



Oregon

Theodore R. Kulungoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

2/23/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment
DLCD File Number 004-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, March 05, 2010

This amendment was not submitted to DLCD for review prior to adoption pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Carly Meske, City of Medford
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> N



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	FEB 16 2010
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **CITY OF MEDFORD**

Local file number: **DCA-09-048**

Date of Adoption: **February 4, 2010**

Date Mailed: **February 11, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☐ Yes ☒ No Date:

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Sign ordinance was amended to provide: (1) a definition for the term "electronic message sign;" and (2) regulations for the allowance and prohibition of said signs in various zoning districts. Electronic Message Signs are permitted in all commercial and industrial zoning districts, and for institutional uses in residential zones pursuant to a conditional use permit approval. Additionally, a conditional use permit approval is required for electronic message signs in the central business district overlay zone. Electronic message signs are prohibited in all residential zones (except for institutional uses as per a CUP) and in the downtown historic district overlay.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **n/a**

Acres Involved: **n/a**

Specify Density: Previous: **n/a**

New: **n/a**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☐ Yes ☒ No

If no, do the statewide planning goals apply?

☒ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☒ No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Medford Planning Department

Local Contact: **CARLY MESKE**

Phone: **(541) 774-2380** Extension:

Address: **200 S. IVY STREET**

Fax Number: - -

City: **MEDFORD**

Zip: **97501**

E-mail Address:

carly.meske@cityofmedford.org

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009



City of Medford
Agenda Item Commentary

Item No.:

Meeting Date: January 21, 2010

Page:

1 of 1

SUBJECT:

An ordinance amending Chapter 10, of the Medford Municipal Code, Sections 10.1010, 10.1022, 10.1030, 10.1046, 10.1200, 10.1300, 10.1400, 10.1500, 10.1600, 10.1700, 10.1800, of Article VI, to define and allow electronic message signs (Land Use, Legislative).

INITIATOR:

City of Medford

STAFF INFO. SOURCE:

James Huber, AICP, Planning Director,
Carly Meske, Planner II
File No. DCA-09-048

FISCAL IMPACT:

N/A

RECOMMENDATION:

Adopt the ordinance.

BACKGROUND & KEY ISSUES:

At the December 17, 2009 City Council hearing on this proposal, the Council closed the public hearing and voted to adopt the ordinance with two modifications: allow institutional uses in residential zoning districts the option of having two ground signs or two wall signs per street frontage as an alternative to one ground sign and one wall sign per street frontage; and prohibit electronic message signs in the Downtown Historic Preservation District Overlay. City Council directed staff to prepare a code amendment establishing a definition for the term "electronic message sign," and regulations for the allowance of these signs. This term "electronic message signs" is not currently defined. The City Council held a study session discussing the code amendment, and expressed their desire to encourage creativity while maintaining the safety of the transportation system. The proposal has undergone two 30-day public comment periods, as well as three study sessions with the Planning Commission, one with the Site Plan and Architectural Commission, one with the Landmarks and Historic Preservation Commission, and two with the Citizens' Planning Advisory Committee. During the two 30-day comment periods, local sign companies and the Chamber of Commerce received copies of the proposal, and were asked to comment. The Planning Commission held two public hearings, September 10, 2009 and November 19, 2009. The City Council held a public hearing on December 17, 2009. As a result of all input received, the proposed amendment includes: a definition for the term "electronic message sign," and allowances for this type of sign as follows. Electronic message signs are permitted: in all industrial zoning districts; in all commercial zoning districts – electronic message signs in the Neighborhood Commercial (C-N) zoning district require approval of a Conditional Use Permit (CUP); and in residential zoning districts for institutional uses, with approval of a CUP. Electronic message signs are prohibited in all residential zoning districts (except for institutional uses); and in the downtown historic district. Electronic message signs shall also comply with the following standards: each parcel of land is permitted one (1) electronic message sign if the sign is 150 feet or farther from any residential zoning district or GLUP Map designation; all text displayed on an electronic message sign must be static for a minimum of two (2) 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. All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night. The conversion of an existing, conforming ground sign to an electronic message sign is permitted. The conversion of an existