an external rain or soil moisture sensor.

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- e. Equipped with master valve capability for systems with any designed flow having a flow rate of 50 GPM or greater.
- f. Equipped with high flow sensor capability for systems with any designed flow having a flow rate of 80 GPM or greater.

Response: Where required, irrigation controllers meeting the requirements of this section will be provided. These standards can be met.

- (5) Pressure Regulation. All irrigation zones shall be equipped with pressure reduction valves when needed to meet the manufacturer's recommended operating pressure for the components of each zone. Where needed, pressure regulation shall be located at the meter or solenoid valve. Use of pressure-regulating sprinklers does not satisfy the requirement for a pressure reduction valve.

Response: Irrigation zones will be equipped with the required pressure reduction valve, if required by the manufacturer. This standard can be met.

- (6) Isolation Valves. Isolation valves are required on the mainline:
 - a. At the irrigation system point of connection.
 - b. At each valve box.
 - c. At paved crossings of 20 feet or greater, such as streets, driveways or other impervious surfaces.

Response: Isolation valves will be provided per the requirements of this section. These standards can be met.

- (7) Swing Joints. Swing joints are required on all sprinkler head risers.

Response: Sprinkler head risers will be equipped with swing joints as required by this section. This standard can be met.

I. Landscaping and Irrigation Installation Certification, and Inspection.

(1) Landscaping and Irrigation Installation Certification.

Upon installation of landscaping and irrigation improvements, the State of Oregon Registered Landscape Architect or the State of Oregon Licensed Landscape Contractor, responsible for the installation of the landscaping and/or irrigation shall certify that such improvements were installed in accordance with approved plans and specifications by preparing, signing and submitting a Landscaping and Irrigation Certification form provided by the City.

- a. The completed and signed certification form shall be submitted to the City prior to the issuance of Certificate of Occupancy for any portion of the project, unless landscaping and irrigation improvements have been deferred in accordance with Subsection 10.780 I.(2).
- b. The submittal of the certification form serves as the applicant's notice of completion of the landscaping and irrigation improvement and shall be submitted a minimum of two (2) full business days prior to the final building inspection.

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- c. If installation is found by the City to be deficient based upon the approved plans and the requirements of this code, the Building Official shall be provided a list of deficiencies to be satisfied prior to the issuance of a Certificate of Occupancy. The City shall also forward the list of the landscaping and irrigation deficiencies to the certifier at the addresses provided on the certification form.

Response: Upon installation completion, a State of Oregon Registered Landscape Architect or State of Oregon Licensed Landscape Contractor will certify that all work completed was done in accordance with the approved plans and specifications. These requirements can be met.

- d. If a Deferred Landscaping Improvement Agreement is utilized in accordance with Subsection 10.780 I.(2), the City shall authorize the release of the financial assurance upon confirmation of completed landscaping and irrigation improvement.

Response: This application does not involve a Deferred Landscaping Improvement Agreement. This requirement does not apply.

- e. If landscaping or irrigation installation is incorrectly certified:
 - 1. The property owner is not relieved of the responsibility for installing the landscaping and/or irrigation required by approved plans.
 - 2. The City may notify the regulatory or certification body with which the installation certifier is licensed.

Response: This requirement is understood.

(2) Deferred Landscaping and Improvement Agreement

- a. If landscaping and irrigation installation must be delayed for seasonal reasons, such as excess soil moisture, or additional time is required to complete the installation of required landscape improvements, installation may be deferred for up to six (6) months following the issuance of a Certificate of Occupancy through the execution of a Deferred Landscaping Improvement Agreement. The written agreement, in a form acceptable to the City Attorney, shall specify:
 - 1. That within six (6) months of the date of issuance of the Certificate of Occupancy, all landscaping and irrigation improvements shall be completed in accordance with approved plans.
 - 2. That, if the property owner fails to complete said landscaping and irrigation improvements in accordance with the terms of the agreement, the City may have access to landscaping areas, complete the same as specified on the approved plans, and recover the full cost and expense thereof from the financial assurance, developer, and/or property owner.

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3. The indemnification of the City, its councilmembers, officers, board members, commissioners, and employees from claims of any nature arising or resulting from the performance of any acts required by the City to be done in accordance therewith.
4. That, to secure full and faithful performance thereof, the applicant shall file with the City, either:
 - i. A surety bond, in an amount equal to 125% of the estimated cost of completing the landscaping and irrigation improvements, executed by a surety company authorized to transact business in the State of Oregon; or,
 - ii. Cash in an amount equal to 125% of the estimated cost of completing the landscaping and irrigation improvements.

Response: This application does not involve a Deferred Landscaping Improvement Agreement. This requirement does not apply.

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

Response: The trash area is contained in a new, free-standing, masonry block enclosure as noted on the Preliminary Site and Dimensioning Plan, and detailed on the Plans and Sections sheet in Exhibit B. This standard is met.

10.782 Concealment of Heating, Ventilation, Air Conditioning (HVAC) Equipment and Roof-Mounted Wireless Communication Facilities

All HVAC equipment and roof-mounted wireless communication facilities 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.

Response: All equipment and facilities will be concealed from view per the requirements of this section, as shown on the Architectural Drawings in Exhibit B. This standard is met.

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.).

Response: All wall-mounted utility devices are mounted on building façades that do not face the street, as shown on the Architectural Drawings in Exhibit B. This standard is met.

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10.797 Street Frontage Landscaping Requirements

A. This section establishes the minimum landscaping requirements along all street frontages outside of the public right-of-way. Plans submitted to comply with this section shall be approved by the approving authority.

(1) For land divisions with houses that do not face an arterial street, an arterial street frontage landscape plan shall be submitted showing a vertical separation feature that is a minimum of eight (8) feet in height. The separation feature shall create a solid visual screen. A fence or wall shall be engineered to stand straight. The separation feature shall be reduced in height where otherwise required in a front or side yard or clear vision triangle. The Planning Commission may allow adjustments to the above requirement in response to topography.

Response: This application does not involve houses. This standard does not apply.

(2) For all other street frontages the number of plants required for distances above or below one hundred (100) feet shall be prorated with the resulting numbers of plants rounded so that one-half or more shall be deemed to require a full plant. All required planting shall be located in the required yard area adjacent to the street unless otherwise approved by the approving authority.

Response: Planting requirements are calculated as described in this section. This standard is met.

(3) Existing plant materials which meet the requirements of this code may be counted as contributing to the total landscaping required by this section. Interstate 5 and other highway frontages shall be treated the same as city street frontage.

Response: This application does not involve existing plant materials to remain. This standard does not apply.

(4) The following table specifies the type and number of plants required by this section.

Table 797-1 Frontage Landscaping – Materials and Quantities		
Zoning District	Number of plants required per 100 feet of street frontage less driveways	
	Trees	Shrubs
SFR (Nonresidential uses), MFR, C-N, C-S/P, C-C, C-R, C-H	4	25

Response: As required per Table 797-1, for the ±166 feet of street frontage, a total of seven trees and 42 shrubs are required. Due to planter size and utility placement, one tree and 63 shrubs are provided as shown on the Preliminary Landscape Plan in Exhibit B. This standard is met.

10.808 New Commercial and Institutional Development

All new commercial, office and institutional buildings on parcels within 600 feet of an existing or planned major transit stop, as designated by the City of Medford Transportation System Plan (TSP), shall provide the following:

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- (1) Building entrances. All such uses shall provide a main entrance on the facade of a building nearest to and facing a street with a designated "transit route", hereinafter "transit street". A building may have more than one main entrance. If the lot has frontage on more than one transit street, the building need only have one main entrance oriented to a transit street or to the corner where two transit streets intersect.

Response: The site is located adjacent to a major transit stop on E Barnett Road. One of the main entries directly faces the transit street as shown on the Preliminary Site and Dimensioning Plan in Exhibit B. This standard is met.

- (2) Setbacks. Buildings shall be set back no more than 20 feet from the designated transit stop or transit street. Where the site is adjacent to more than one designated transit street, a building is required to meet the maximum setback standard on only one of the streets.

Response: The proposed structure sits 15'-4" back from the transit street property line as shown on the Preliminary Site and Dimensioning Plan in Exhibit B. This standard is met.

- (3) Parking lots. No automobile parking shall be permitted between the building and the designated transit street.

Response: The proposed building sits along the transit street property line with the parking behind it, as shown on the Preliminary Site and Dimensioning Plan in Exhibit B. This standard is met.

- (4) An exception to one or more of the requirements in this section may be granted if the approving authority determines that:
- (a) Strict compliance with the standard is not possible because of terrain or other physical conditions beyond the control of the applicant; or,
 - (b) Direct, convenient and safe access to transit is otherwise adequately provided for by other measures.

Response: No exceptions are needed. This standard does not apply.

Article 6-Signage

10.1700 Signs in Community Commercial District (C-C) and Heavy Commercial District (C-H, and Regional Commercial District (C-R): Basic Regulations

Signs shall be permitted as follows in the C-C, C-R, and C-H districts:

- (1) Ground Signs: Each parcel of land is permitted one ground sign per street frontage, subject to the following limitations:
- (a) Maximum Height: 20 feet
 - (b) Maximum Square Footage: 150 square feet per sign
 - (c) Minimum Setback: Shall not project into public right-of-way.

Response: This project involves construction of a new McDonald's restaurant on the site of an existing bank building in the Winco shopping center. Subsection 10.1700(5) below dictates allowable signage and standards for shopping centers. These standards do not apply.

- (d) Electronic Message Signs are permitted as a ground sign subject to the following limitations:

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- (i) Each parcel of land is permitted one (1) electronic message sign if the sign is 150 feet or farther from any residential zoning district.
- (ii) All text displayed on an electronic message sign must be static for a minimum of five seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.
- (iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.
- (iv) The conversion of an existing, conforming ground sign to an electronic message sign is permitted.
- (v) The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.

Response: This application does not involve electronic message signs. These standards do not apply.

(2) Wall Signs: Wall signs are permitted, subject to the following limitations:

- (a) Principal Facade: The aggregate area of all signs shall not exceed one and one-half square feet for each linear foot of business frontage, except if the building is set back more than 20 feet from the right-of-way, in which case the aggregate area of all signs shall not exceed two square feet for each linear foot of business frontage. No part of any sign shall be higher than the building height as defined in Section 10.705.
- (b) Secondary Facade: The aggregate area of all signs shall be limited in area to two square feet for each linear foot of business frontage and shall be placed flat against the building supporting the sign. No part of any sign shall be higher than the building height as defined in Section 10.705.

Response: Sign design is not part of this application and will be submitted under a separate permit at a later date. Aggregate sign area and placement shall be in accordance with this subsection. These standards can be met.

- (c) Electronic Message Signs are permitted as a primary or secondary facade wall sign subject to the following limitations:
 - (i) The electronic message sign must be 150 feet, or farther, from any residential zoning district.
 - (ii) All text displayed on an electronic message sign must be static for a minimum of five seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.
 - (iii) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.
 - (iv) The conversion of an existing, conforming wall sign to an electronic message sign is permitted.

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- (v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.

Response: Sign design is not part of this application and will be submitted under a separate permit at a later date. Electronic message signs are not anticipated. These standards do not apply.

- (3) Projecting Signs: No sign shall project more than 18 inches into the public right-of-way except under the following conditions:
- (a) The building is set back less than two feet from public right-of-way, and
 - (b) The sign is less than 25 square feet in area.
 - (c) No part of any sign shall be higher than the building height as defined in section 10.705.

Response: Sign design is not part of this application and will be submitted under a separate permit at a later date. Signs are not anticipated to project into the public right-of-way. These standards do not apply.

- (4) Awning/Canopy/Marquee Signs: All such signs shall be assessed against the aggregate wall signage for the facade.

Response: Sign design is not part of this application and will be submitted under a separate permit at a later date. Awning, canopy, and marquee signs are not anticipated. These standards do not apply.

- (5) Shopping Center Sign: In the case of shopping areas which are developed as a unit with common parking areas, one ground sign per vehicular access on a public street is permitted on the premises of a shopping center. The size of the ground signs shall be determined as follows: For shopping centers with less than 300,000 square feet of gross floor area, one sign may be up to 150 square feet in area and 20 feet in height. For shopping centers that contain or have master site plan approval for a gross floor area between 300,000 square feet and 500,000 square feet, one sign may be up to 200 square feet in area each and 35 feet in height. For shopping centers that contain or have master site plan approval for a gross floor area that exceeds 500,000 square feet, two signs may be up to 200 square feet in area each and 35 feet in height, but no less than 1,000 feet apart. Each additional ground sign shall not exceed 30 square feet in area and 12 feet in height. The shopping center ground signs allowed by this subsection (5) are in lieu of all other ground signs permitted in the zoning district, as listed under the Basic Regulations in Subsection (1) of this section. Such signs shall not project into public right-of-way. Shopping center signs are permitted as electronic message signs subject to the criteria contained in Section 10.1700(1)(d).

Response: This application involves a shopping center with less than 300,000 square feet of gross floor area. Sign design is not part of this application and will be submitted under a separate permit at a later date; however, two sign locations are called out on the Preliminary Site and Dimensioning Plan in Exhibit B. The existing Winco sign will be relocated closer to the vehicular access east of the project site. This existing sign meets the area and height requirements of this subsection. A new McDonald's sign is anticipated to be sited near the vehicular access to the west of the project site. It will meet the requirements of this section. These standards can be met.

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10.1710 Community Commercial District (C-C) Heavy Commercial District (C-H) and Regional Commercial (C-R): Additional Special Signs:

Additional special signs shall be permitted as follows:

- (1) Freeway Signs:
 - (a) Freeway signs shall be permitted only on parcels or portions thereof that are located within the freeway overlay district per Section 10.365, and as shown on the official zoning map of the City of Medford.
 - (b) One (1) sign not exceeding 250 square feet in area and 50 feet in height, shall be permitted on a parcel located within the freeway overlay district. Each parcel is also permitted one (1) sign not exceeding 150 square feet in area and 20 feet in height. Such signs are permitted in lieu of all ground signs permitted in the underlying zoning district, as listed under the Basic Regulations.

Response: The project site is not in a freeway overlay district. This standard does not apply.

- (2) Fueling Station Signs: One additional ground sign per street frontage, not exceeding 30 square feet in area and 9 feet in height for any single parcel of land occupied by a fueling station. Such signs may not project into public right-of-way.

Response: This application does not involve a fueling station or associated signs. This standard does not apply.

- (3) Drive-up Window Business Sign: One ground sign not to exceed 32 square feet in area and six (6) feet in height for any single parcel of land occupied by a drive-up window business. Such signs may not project into public right-of-way.

Response: Sign design is not part of this application and will be submitted under a separate permit at a later date. Drive-up window signs are anticipated and will be provided in accordance with this subsection. These standards can be met.

- (4) Construction Sign: Up to two additional non-illuminated signs may be installed after a building permit has been obtained for a construction project and must be removed not later than two years after issuance of the building permit for the project or upon completion of the project, whichever is sooner. Each sign shall have an area not exceeding 100 square feet, and the top of the sign shall not be more than 20 feet above the general surface of the ground. Not more than two such signs shall be erected for each construction project and such signs shall be subject to the same setback requirements as are imposed for structures in this zone.

Response: This requirement is understood.

- (5) Temporary Sign: One temporary sign on each street frontage is allowed for each separate business. Display period is limited to 30 days and is renewable upon application, but shall not exceed four (4) permits in one (1) calendar year. The area of each temporary sign shall not exceed 32 square feet. No part of any sign shall be higher than the building height as defined in Section 10.705.

Response: This requirement is understood.

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- (6) Portable Sign: One additional portable sign not to exceed 12 square feet in area for each business entrance is permitted. Such signs shall not be located within public right-of-way. The portable signs shall only be displayed when the business is open.

Response: Portable signs are not anticipated. This requirement is understood and can be met.

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SITE PLAN AND ARCHITECTURAL REVIEW APPLICATION

Applicant's Questionnaire

- A. List existing uses and development adjacent to your project site. Along with this list, describe the architecture (materials, colors, etc.), age, and condition of the adjacent buildings (you may use photographs to supplement this information).

Response: The project site fronts the north side of E Barnett Road on a portion of Tax Lot 5900, which contains the Winco shopping center. Existing structures within the Winco shopping center include two strip style shopping structures, a Winco, and a Dollar Tree. Most of these buildings were built in the 1970s and are clad in light colored stucco (tan or gray) and block material. Adjacent sites have fast food restaurants such as Burger King and Jack in the Box, built in accordance with the standards of those companies in the late 1980s and early 1990s. All nearby structures are in good condition as a result of maintenance and remodels. An existing McDonald's sits just west of the project site but will be removed upon completion of the new restaurant.

- B. Describe the building architecture and exterior treatments in your proposal, and how they fit with and complement adjacent buildings and development.

Response: The new McDonald's restaurant will follow the company standards for design which include: mixed, complementary, and contemporary exterior materials like metal panel and brick; glazing, to create visual connections with pedestrian and vehicular rights-of-way; metal sun shades to reduce heat gain; and efficient site lighting for safety. Design of the restaurant was considerate of surrounding aesthetics, and color palettes were chosen to complement surrounding architecture.

- C. Describe the proposed architecture and exterior treatments that break up large facades and give relief to the building mass. The Site Plan and Architectural Commission Design Guidelines are a helpful reference, and can be found on the City's website, and at the Planning Department.

Response: The new McDonald's restaurant will use company design standards to respond to the Design Guideline requirements. To avoid the "big box" effect as outlined in the Design Guidelines, building protrusions and differing materials will help create visually interesting articulation. Glazing will break up large façades and provide a visual link between the building interior and adjacent public right-of-way.

- D. Describe how the placement and orientation of the proposed building(s) relate(s) to the street facilities, and how this orientation promotes a more pedestrian-friendly site design.

"K" 490f77



-
- a. If the site lies within 600-feet of an existing or planned transit stop, as designated by the Transportation System Plan (TSP), describe compliance with the standards of Section 10.808, New Commercial and Institutional Development.

Response: The new restaurant is located approximately 15 feet from the street property line to satisfy the minimum setback requirements of the C-R Zone. The building is within 20 feet of this property line, with parking located behind the structure per the requirements of Section 10.808. With an entrance directly facing the transit street, pedestrian access from the public right-of-way is defined and easy to access. The location of bike racks near the building entrance on the west façade, and within 12 feet of the public-right-of way, provides pedestrian and bicycle friendly access to the site and restaurant.

- E. Describe the pedestrian facilities and amenities on your site (useable outdoor space, benches, etc.), and how they will function for pedestrians.

Response: The site and building design take care to respond to their location adjacent a public right-of-way near a transit stop. The building is sited to allow easy access both from the parking area—via easy-to-maneuver walkways—and from the public right-of-way next to which it directly sits. Bike racks have been placed within 12 feet of the entrance to ensure easy use by all. Landscaping has been designed to create a pleasant and pedestrian friendly environment.

- F. Describe vehicle and pedestrian access to the site, and how it relates internally on the site, and to adjacent sites.

Response: Vehicular access to the site is via existing drives on the east and west of the project site that connect to E Barnett Road and serve the shopping center. Pedestrian access from the parking areas is handled through walkways, as discussed in Section 10.775 above. Pedestrian access from the public right-of-way is directly through the entrance along the street-facing façade of the building, or by the walkway—designed to the standards of Section 10.775 above—on the west side of the structure.

- G. Describe if and how the proposed plan is sensitive to retaining any existing trees or significant native vegetation on the site. Should existing trees be preserved, a Tree Protection Plan shall also be included in this application.

Response: Significant native vegetation does not exist on the project site. Site redevelopment for stormwater and building placement precludes the ability to retain existing trees. However, a landscape plan meeting the requirements of Section 10.780 is provided as part of the application to ensure the continuation of green space in the area.

- H. Describe stormwater detention facilities on the site (underground storage, surface pond, etc.). If these facilities will be landscaped areas, describe how the proposed landscaping will be integrated with other landscaping on the site.

Response: Stormwater facilities have been designed into existing interior parking lot landscape planters and added to newly landscaped areas elsewhere on the site. Minimum landscape requirements for these stormwater facilities will allow the use of planting materials that complement new landscape elements throughout the site.

- I. Describe how your proposed landscaping design will enhance the building and other functions on the site.

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Response: New landscaping will act as a frame for the new structure, which sits directly adjacent the pedestrian right-of-way. Landscaping will screen all parking areas from the adjacent right-of-way. All minimums meet the requirements of MLDC 10.797.A.(4).

J. Describe how your exterior lighting illuminates the site, and explain how the design of fixtures does not diminish a view of the night sky, or produce glare on adjacent properties, consistent with the standards of Section 10.764.

Response: Site lighting will be handled by various types of fixtures, tiered to access levels, to create a comfortable and safe environment for vehicles and pedestrians. All lighting will be down lighting or wall-wash lighting. Louvers will be utilized to block direct viewing of all light sources.

K. Describe any proposed signage, and how it will identify the location of the occupant and serve as an attractive complement to the site.

Response: Sign design is not part of this application and will be submitted under a separate permit at a later date. Various signs are anticipated to be placed on-site. A shopping center sign meeting the requirements for a main sign, per the standards of MLDC 10.1700.(5), will be located adjacent the vehicular access on the east side of the project site. A sign for McDonald's meeting the secondary sign requirements, per the standards of MLDC 10.1700.(5), will be located adjacent the vehicular access on the west side of the project site. Wall signs for the new McDonald's will be provided meeting the standards of 10.1700.(2).(a)-(b). A drive-thru sign for the new McDonald's will be provided meeting the standards of 10.1710.(3).

L. Explain any proposed fencing, including its purpose, and how you have incorporated it as a functional, attractive component of your development. (See Sections 10.731-10.733).

Response: No fencing is proposed as a part of this project.

M. Explain how any potential noise generated by future occupants will be mitigated on the proposed site, consistent with the standards of Sections 10.752-10.761.

Response: The site currently houses a bank with drive-up ATMs generating traffic noise. The new use is a McDonald's fast food restaurant with a drive-thru window and indoor seating, which replaces McDonald's current location on an adjacent site. The new development will generate noise similar to the bank that previously operated on the site and similar to McDonald's existing location. Newly planted landscaping will help create a noise buffer between this site and adjacent sites of the same use type, as well as buffer sound from the adjacent transit street into the site.

N. Explain anything else about your project that adds to the compatibility of the project with adjacent development and uses.

Response: Existing development along this portion of E Barnett Road encompasses various fast food restaurants and retail opportunities similar to the proposed structure. The McDonald's is being built to replace an existing McDonald's on the adjacent site.

O. List and explain any exceptions or modifications requested and provide reasons for such.

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Response: This application does not include exceptions or modifications from the applicable standards.

- P. Section 10.780(C)(2) - List any petition for relief of landscaping standards (i.e., request an increase in turf area at a facility for active recreation; eliminate requirement for root barriers when trees are planted in structural soils). Provide rationale for requested deviation from standard.

Response: This application does not petition for relief from any applicable landscape standards.

IV. Conclusion

The required findings have been made, and this written narrative and accompanying documentation demonstrate the application is consistent with the applicable provisions of the City of Medford Land Development Code. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests the City approve this Site Plan and Architectural Review application.

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PLANNING DEPT.

Exhibit D: Pre-Application Summary
File #PA-18-082

CITY OF MEDFORD

EXHIBIT # K 530f77

FILE # AC-19-047



Planning Department

Working with the community to shape a vibrant and exceptional city

August 23, 2018

AKS Engineering and Forestry
4300 Cherry Ave NE
Keizer, OR 97303

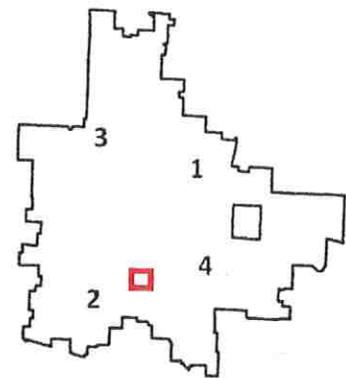
RE: pre-application (PA-18-082)

To whom it may concern,

54 spaces

This correspondence is sent to provide written comments from the perspective of the Planning Department for the following application:

A pre-application request to review a proposal of a 4,456 square foot fast food restaurant, drive thru, and parking area located on a 1.07 acre project site in a shopping center on the north side of East Barnett Road approximately 560 feet east of South Riverside Avenue in the C-R (Regional Commercial) zoning district (371W30DC TL 5900).



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SITE REVIEW

A restaurant with drive thru is a permitted use within the C-R zoning district per the MLDC Section 10.337. This use has a Standard Industrial Classification of 5812.

Parking

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards			
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 Required Parking Spaces		Maximum Permitted Parking Spaces
	Central Business District C-B Overlay (outside of Downtown Parking District) ^{†*}	All Other Zones	All Zones
Restaurant (with drive thru)	11.0 spaces plus 5.0 spaces for drive-up window queue	12.0 spaces plus 5.0 spaces for drive-up window queue	14.0 spaces

PARKING TABLE (10.743-751)

	Required	Shown
Total Spaces	54/63 max.	44
Accessible Spaces	2	2
Bicycle Spaces	5 (per min. 54 spaces)	0

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Parking space / aisle width dimensions (MLDC 10.746(16))

(16) Parking Space Minimum Dimension Standards.

Parking Angle	Space Width	Space Length	Aisle Width (1-way)	Aisle Width (2-way)
90 deg	9'0"	19'0"	24'0"	24'0"
60 deg	9'0"	19'0"	16'0"	24'0"
45 deg	9'0"	19'0"	12'0"	24'0"
0 deg/Parallel	8'0"	24'0"	12'0"	24'0"

- 20% of spaces can be designated as Compact parking spaces, which is allowed a reduced length of 16 feet.
- Spaces that abut a seven foot pedestrian walkway may be reduced to 17 feet in length.
- Spaces that abut required landscaping may be reduced to 17 feet in length.

Parking Area Landscaping

C-R	Required/24 spaces	Proposed
Trees	3	7
Shrubs	6	14

Zoning District	Plants/ per 24 Spaces trees/shrubs	Sq. Ft./ per 24 Spaces
Industrial Zones SFR (Nonresidential uses only).	2 4	325
MFR zones, Commercial Zones.	3 6	500

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Pedestrian Walkways (MLDC 10.772-775)

Site plan will need to show pedestrian walkways connecting the proposed building to each public sidewalk, to abutting properties, and to future buildings proposed for the site.

10.772 Pedestrian Walkway General Provisions.

These walkway provisions are intended to provide safe, direct and convenient pedestrian access in new office and commercial developments.

Internal pedestrian circulation shall be provided in new office and commercial developments through clustering of buildings, construction of pedestrian ways, skywalks, where appropriate, and similar techniques.

[Added, Sec. 18, Ord. No. 7629, May 5, 1994.]

10.773 Pedestrian Walkway Connections and Routing.

A pedestrian walkway shall be provided:

- (1) To each street abutting the property, and for every 300 feet of street frontage not including limited access freeways.
- (2) To connect with walkways, sidewalks, bikepaths, and other bicycle or pedestrian connections on adjacent properties.
- (3) To connect building entrances to one another, to existing or planned transit stops and to connect the pedestrian circulation system to other areas of the site such as parking lots, children's play areas, required outdoor areas and any pedestrian amenities such as plazas, resting areas and viewpoints.

[Added, Sec. 19, Ord. No. 7629, May 5, 1994; Amd. Sec. 24, Ord. No. 2009-207, Sept. 17, 2009.]

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. Vehicle encroachment is permitted into the walkway when a minimum of seven feet is maintained.

The submitted site plan shows a pedestrian walkway connecting the proposed building to the public sidewalk running along Barnett Road. Please add a pedestrian walkway connecting the proposed building to the adjacent properties existing walkways and sidewalks.

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Landscaping

SPAC submittal will need to include a landscape plan prepared by a State of Oregon licensed landscape architect or all-phase contractor. The landscape plan will need to include frontage landscaping along Barnett Road, and include parking area planters within the parking lot.

LANDSCAPE TABLE - Frontage Landscaping (10.797)

L.S. Requirements
NEED TO ADD TREES.

Barnett Road (250 ft. appx.)	Required
Trees	10
Shrubs	63

- * Frontage landscaping located in the front yard setback
- * Frontage landscaping can be located within the PUE.

Concealments

Please include elevation plan illustrating the dimension and materials for the trash enclosure identified on the site plan.

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. [Added, Sec. 2, Ord. No. 1999-211, Dec. 16, 1999.]

10.782 Concealment of Heating, Ventilation, Air Conditioning (HVAC) Equipment and Roof-Mounted Wireless Communication Facilities.

All HVAC equipment and roof-mounted wireless communication facilities 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. [Added, Sec. 2, Ord. No. 1999-211, Dec. 16, 1999; Amd. Sec. 4, Ord. No. 2008-04, Jan. 3, 2008.]

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McDonald's Pre-Application
PA-18-082
August 23, 2018

SPAC and PC schedule

Applications are taken in and processed each Friday in which the item will be deemed complete or incomplete within 15 to 30 days. If complete, the applications will be at the Site Plan & Architectural Commission and Planning Commission within 1 ½ - 3 months.



Liz Conner, CFM
Planner II
City of Medford - Planning Department
Lausmann Annex, 200 S. Ivy Street
Medford, OR 97501
(541) 774-2389

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Exhibit E: Property Ownership

CITY OF MEDFORD

EXHIBIT #

K 600F77

FILE # AC-19-047



PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Ticor Title Company of Oregon hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company, a/an Florida corporation.

Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned

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744 NE 7th Street, Grants Pass, OR 97526
(541)476-1171 FAX (541)476-1174

PRELIMINARY REPORT

TITLE OFFICER: Robert Bennett

ORDER NO.: 470317056578

Revision 1

TO: Chicago Title Insurance Company
Don Nagy
701 Fifth Avenue, Suite 2700
Seattle, WA 98104

OWNER/SELLER: HomeFederal Bank

BUYER/BORROWER: McDonald's USA, LLC, Delaware limited liability company

PROPERTY ADDRESS: 295 E Barnett Road, Medford, OR 97501

EFFECTIVE DATE: June 25, 2018, 12:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	<u>AMOUNT</u>	<u>PREMIUM</u>
ALTA Owner's Policy 2006	\$ 1,000,000.00	\$ 3,465.00
Owner's Extended		
Government Lien Search		\$ 30.00
Site Inspection Fee		\$ 100.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

PAPF Medford, LLC, a Delaware limited liability company

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF MEDFORD, COUNTY OF JACKSON, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

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

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EXHIBIT "A"

Legal Description

Commencing at the Northwest corner of Donation Land Claim No. 50, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence North, 11.25 feet; thence West, 351.03 feet, to a 1" galvanized iron pipe located on the Southwesterly right of way line of the Southbound off-ramp of Interstate Highway No. 5, for the true point of beginning; thence along the right of way line, North 36° 33' 35" West, 24.90 feet; thence South 89° 59' 40" West, 620.54 feet; thence South 47° 29' 40" West, 49.91 feet; thence South 63° 26' West, 45.73 feet, to the most Northeasterly corner of land described in Instrument No. 00-52091, Official Records, Jackson County, Oregon; thence South 0° 00' 20" East, along the Easterly boundary of said land, 234.11 feet; thence South 63° 03' 00" West, along the Southerly line of said land, 91.17 feet, to the most Northerly corner of parcel described in Volume 499, Page 348, Deed Records, Jackson County, Oregon; thence South 25° 49' 00" East, along the Easterly boundary of said parcel, and the Southerly extension thereof, 435.30 feet, to the Northwesterly boundary of tract described in Instrument No. 99-02286, said Official Records; thence North 72° 10' 24" East, along said boundary, 49.90 feet; thence North 72° 02' 40" East, along the Northwesterly boundary of tract described in Instrument No. 66-07269, said Official Records, 130.00 feet; thence South 19° 02' 57" East, along the Easterly boundary of said tract, 280.93 feet, to the relocated right of way line of Barnett Road, being 52.00 feet North of, at right angles to, the original center line of said road; thence North 89° 59' 40" East, along said North right of way line, 255.45 feet; thence North 03° 34' 40" West, along the West line of tract described in Volume 567, Page 262, said Deed Records, 197.96 feet; thence North 89° 59' 40" East, along the North line of said tract, 160.00 feet; thence North 03° 34' 40" West, along the Northerly projection of the Easterly line of said tract, 50.53 feet; thence North 03° 34' 42" West, 122.99 feet; thence North 01° 44' 00" West, 278.04 feet; thence North 03° 07' 50" West, 223.17 feet, to said Southwesterly right of way line of the Southbound off-ramp of Interstate Highway No. 5; thence North 36° 33' 35" West, along said right of way, 50.00 feet, to the true point of beginning

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AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. City Liens, if any, in favor of the City of Medford. There are additional fees for a lien search. A search has not been completed at this time. An inquiry should be made prior to closing to obtain accurate lien status information.
7. An Easement created by instrument, including the terms and provisions thereof,
In favor of: Pacific Power and Light Company
For: Electrical Facilities
Volume: 334 Page: 105
Volume: 374 Page: 379
in Jackson County, Oregon.
8. An Easement created by instrument, including the terms and provisions thereof,
In favor of: City of Medford
For: Sanitary Sewer
Volume: 492 Page: 319 and 323
in Jackson County, Oregon.
9. Limited access provisions contained in "Final Judgment and Order of Taking" to the State of Oregon, by and through its State Highway Commission, which provides that no right or easement of right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property,
Filed: November 10, 1961
Case No.: 61-279L
Circuit Court for: Jackson County

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10. An Easement created by instrument, including the terms and provisions thereof,
For: Public Utilities, Driveways, ingress and egress
Recorded: October 1, 1970
Instrument No.: 70-09882
in Jackson County, Oregon.
Affects: Southerly 30 feet (tax lot 6200); Most Northerly 20 feet (tax lot 5900)

11. An Easement created by instrument, including the terms and provisions thereof,
In favor of: City of Medford
For: Municipal Water System
Recorded: March 26, 1971
Instrument No.: 71-02673
in Jackson County, Oregon.

12. Agreement regarding Municipal Water System, including the terms and provisions thereof,
Recorded: March 26, 1971
Instrument No.: 71-02674
Records of Jackson County, Oregon.

13. An Easement created by instrument, including the terms and provisions thereof,
In favor of: Pacific Power and Light Company
For: Electrical Facilities
Recorded: April 2, 1971
Instrument No.: 71-02989
in Jackson County, Oregon.

14. Indenture of Access, including the terms and provisions thereof,
Recorded: March 20, 1972
Instrument No.: 72-03337
Records of Jackson County, Oregon.

15. Easement for Ingress, Egress Driveway and Public Utilities, including the terms and provisions thereof,
Recorded: March 21, 1972
Instrument No.: 72-03419
ReRecorded: April 4, 1972
Records of Jackson County, Oregon.

16. An Easement created by instrument, including the terms and provisions thereof,
For: Public Utilities
Recorded: May 6, 1976
Instrument No.: 76-07160
in Jackson County, Oregon.

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17. Easement Agreement regarding Water Line, Sanitary Sewer and Underground Culvert, including the terms and provisions thereof,
Recorded: July 29, 1977
Instrument No.: 77-15425
Records of Jackson County, Oregon.

18. An Easement created by instrument, including the terms and provisions thereof,
In favor of: Pacific Power and Light Company
For: Electrical and Communication Facilities
Recorded: July 29, 1977
Instrument No.: 77-15426
in Jackson County, Oregon.

19. An Easement created by instrument, including the terms and provisions thereof,
For: Ingress, Egress Driveway purposes
Recorded: July 29, 1977
Instrument No.: 77-15427
in Jackson County, Oregon.

20. An Easement created by instrument, including the terms and provisions thereof,
In favor of: Pacific Power and Light Company
For: Electrical and Communication Facilities
Recorded: October 18, 1999
Instrument No.: 99-52822
in Jackson County, Oregon.

21. An Easement created by instrument, including the terms and provisions thereof,
In favor of: City of Medford
For: Water Mains
Recorded: June 1, 2000
Instrument No.: 00-22923
in Jackson County, Oregon.

22. An Easement created by instrument, including the terms and provisions thereof,
In favor of: City of Medford
For: Sanitary Sewer
Recorded: July 1, 2000
Instrument No.: 00-22924
in Jackson County, Oregon.

23. An Easement created by instrument, including the terms and provisions thereof,
In favor of: City of Medford
For: Public Access
Recorded: January 19, 2001
Instrument No.: 01-02349
in Jackson County, Oregon.

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24. An Easement created by instrument, including the terms and provisions thereof,
In favor of: City of Medford
For: Pedestrian Access and Traffic Signal
Recorded: January 19, 2001
Instrument No.: 01-02350
in Jackson County, Oregon.

25. Building Site Improvement Agreement, including the terms and provisions thereof,
Recorded: March 27, 2001
Instrument No.: 01-11767
Records of Jackson County, Oregon.

26. An Easement created by instrument, including the terms and provisions thereof,
In favor of: City of Medford
For: Public Utilities
Recorded: March 27, 2001
Instrument No.: 01-11768
in Jackson County, Oregon.

27. An Easement created by instrument, including the terms and provisions thereof,
For: Driveway for Ingress and Egress
Recorded: May 1, 2002
Instrument No.: 02-24267
in Jackson County, Oregon.

28. An Easement created by instrument, including the terms and provisions thereof,
In favor of: Pacific Power and Light Company
For: Electrical and Communication Facilities
Recorded: May 3, 2002
Instrument No.: 02-24787
in Jackson County, Oregon.

29. An Easement created by instrument, including the terms and provisions thereof,
For: Driveway for Ingress and Egress
Recorded: May 8, 2002
Instrument No.: 02-25641
in Jackson County, Oregon.

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30. Lease, including the terms and provisions thereof, a memorandum of which was,
Dated: November 15, 1999
Recorded: December 2, 2002
Instrument No.: 02-64310
in Jackson County, Oregon.
Lessor: Twenty-Second Medford Corporation, an Oregon Corporation
Lessee: Winco Foods, Inc., an Idaho Corporation

The lessor's interest was assigned/acquired by numerous assignments and or conveyances, the most recent of which was,

To: Medford First, LLC, an Oregon Limited Liability Company
Recorded: May 11, 2004
Instrument No.: 2004-026281
in Jackson County, Oregon.

31. Lease, including the terms and provisions thereof,
Lessor: Medford First, LLC, an Oregon Limited Liability Company
Lessee: Hancock Fabrics, Inc.
Dated: July 29, 2004
Recorded: September 15, 2004
Instrument No.: 2004-053979
in Jackson County, Oregon.

32. Road Maintenance Agreement, including the terms and provisions thereof,
Recorded: August 30, 2005
Instrument No.: 2005-052773
Records of Jackson County, Oregon.

33. An Easement created by instrument, including the terms and provisions thereof,
In favor of: City of Medford
For: Water Facility
Recorded: March 2, 2006
Instrument No.: 2006-010516
in Jackson County, Oregon.

34. Building Site Improvement Agreement, including the terms and provisions thereof

Recording Date: November 16, 2007
Recording No.: 2007-052235

35. [Intentionally Deleted]

36. [Intentionally Deleted]

37. A financing statement as follows:

Debtor: Medford First, LLC, an Oregon limited liability company
Secured Party: Basis Real Estate Capital II, LLC
Recording Date: June 21, 2012
Recording No: 2012-019781

"K" 680f77

A change to the above financing statement was filed
Nature of Change: Assignment
Recording Date: November 6, 2012
Recording No: 2012-038313

A change to the above financing statement was filed
Nature of Change: Continuation
Recording Date: January 4, 2017
Recording No: 2017-000290

38. [Intentionally Deleted]

39. [Intentionally Deleted]

40. [Intentionally Deleted]

41. Property taxes in an undetermined amount, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2018-2019.

Tax Identification No.: 10378300

42. The transaction contemplated in connection with this Report is subject to the review and approval of the Company's Corporate Underwriting Department. The Company reserves the right to add additional items or make further requirements after such review.

43. The Company will require an ALTA/ACSM LAND TITLE SURVEY. If the owner of the Land the subject of this transaction is in possession of a current ALTA/ACSM LAND TITLE SURVEY, the Company will require that said survey be submitted for review and approval; otherwise, a new survey, satisfactory to the Company, must be prepared by a licensed land surveyor and supplied to the Company prior to the close of escrow.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

44. Unrecorded leases and/or tenancies, if any.

45. Any encroachment (of existing improvements located on the subject Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject Land.

The Company will require an inspection of the premises, and this exception may be eliminated or limited as a result thereof.

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46. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: PAF Medford, LLC, a Delaware limited liability company

- a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.
- b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.
- c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.
- d. A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created
- e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

47. A Deed of Trust, Security Agreement, Assignment of Leases and Rents and Fixture Filing to secure an indebtedness in the amount shown below,

Amount: \$8,000,000.00
 Dated: May 16, 2018
 Trustor/Grantor: PAF Medford, LLC, a Delaware limited liability company
 Trustee: First American Title Insurance Company
 Beneficiary: Farmers & Merchants Bank of Central California
 Recording Date: May 25, 2018
 Recording No.: 2018-016112
 INCLUDES ADDITIONAL PROPERTIES

48. Subordination, Nondisturbance and Attornment Agreement, and the terms and conditions thereof:

Lender: Farmers & Merchants Bank of Central California
 Tenant: Dollar Tree Stores, Inc., a Virginia corporation
 Landlord: PAF Medford, LLC, a Delaware limited liability company
 Recording Date: May 25, 2018
 Recording No: 2018-016113
 INCLUDES ADDITIONAL PROPERTIES

49. Subordination, Nondisturbance and Attornment Agreement, and the terms and conditions thereof:

Lender: Farmers & Merchants Bank of Central California, a California banking corporation
 Tenant: Winco Foods, LLC, a Delaware limited liability company
 Landlord: PAF Medford, LLC, a Delaware limited liability company
 Recording Date: May 25, 2018
 Recording No: 2018-016114

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ADDITIONAL REQUIREMENTS/NOTES:

A. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2017-2018
Amount: \$143,943.66
Levy Code: 49-01
Account No.: 1-037830-0
Map No.: 371W30DC 5900

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

B. Note: There are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties: McDonald's USA, LLC, Delaware limited liability company

C. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: McDonald's USA, LLC, Delaware limited liability company

a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.

b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.

c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.

d. A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created

e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

D. Note: The only conveyance(s) affecting said Land, which recorded within 24 months of the date of this report, are as follows:

Grantor: Medford First, LLC, an Oregon limited liability company
Grantee: PAPF Medford, LLC, a Delaware limited liability company
Recording Date: May 25, 2018
Recording No: 2018-016111

E. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

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- F. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.
- G. Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.
- H. Note: Recording charge per document for:

Jackson County - Deed \$94.00 for the first page, \$5.00 for each additional page. All other documents \$103.00 for the first page, \$5.00 for each additional page.

E-recording fee is an additional \$5.00 per document
- I. Please send Recording Packages to: Tigor Title, 744 NE 7th Street, Grants Pass, OR 97526

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EXHIBIT ONE

2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - the occupancy, use, or enjoyment of the Land;
 - the character, dimensions or location of any improvement erected on the land;
 - the subdivision of land; or
 - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
 - Defects, liens, encumbrances, adverse claims, or other matters
 - created, suffered, assumed or agreed to by the Insured Claimant;
 - not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- resulting in no loss or damage to the Insured Claimant;
 - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
- Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
 - Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
 - Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - a fraudulent conveyance or fraudulent transfer, or
 - a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
 - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - the occupancy, use, or enjoyment of the Land;
 - the character, dimensions or location of any improvement erected on the land;
 - the subdivision of land; or
 - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
 - Defects, liens, encumbrances, adverse claims, or other matters
 - created, suffered, assumed or agreed to by the Insured Claimant;

- not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - resulting in no loss or damage to the Insured Claimant;
 - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
- Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - a fraudulent conveyance or fraudulent transfer, or
 - a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
 - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

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WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. **DO NOT** use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** **DO NOT** send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do **NOT** reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:
<http://www.fbi.gov>

Internet Crime Complain Center:
<http://www.ic3.gov>

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**FIDELITY NATIONAL FINANCIAL
PRIVACY NOTICE
Revised May 1, 2018**

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF", "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

Types of Information Collected

We may collect two types of information from you: Personal Information and Browsing Information.

Personal Information. FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

Browsing Information. FNF may automatically collect the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or mobile device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

How Personal Information is Collected

We may collect Personal Information about you from:

- information we receive from you on applications or other forms;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

How Browsing Information is Collected

If you visit or use an FNF Website, Browsing Information may be collected during your visit. Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to other websites. FNF is not responsible for the privacy practices or the content of any of those other websites. We advise you to read the privacy policy of every website you visit.

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Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and third parties' products and services, jointly or independently.

When Information Is Disclosed

We may make disclosures of your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Please see "**Choices With Your Information**" to learn the disclosures you can restrict.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to guard your Personal Information. We limit access to nonpublic personal information about you to employees who need to know that information to do their job. When we provide Personal Information to others as discussed in this Privacy Notice, we expect that they process such information in compliance with our Privacy Notice and in compliance with applicable privacy laws.

Choices With Your Information

If you do not want FNF to share your information with our affiliates to directly market to you, you may send an "opt out" request by email, phone, or physical mail as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

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For Vermont Residents: We will not disclose information about you creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are meant for adults and are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence for any of the purposes described in this Privacy Notice. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except (1) as required or authorized by contract with the mortgage loan servicer or lender, or (2) as required by law or in the good-faith belief that such disclosure is necessary to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The revised Privacy Notice, showing the new revision date, will be posted on the FNF Website. Each time you provide information to us following any amendment of this Privacy Notice, your provision of information to us will signify your assent to and acceptance of the terms of the revised Privacy Notice for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you submit to us in any manner that we may choose without notice or compensation to you.

Accessing and Correcting Information; Contact Us

If you have questions, would like to access or correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, send your requests via email to privacy@fnf.com, by phone to (888) 934-3354, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

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70-09845

EASEMENT AGREEMENT and MEMO OF LEASE

THIS AGREEMENT is made and entered into as of the 24th day of September, 1970 by and among GROWERS REFRIGERATING CO. and NYE & NAUMES PACKING CO., INC., both Oregon corporations, hereinafter referred to as parties of the first part, and LANNING CORP., a Michigan corporation authorized to do business in the state of Oregon, hereinafter referred to as party of the second part.

WHEREAS, the parties of the first part are the record owners of certain real property located in the city of Medford, Oregon as described in exhibit A attached hereto and,

WHEREAS, party of the second part is the record owner of certain real property located in the city of Medford as described in exhibit B attached hereto and,

WHEREAS, the parties of the first part have leased the premises described in exhibit A and party of the second part is the lessee under said lease and,

WHEREAS, party of the second part has entered into a lease with S. S. Kresge Company for a part of the real property described in exhibit A and B and,

WHEREAS, it is the desire of the parties hereto to create certain rights in and to said land to the extent of the interest of the parties as hereinafter provided,

NOW, THEREFORE, for a valuable consideration and in consideration of the premises, it is hereby agreed as follows:

1. The parties of the first part hereby create a joint easement for driveway and parking purposes over that part of the premises described in exhibit A which is included in the property as described in exhibit C which is attached hereto.

2. Said easement shall be a joint easement for the benefit of the lands described in exhibits A and B attached hereto.

Easement Agreement

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CITY OF MEDFORD
EXHIBIT # L-1 of 8
FILE # AC-19-047

70-09845

EASEMENT AGREEMENT and MEMO OF LEASE

THIS AGREEMENT is made and entered into as of the 24th day of September, 1970 by and among GROWERS REFRIGERATING CO. and NYE & NAUMES PACKING CO., INC., both Oregon corporations, hereinafter referred to as parties of the first part, and LANNING CORP., a Michigan corporation authorized to do business in the state of Oregon, hereinafter referred to as party of the second part.

WHEREAS, the parties of the first part are the record owners of certain real property located in the city of Medford, Oregon as described in exhibit A attached hereto and,

WHEREAS, party of the second part is the record owner of certain real property located in the city of Medford as described in exhibit B attached hereto and,

WHEREAS, the parties of the first part have leased the premises described in exhibit A and party of the second part is the lessee under said lease and,

WHEREAS, party of the second part has entered into a lease with S. S. Kresge Company for a part of the real property described in exhibit A and B and,

WHEREAS, it is the desire of the parties hereto to create certain rights in and to said land to the extent of the interest of the parties as hereinafter provided,

NOW, THEREFORE, for a valuable consideration and in consideration of the premises, it is hereby agreed as follows:

1. The parties of the first part hereby create a joint easement for driveway and parking purposes over that part of the premises described in exhibit A which is included in the property as described in exhibit C which is attached hereto.

2. Said easement shall be a joint easement for the benefit of the lands described in exhibits A and B attached hereto.

Easement Agreement

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3. This agreement shall be binding upon the parties hereto, their heirs, representatives, successors and assigns, and shall be for the benefit of the lands of the parties hereto and the rights herein shall run with the land for the term of the ground lease and the amendment thereto between the parties, including any extensions and renewals of the ground lease. This easement agreement shall terminate in the event of the default by tenant in the performance of the ground lease or any extensions, or renewals thereof; provided, however, that S. S. Kresge Company and tenant's mortgagee shall have the right to keep this agreement in force by the performance of the ground lease and any extensions or renewals thereof.

4. With respect to said ground lease and the amendment thereto the parties of the first part recognize that the party of the second part shall have the right to mortgage its leasehold interest in the property which is the subject of the ground lease for the period of the ground lease and any extensions or renewals thereof. It is expressly understood, however, that in the event of a default in the performance of said ground lease or any extension thereof and if said default is not cured by party of the second part, S. S. Kresge Company or tenant's mortgagee, that parties of the first part shall have the right to terminate said lease or any extension or renewal thereof.

5. So that this instrument may serve as a memorandum of the ground lease and the amendment thereto the parties hereto agree that the term of the lease is as follows:

(a) The term of this lease shall be from August 23, 1969 to twenty-five (25) years after the commencement of the term of the S. S. Kresge lease.

Easement Agreement

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70-09845

(b) Tenant shall have the option to extend the term of said lease for five (5) additional periods of five (5) years each with the tenant giving to the landlord notice not less than six (6) months prior to expiration of the term or the extended term.

IN WITNESS WHEREOF, this easement agreement has been executed by the parties hereto as of the day and year first above written.

PARTIES OF THE FIRST PART

GROWERS REFRIGERATING CO.

By [Signature]
President

NYE & NAUMES PACKING CO., INC.

By [Signature]
President

PARTY OF THE SECOND PARTY

LANNING CORP.

By [Signature]
Attorney-in-fact

STATE OF OREGON)
County of Jackson) ss

September 24, 1970 personally appeared Joe Naumes, who, being sworn, stated that he is the president of the above named Growers Refrigerating Co. and Nye & Naumes Packing Co., Inc. and that this agreement was voluntarily signed in behalf of each corporation by authority of each of its board of directors.

Before me:



[Signature]
Notary Public for Oregon
My commission expires: 3-30-71

Easement Agreement
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STATE OF OREGON)
) ss
County of Jackson)

September 24, 1970 personally appeared John A. Twomey, who being duly sworn, did say that he is the attorney in fact for the above Lanning Corp. and that he executed the foregoing instrument voluntarily on behalf of said corporation by authority of its board of directors.

Before me:



William G. Purdy
Notary Public for Oregon
My commission expires: 3-30-71

Easement Agreement
-4-

112"
50f8

70-09845

EXHIBIT A

TO

EASEMENT AGREEMENT

GROWERS REFRIGERATING CO., LANDLORD ARTHUR T. LANNING,
TENANT, August 22, 1969.

That parcel conveyed to Growers Refrigerating Co., an Oregon corporation, by deed recorded June 24, 1966, as document no. 66-07269, Official Records of Jackson county, Oregon, described as follows:

Commencing at the intersection of the north line of Barnett road with the west line of donation land claim no. 50, in township 37 south, range 1 west of the Willamette meridian in Jackson county, Oregon, thence south 89° 57' west along said road line, 688.0 feet to the true point of beginning; thence continue along said road line, south 89° 57' west 147.5 feet; thence north 17° west 258.7 feet; thence north 72° 00' east 130.0 feet; thence south 18° 10' east 303.0 feet, more or less, to the point of beginning.

EXCEPTING from the foregoing the following described portion thereof:

A strip of land 22.00 feet in width, more particularly described as follows: Beginning at a point on the north line of Barnett road, said point being south 0° 10' 00" east 922.36 feet and south 89° 59' 30" west 688.00 feet from the northwest corner of donation land claim no. 50 in township 37 south, range 1 west of the Willamette meridian in Jackson county, Oregon (being the southeast corner of tract described in volume 480 page 182 of the deed records of Jackson county, Oregon); thence south 89° 59' 30" west, along the north line of said Barnett road, 147.50 feet to the southwest corner of said tract; thence north 16° 57' 30" west (record north 17° west) along the westerly line of said tract, 23.00 feet; thence north 89° 59' 30" east, parallel to and 22.00 feet distant from said north line of Barnett road, 146.62 feet to a point on the easterly line of said tract; thence south 19° 03' 10" east (record south 18° 10' east), along said line 23.27 feet to the point of beginning.

SUBJECT TO

Rights of way and easements of record for which have appeared from a survey of the property.

Exhibit A to Easement Agreement

47
6 of 8

70-09845

EXHIBIT "B"

Commencing at the northwest corner of donation land claim no. 50, township 37 south, range 1 west of the Willamette Meridian in Jackson county, Oregon; thence north 11.25 feet; thence west 351.03 feet to a 1 inch galvanized iron pipe located on the southwesterly right-of-way line of the southbound off-ramp of Interstate No. 5 for the true point of beginning; thence along the right-of-way line north $36^{\circ}33'35''$ west, 24.90 feet; thence south $89^{\circ}59'40''$ west 620.54 feet; thence south $47^{\circ}29'40''$ west 49.91 feet; thence south $63^{\circ}26'$ west 239.83 feet to intersect the northeasterly boundary of those leased premises as described in Exhibit 'A' in Document No. 68-10138 of the official records of Jackson county, Oregon; thence south $25^{\circ}49'$ east 80.00 feet to the most easterly corner of said leased premises; thence along the southeasterly boundary of said leased premises and the southeasterly boundary of tract described in volume 263, page 571 of the deed records of Jackson county, Oregon; south $63^{\circ}03'$ west 324.96 feet to a 1 inch iron pin found to be set for the most westerly corner of tract described in volume 199, page 326 of said deed records; thence along the northwesterly boundary of said tract, north $72^{\circ}16'$ east, 0.14 feet; thence along the northeasterly right-of-way line of the re-located Pacific Highway No. 99 (South Riverside Avenue), south $31^{\circ}12'$ east, 130.33 feet to the most westerly corner of that leased tract described in volume 499, page 348 of said deed records; thence north $63^{\circ}03'$ east 312.60 feet to the most northwely corner of said leased tract; thence along the northeasterly boundary of said leased tract and the southeasterly projection thereof, south $25^{\circ}49'$ east, 435.12 feet to intersect the northwesterly boundary of tract described in Document No. 66-06774 of the official records of said county; thence south $72^{\circ}02'30''$ west, 80.12 feet to the most westerly corner of the aforementioned tract; thence along the southwesterly boundary of said tract, south $13^{\circ}57'20''$ east, 191.33 feet to intersect the re-located north boundary of Barnett Road; thence along said Barnett Road boundary, being 52.00 feet northerly at right angles from the original centerline of Barnett Road, north $89^{\circ}59'40''$ east, 548.47 feet to an intersection with the westerly boundary of that tract leased to Union Oil Company as described in volume 567, page 262 of said deed records; thence along said westerly tract boundary, north $3^{\circ}34'40''$ west, 197.96 feet to the northwesterly corner thereof; thence along the northerly boundary of said tract, north $89^{\circ}59'40''$ east, 160.00 feet to the northeast corner thereof; thence along the northerly projection of the easterly boundary of said tract, north $3^{\circ}34'40''$ west, 50.53 feet; thence to and along the north boundary of tract described in volume 277, page 61 of said deed records and the north boundary of tract described in volume 276, page 579 of said deed records, north $89^{\circ}59'40''$ east, 216.87 feet to intersect the westerly right-of-way line of the southbound off-ramp of Interstate No. 5; thence along said right-of-way line of the arc of a spiral curve left (the chord of which spiral curve bears north $3^{\circ}58'20''$ west, 121.33 feet); thence along said right-of-way line 407.48 feet on the arc of a curve left (which arc has a radius of 354.93 feet and a long chord of north $20^{\circ}52'25''$ west, 403.63 feet); thence along said right-of-way line, non-tangent to the curve, north $36^{\circ}33'35''$ west, 206.00 feet to the true point of beginning, containing 18.94 gross acres, more or less, EXCEPTING THEREFROM the premises described in Document No. 66-06774 of the Official Records of Jackson County, Oregon (Dan R. Elliott) and the premises described as Exhibit "A" in Document No. 66-07269 of the Official Records of Jackson County, Oregon (Growers Refrigerating Company).

Exhibit B to Easement Agreement

11L"
7 of 8

70-09845

EXHIBIT "C"

Commencing at the Northwest corner of Donation Land Claim No. 50, Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence South, 298.42 feet; thence West, 1145.35 feet to a 5/8" iron pin located at the most Northerly corner of that leased tract described in Volume 499, Page 343 of the Deed Records of Jackson County, Oregon; thence along the North-easterly boundary of said leased tract and the Southeasterly projection thereof South 25°49' East, 435.12 feet to a 5/8 inch iron pin for the true point of beginning; thence South 25°49' East, 40.08 feet; thence North 89°59'40" East, 49.31 feet; thence South 0°03'30" East, 174.30 feet to the re-located North boundary of Barnett Road; thence along said Barnett Road boundary, being 52.00 feet Northerly at right angles from the original centerline of Barnett Road, North 69°59'40" East, 50.41 feet to an intersection with the Northeasterly boundary of that parcel described in Document No. 66-06774 of the official records of said county; thence along said parcel boundary North 16°56'10" West (record - North 17°00' West), 59.78 feet; thence North 0°00'20" West, 147.09 feet; thence South 89°59'40" West, 44.77 feet to intersect said parcel boundary; thence North 16°56'10" West 22.44 feet to the most Northerly corner of said parcel; thence along the Northwesterly boundary of said parcel South 72°02'30" West (record - South 72°00' West), 49.88 feet to the true point of beginning, containing 9608 square feet or 0.221 acres, more or less.

Jackson County, Oregon

Recorded

OFFICIAL RECORDS

4:02 SEP 30 1970 P.M.

HARRY CHIPMAN

CLERK and RECORDER

By Nola Renee Dackley Deputy

Exhibit C to Easement Agreement

11" L"
8 of 8



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 4/24/2019
File Numbers: AC-19-047

PUBLIC WORKS DEPARTMENT STAFF REPORT

McDonald's Restaurant

Barnett Road (TL 5900)

Project: Consideration of a proposal for the construction of a 4,456 square foot restaurant with drive-thru (McDonalds) and parking area.

Location: Located on a 1.07 acre project site in a shopping center on the north side of East Barnett Road approximately 560 feet east of South Riverside Avenue in the C-R (Regional Commercial) zoning district (371W30DC TL 5900).

Applicant: Applicant: McDonald's Corporation; Agent: AKS Engineering and Forestry; Planner: Liz Conner.

NOTE: The items listed here shall be completed and accepted prior to the respective issuances of permits and certificates:

Prior to issue of the first building permit, the following items shall be completed and accepted:

- Submittal and approval of plans for site grading and drainage, and detention.
- Completion of all public improvements, if required. The applicant may provide security for 120% of the improvements prior to issuance of vertical building permits. Construction plans for the improvements will need to be approved by the Public Works Engineering Division prior to acceptance of security.
- Items A – D, 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.
- Completion of all public improvements, if applicable.

A. STREETS

1. Dedications

Barnett Road is classified as a Major Arterial street, and in accordance with Medford Land Development Code (MLDC) Section 10.428, requires a total right-of-way width of 100-feet. **No additional right-of-way is required.**

In accordance with MLDC 10.471, **the property owner shall dedicate a 10-foot wide public utility easement (PUE)** adjacent to the right-of-way line along this Developments frontage.

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

Barnett Road – All street section improvements have been completed including pavement, curb and gutter, sidewalks and street lights. **No additional public improvements are required.**

NOTE: All projects subject to Site Plan and Architectural Review shall be required per MLDC 10.501 (6), as a condition of approval, to repair all frontage sidewalks as determined by the Engineering Division. When attached as a condition of approval of a Site Plan and Architectural Review application the sidewalk maintenance procedures set forth in Chapter 3, Section 3.025, Notice on Hearing of City Repair of Sidewalks, through 3.035, Notice of Sidewalk Repair, are hereby superseded.

b. Street Lights and Signing

No additional street lights are required.

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 by the Developer.

c. Pavement Moratoriums

There is a pavement cutting moratorium currently in effect along this frontage to Barnett Road, which is set to expire August 17th 2019.

d. Access and Circulation

The applicant shall grant, or submit evidence of existing, cross-access easements in a form acceptable to the City to all contiguous parcels that do not abut a street of a lower order than an Arterial or Collector.

The relocated pedestrian access and traffic control easement revision shall be reviewed and approved by Traffic Engineering prior to approval of building permits.

The existing pedestrian access easement will require to be vacated by separate City Council action. Applicant will be required to make separate application after dedication and prior to any work that will encroach in this area.

B. SANITARY SEWERS

The proposed development is situated within the Medford sewer service area. It is unclear where the existing or any proposed sanitary sewer laterals are located. All unused laterals adjacent and stubbed to the development shall be capped at the main.

C. STORM DRAINAGE

1. Drainage Plan

A comprehensive drainage plan showing the entire project site with sufficient spot elevations to determine direction of runoff to the proposed drainage system, and also showing elevations on the proposed drainage system, shall be submitted with the first building permit application for approval.

The Developer shall provide copies of either a Joint Use Maintenance Agreement or a private stormdrain easement for any stormwater draining onto or from adjacent private property.

A Site/Utility Plan shall be submitted with the building permit application to show the location of existing or proposed stormdrain lateral/s for the site.

All private storm drain lines shall be located outside of the public right-of-way and/or any public utility easements (PUE).

2. Grading

A comprehensive grading plan showing the relationship between adjacent property and the proposed development will be submitted with the 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. The Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

"M"

3. Detention and Water Quality

Stormwater quality and detention facilities shall be required in accordance with MLDC Section 10.481 and 10.729.

4. Certification

Upon completion of the project, and prior to certificate of occupancy of the building, the Developer's design engineer shall certify that the construction of the stormwater quality and detention system was constructed per plan. Certification shall be in writing and submitted to the Engineering Division of Public Works. Reference Rogue Valley Stormwater Quality Design Manual, Appendix I, Technical Requirements.

5. Erosion Prevention and Sediment Control

All development that disturbs 5,000 square feet or greater shall require an Erosion Prevention and Sediment Control Plan. Developments that disturb one acre and greater shall require a 1200C permit from the Department of Environmental Quality (DEQ). Erosion Prevention and Sediment Control Plans shall be submitted to the Building Department with the project plans for development. All disturbed areas shall be covered with vegetation or properly stabilized prior to certificate of occupancy.

D. GENERAL CONDITIONS

1. Construction and Inspection

The Developer or Developer's contractor shall obtain appropriate right-of-way permits from the Department of Public Works prior to commencing any work within the public right-of-way that is not included within the scope of work described within approved public improvement plans. Pre-qualification is required of all contractors prior to application for any permit to work in the public right-of-way.

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 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.

"M"

SUMMARY CONDITIONS OF APPROVAL

McDonald's Restaurant
Barnett Road (TL 5900)

AC-19-047

A. Streets

1. Street Dedications to the Public:

- **Barnett Road** – No additional right-of-way is required.
- Dedicate 10-foot Public Utility Easement (PUE) along this Developments frontage.

2. Improvements:

Public Streets

- **Barnett Road** – Improvements have been completed.

Lighting and Signing

- No additional street lights are required.

Access and Circulation

- The applicant shall grant, or submit evidence of existing, cross-access easements in a form acceptable to the City to all contiguous parcels that do not abut a street of a lower order than an Arterial or Collector.
- The relocated pedestrian access and traffic control easement revision shall be reviewed and approved by Traffic Engineering prior to approval of building permits.

Other

- **There is a pavement moratorium currently in effect along the frontage to Barnett Road, which is set to expire August 17th 2019.**

B. Sanitary Sewer:

- Ensure or construct separate individual sanitary sewer connection.
- Cap remaining unused laterals at the main.

C. Storm Drainage:

- Provide a comprehensive grading and drainage plan.
- Provide water quality and detention facilities, calculations and O&M Manual.
- Provide engineers certification of stormwater facility construction.
- Provide copy of an approved Erosion Control Permit (1200C) from DEQ for this project.

- = City Code Requirement
- = Discretionary recommendations/comments

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

P:\Staff Reports\AC\2019\AC-19-047 295 E Barnett Road (TL 5900) McDonald's Restaurant\AC-19-047 Staff Report_LD.docx

Page 6 of 6

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

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

"M"



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 4/17/2019
Meeting Date: 4/24/2019

LD File #: AC19047

Planner: Liz Conner

Applicant: McDonald's Corporation

Project Location: North side of East Barnett Road approximately 560 feet east of South Riverside Avenue in the C-R (Regional Commercial) zoning district (371W30DC TL 5900).

ProjectDescription: Consideration of a proposal for the construction of a 4,456 square foot restaurant with drive-thru (McDonalds) and parking area located on a 1.07 acre project site in a shopping center

Specific Development Requirements for Access & Water Supply

Reference	Comments	Conditions	
		Description	
OFC 508.5	One fire hydrant will be required near the fire department connection (within 75' on the same side of the street).	Fire hydrants with reflectors will be required for this project. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site. Plans and specifications for fire hydrant system shall be submitted to Medford Fire-Rescue for review and approval prior to construction. Submittal shall include a copy of this review (OFC 501.3).	
Other	1. A Fire Code kitchen hood suppression permit is required. This can be submitted electronically through the Building Department. 2. A Knox box will be required for this occupancy. You can order this at https://www.knoxbox.com/ .		

Additional Project Consideration

Notes: Conference call

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

CITY OF MEDFORD
EXHIBIT # N 1 of 2
FILE # AC-19-047

"N"
2 of 2

Memo



To: Liz Conner, Planning Department
From: Chad Wiltout, Building Department (541) 774-2363
CC: Applicant: McDonald's Corporation; Agent: AKS Engineering and Forestry
Date: April 17, 2019
Re: April 17, 2019; LDC Meeting: AC-19-047

Please Note:

This is not a plan review. Unless noted specifically as Conditions of Approval, general comments are provided below based on the general information provided; these comments are based on the 2014 Oregon Structural Specialty Code (OSSC) unless noted otherwise. Plans need to be submitted and will be reviewed by a commercial plans examiner, and there may be additional comments.

Fees are based on valuation. Please contact Building Department front counter for estimated fees at (541) 774-2350 or building@cityofmedford.org.

For questions related to the Conditions or Comments, please contact me, Chad Wiltout, directly at (541) 774-2363 or chad.wiltout@cityofmedford.org.

General Comments:

1. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (Project Dox)" for information.
3. A site excavation and grading permit may be required, see attached requirements.
4. A separate demolition permit will be required for demolition of any structures not shown on the plot plan.

Comments:

5. ADA parking spaces shall be required in accordance with code section 1106 of the 2014 Oregon Structural Specialty Code
6. The building requires a design by an Oregon licensed design professional per 107 OSSC
7. A code analysis providing occupant load, means of egress plan, type of construction, occupancy classification, fire protection systems, etc... will be required.
8. Special inspections may be required by chapter 17 Oregon Structural Specialty Code.
9. Com-check forms are required for lighting, mechanical equipment and exterior envelope to show energy efficiency compliance with the 2014 Oregon Energy Efficiency Specialty Code
10. Type I and II kitchen hoods shall comply with 506-509 2014 OMSC.

CITY OF MEDFORD
EXHIBIT # 0
FILE # AC-19-047

Liz A. Conner

From: Jon M. Proud
Sent: Thursday, April 18, 2019 1:06 PM
To: Liz A. Conner
Subject: re: follow up on phone conversation/ yellow paper 19-047 McDonalds

Liz, In regards to my "yellow paper" comments regarding unlawful land division(s). As the city surveyor I "verified the legal description" and in doing so found issues as commented on said "yellow paper". I would think at minimum planning staff would request applicant provide evidence that parcel was lawfully created(?). If unlawful conditions exists then utilize ORS provisions of law to right the issue prior to proposed development.

The following quote is from "City Attorney's opinion" to me dated 2/11/19 regarding Lot legality and duty to enforce per MC 10.061 which may be helpful in composing Planning's comments to applicant.

"In the City Attorney's Office's opinion, this code provision does not create a duty to investigate the legality of lots for each development application received by the City. Instead, our interpretation is that if what the City normally request reveals an illegality, the City does not have discretion to ignore the evidence of illegality that we have become aware of. And the City can't approve a project whose terms violate non-discretionary terms of our Land Development Code. But 10.061 doesn't require investigation for illegalities that we are not required to conduct or would not normally conduct."

It is only fair to state that this opinion is one paragraph of a six page letter so I invite you to further consult with the city attorney's office regarding this matter.

Sincerely, Jon

Jon Proud, L.S.
City Surveyor
200 S. Ivy Street
Medford, Or. 97501
jon.proud@ci.medford.or.us
p.541-774-2126
f.541-774-2552

CITY OF MEDFORD
EXHIBIT # P 1 of 4
FILE # AC-19-047



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

MEMORANDUM

Subject Legal Description
File no. AC-19-047
To Jon Proud, Engineering
From Liz Conner, Planning Department
Date April 11, 2019

Please verify the attached legal description covering the below subject at your earliest convenience. See attached map.

1. AC-19-047
Applicant: McDonalds Corporation
Agent: AKS Engineering and Forestry

Liz, the description matches the tax lot and the area depicted as the subject area on the attached vicinity map. It should be noted that "Mc Donalds Corporation" is not the fee owner of the area described, which could be an issue if the "property" is conditioned for development. Also, from a general perusal of the tax assessor information it appears this unit of land has multiple units of land partitioned from it with no land division map ever recorded. This would be in direct violation of local and state law if true.

Thanks,
Jon Proud, L.S.
City Surveyor
4-18-19

cp

Attachments:

Vicinity Map, Legal description

"P"
2 of 4

EXHIBIT "A"
Legal Description

Commencing at the Northwest corner of Donation Land Claim No. 50, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence North, 11.25 feet; thence West, 351.03 feet, to a 1" galvanized iron pipe located on the Southwesterly right of way line of the Southbound off-ramp of Interstate Highway No. 5, for the true point of beginning; thence along the right of way line, North 36° 33' 35" West, 24.90 feet; thence South 89° 59' 40" West, 620.54 feet; thence South 47° 29' 40" West, 49.91 feet; thence South 63° 26' West, 45.73 feet, to the most Northeasterly corner of land described in Instrument No. 00-52091, Official Records, Jackson County, Oregon; thence South 0° 00' 20" East, along the Easterly boundary of said land, 234.11 feet; thence South 63° 03' 00" West, along the Southerly line of said land, 91.17 feet, to the most Northerly corner of parcel described in Volume 499, Page 348, Deed Records, Jackson County, Oregon; thence South 25° 49' 00" East, along the Easterly boundary of said parcel, and the Southerly extension thereof, 435.30 feet, to the Northwesterly boundary of tract described in Instrument No. 99-02286, said Official Records; thence North 72° 10' 24" East, along said boundary, 49.90 feet; thence North 72° 02' 40" East, along the Northwesterly boundary of tract described in Instrument No. 66-07269, said Official Records, 130.00 feet; thence South 19° 02' 57" East, along the Easterly boundary of said tract, 280.93 feet, to the relocated right of way line of Barnett Road, being 52.00 feet North of, at right angles to, the original center line of said road; thence North 89° 59' 40" East, along said North right of way line, 255.45 feet; thence North 03° 34' 40" West, along the West line of tract described in Volume 567, Page 262, said Deed Records, 197.96 feet; thence North 89° 59' 40" East, along the North line of said tract, 160.00 feet, thence North 03° 34' 40" West, along the Northerly projection of the Easterly line of said tract, 50.53 feet; thence North 03° 34' 42" West, 122.99 feet; thence North 01° 44' 00" West, 278.04 feet; thence North 03° 07' 50" West, 223.17 feet, to said Southwesterly right of way line of the Southbound off-ramp of Interstate Highway No. 5; thence North 36° 33' 35" West, along said right of way, 50.00 feet, to the true point of beginning

11 P
3 of 4



Project Name:

**McDonalds
 Barnett Road**

Map/Taxlot:

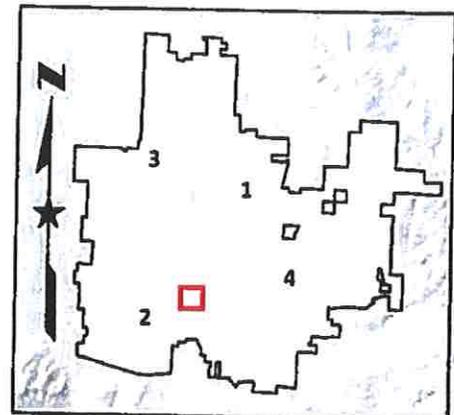
371W30DC TL 5900



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

03/21/2019



*11p
 4 of 4*



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: AC-19-047

PARCEL ID: 371W30DC TL 5900

PROJECT: Consideration of a proposal for the construction of a 4,456 square foot restaurant with drive-thru (McDonalds) and parking area located on a 1.07 acre project site in a shopping center on the north side of East Barnett Road approximately 560 feet east of South Riverside Avenue in the C-R (Regional Commercial) zoning district (371W30DC TL 5900). Applicant: McDonald's Corporation; Agent: AKS Engineering and Forestry; Planner: Liz Conner.

DATE: April 24, 2019

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. The 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.
4. 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>.
5. The Applicant and/or their Civil Engineer shall coordinate with MWC engineering staff for fire hydrant flow testing for design use of the proposed fire sprinkler system. Best months for flow testing are July thru September. Please schedule a Fire Flow Test with Rodney Grehn, P.E with the Medford Water Commission.
6. Static water pressure is expected to be near 85 psi at this site location. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".

Continued to Next Page

CITY OF MEDFORD
EXHIBIT # Q 1 of 3
FILE # AC-19-047



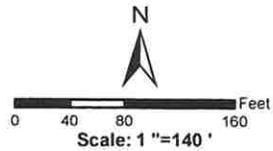
Staff Memo

Continued from Previous Page

COMMENTS:

1. Off-site water line installation is not required.
2. MWC-metered water service does exist to this property. There is an existing 1-inch water meter that serves the "vacant" Bank building, this water meter is located off the Winco Entrance north of Barnett Road. There is also an existing 1.5-inch landscape irrigation water meter on the northeast side of the proposed McDonalds site which provides landscape water to the Winco Parking Lot landscaping, this water meter needs to be protected in place during construction activities.
3. Access to MWC water lines is available. There is an existing 8-inch water line in the Winco Entrance off E Barnett Road, and an existing 8-inch water line is also located in the middle of E Barnett Road.

11/5/11
2013



Water Facility Map
City of Medford
Planning Application:
AC-19-047
(371W30DC5900)
April 10, 2019

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



This map is based on a digital elevation compiled by Medford Water Commission from a 2014 survey. Medford Water Commission is not responsible for errors or omissions in particular locality. There are no warranties, expressed or implied.

Draw: 4/11/2019
 Path: G:\Mapping\MapDocs\19 Map Main - 191.mxd

Page 140

47



May 30, 2019

Liz Conner, CFM
Planner II
City of Medford – Planning Department
Lausmann Annex
200 South Ivy Street
Medford, OR 97501

RE: Status of Parking Area on Tax Lot 2200

Ms. Conner,

At the April 24, 2019 Land Development Committee meeting regarding Planning File No. AC-19-047 (McDonald’s Restaurant relocation), staff expressed some concern about the remnant parking area located off-site and immediately west of our project site. As we discussed, the submitted plans did not initially seek to improve that remnant parking area because this property is located off-site and is not under the control of our Client.

Nonetheless, because our Client feels that resolving concerns with the remnant parking area will result in a more appealing streetscape, which is of mutual benefit to our Client, the City, and nearby property owners, they have engaged their landlord (PAPF Medford, LLC) to work with the abutting property owner on a potential purchase of this area. If the transfer of this land, from the current owner to PAPF Medford, LLC, is successful, our Client intends to remove the existing asphalt and associated parking facilities in this location and replace it with landscaping that is appropriate for the area.

We will continue to work toward a resolution that addresses the City’s concern regarding this remnant parking area and will keep you apprised of our progress. As always, please do not hesitate to call or email with any questions.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

Zach Pelz, AICP
Land Use Planner
3700 River Road N, Suite 1
Keizer, OR 97303
(503) 400-6028 | pelzz@aks-eng.com

CITY OF MEDEORD
EXHIBIT # R
FILE # AC-19-047

BEND, OR | KEIZER, OR | TUALATIN, OR | VANCOUVER, WA
www.aks-eng.com

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JUN 07 2019

Planning Dept.

Jackson County Development Overlays

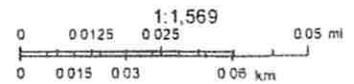


May 23, 2017

County Boundary

Tax Lots

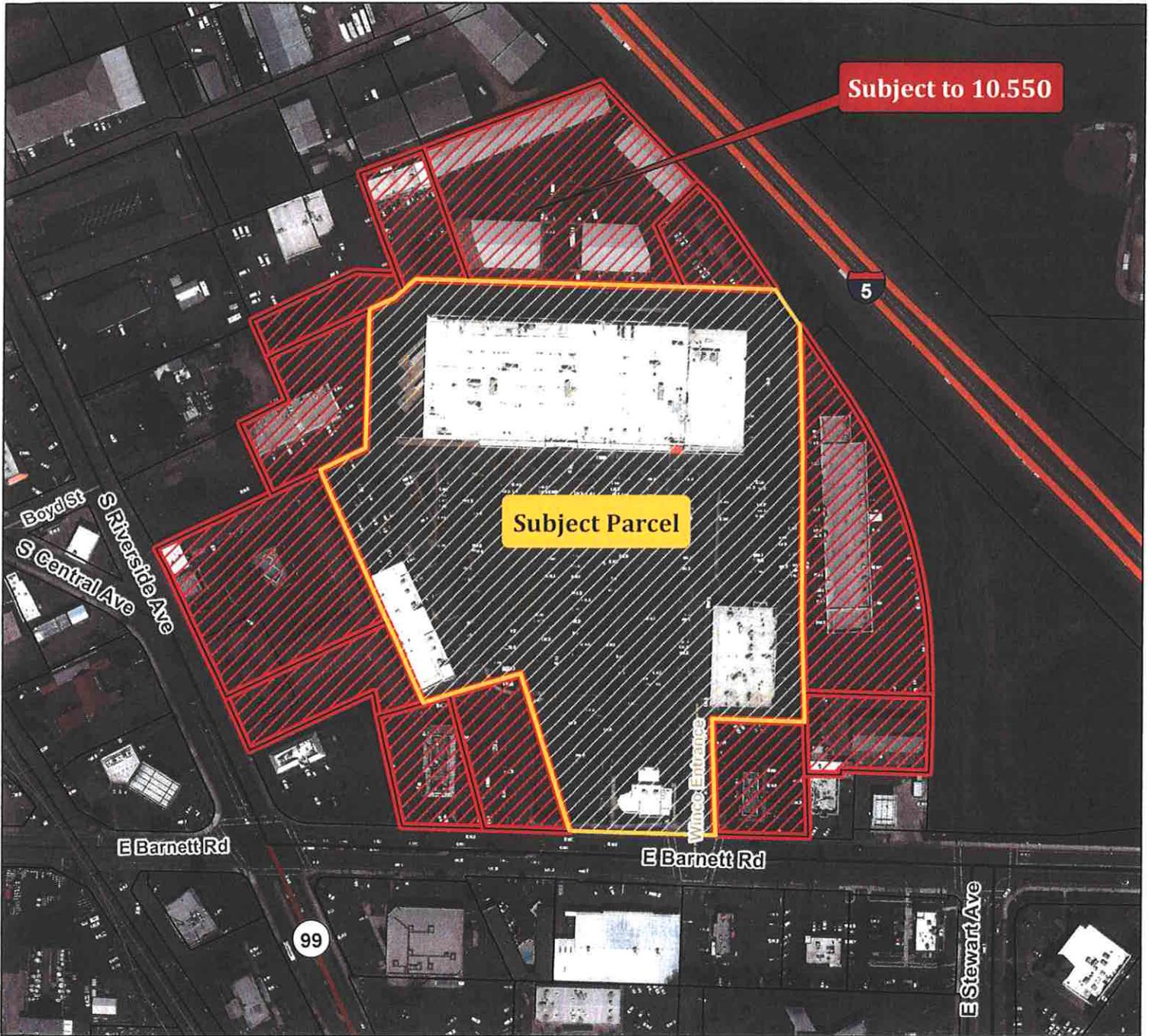
Urban Growth Boundary



Google and Jackson County

Public Use:
Jackson County GIS

CITY OF MEDFORD
EXHIBIT # T
FILE # AC-19-047



Project Name:

McDonald's Restaurant

Parcels not abutting a lower order street

371W30DC

5700, 5702, 5703, 5704, 5800

6000, 6300, 6400, 6900, 7100

371W31AB

2100, 2200

Legend

-  Subject Parcel
-  Subject to 10.550
-  Tax Lots



Liz A. Conner

From: Robert Brown <RBrown@argoinvest.com>
Sent: Wednesday, June 26, 2019 8:35 AM
To: Liz A. Conner
Cc: Pickett Thomas; Brandenburg Adam; Stephen Jaeger; Dayna Desmond; Tyler Roth (rotht@aks-eng.com); pelzz@aks-eng.com; mcfallk@aks-eng.com; Irones jr. Armon
Subject: RE: Winco Plaza / Proposed New McDonald's - Cross Access Easement

Thanks Liz. I can confirm that the property owner is on board with the condition of granting cross access to adjacent properties. As we discussed on our call yesterday, please send me a sample cross access easement agreement that you all have approved recently and I will use that as a basis for preparing the easement agreement for this matter.

Robert Brown
General Counsel
Argonaut Investments
101 Larkspur Landing Circle, Suite 120
Larkspur, CA 94939
Direct: (415) 413-0585
Cell: (404) 735-1459
Fax: (415) 945-2460
www.argoinvest.com



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From: Liz A. Conner <Elizabeth.Conner@cityofmedford.org>
Sent: Wednesday, June 26, 2019 8:29 AM
To: Robert Brown <RBrown@argoinvest.com>
Cc: Pickett Thomas <Thomas.Pickett@us.mcd.com>; Brandenburg Adam <Adam.Brandenburg@us.mcd.com>; Stephen Jaeger <sbjaeger@argoinvest.com>; Dayna Desmond <DDesmond@argoinvest.com>; Tyler Roth (rotht@aks-eng.com) <rotht@aks-eng.com>; pelzz@aks-eng.com; mcfallk@aks-eng.com; Irones jr. Armon <armon.irones_jr@us.mcd.com>
Subject: RE: Winco Plaza / Proposed New McDonald's - Cross Access Easement

Robert,

Attached is the Staff Report and the Conditions of Approval for the McDonald's application that went before Site Plan & Architectural Commission on June 7.

Like I mentioned on the phone, the revised report for the July 19 meeting will only address the new exhibit map for the cross access easement that you have. The remainder of the report will stay the same.

I also don't think that the conditions would change either.

What I need back from you is an email stating that the property owner is ok with the condition of granting cross access to adjacent properties as that is what Zach was unable to confirm at the hearing.

Please let me know if you have any questions.

Liz Conner, CFM
Planner II
City of Medford - Planning Department

From: Robert Brown [mailto:RBrown@argoinvest.com]

Sent: Monday, June 24, 2019 3:20 PM

To: Liz A. Conner <Elizabeth.Conner@cityofmedford.org>; Jon M. Proud <Jon.Proud@cityofmedford.org>

Cc: Pickett Thomas <Thomas.Pickett@us.mcd.com>; Brandenburg Adam <Adam.Brandenburg@us.mcd.com>; Stephen Jaeger <sbjaeger@argoinvest.com>; Dayna Desmond <DDesmond@argoinvest.com>; Tyler Roth (rotht@aks-eng.com) <rotht@aks-eng.com>; pelzz@aks-eng.com; mcfalk@aks-eng.com; Irones jr. Armon <armon.irones_jr@us.mcd.com>

Subject: RE: Winco Plaza / Proposed New McDonald's - Cross Access Easement

Thanks Liz. I just wanted to discuss it generally, make sure I understand the requirements, etc. We're prepared to deliver whatever the city needs in order to continue to move the project forward.

Robert Brown

General Counsel

Argonaut Investments

101 Larkspur Landing Circle, Suite 120

Larkspur, CA 94939

Direct: (415) 413-0585

Cell: (404) 735-1459

Fax: (415) 945-2460

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From: Liz A. Conner <Elizabeth.Conner@cityofmedford.org>

Sent: Monday, June 24, 2019 3:15 PM

To: Robert Brown <RBrown@argoinvest.com>; Jon M. Proud <Jon.Proud@cityofmedford.org>

Cc: Pickett Thomas <Thomas.Pickett@us.mcd.com>; Brandenburg Adam <Adam.Brandenburg@us.mcd.com>; Stephen Jaeger <sbjaeger@argoinvest.com>; Dayna Desmond <DDesmond@argoinvest.com>; Tyler Roth (rotht@aks-eng.com) <rotht@aks-eng.com>; pelzz@aks-eng.com; mcfalk@aks-eng.com; Irones jr. Armon <armon.irones_jr@us.mcd.com>

Subject: RE: Winco Plaza / Proposed New McDonald's - Cross Access Easement

1 V^r

Hi Robert,

I am able to set up a conference call with myself and one of our city's attorneys. I will send you the meeting request. It is for tomorrow at 2:30 and I will be calling you from the phone in the room. Would you please confirm the number that you would like me to call?

Is there a specific question regarding the requirements for the cross access easements that you have?

Please let me know if you have any other questions.

Thank you,

Liz Conner, CFM
Planner II
City of Medford - Planning Department

From: Robert Brown [mailto:RBrown@argoinvest.com]

Sent: Monday, June 24, 2019 8:39 AM

To: Jon M. Proud <Jon.Proud@cityofmedford.org>; Liz A. Conner <Elizabeth.Conner@cityofmedford.org>

Cc: Pickett Thomas <Thomas.Pickett@us.mcd.com>; Brandenburg Adam <Adam.Brandenburg@us.mcd.com>; Stephen Jaeger <sbjaeger@argoinvest.com>; Dayna Desmond <DDesmond@argoinvest.com>; Tyler Roth (rotht@aks-eng.com) <rotht@aks-eng.com>; pelzz@aks-eng.com; mcfalk@aks-eng.com; Irones jr. Armon <armon.irones_jr@us.mcd.com>

Subject: Winco Plaza / Proposed New McDonald's - Cross Access Easement

Good morning Jon and Liz. I am general counsel at Argonaut Investments, the landlord currently working with McDonald's on its new restaurant at Winco Plaza.

The teams at AKS and McDonald's passed along your contact information and some information regarding the cross access agreement that will be required in connection with this development. Please let me know if there is a time that works for you for a brief call to discuss the requirements for the cross access agreement.

Thanks, and I look forward to working with you on this matter.

Robert Brown

General Counsel

Argonaut Investments

101 Larkspur Landing Circle, Suite 120

Larkspur, CA 94939

Direct: (415) 413-0585

Cell: (404) 735-1459

Fax: (415) 945-2460

www.argoinvest.com



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"V"



Project Name:

**McDonalds
Barnett Road**

Map/Taxlot:

371W30DC TL 5900



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

03/21/2019

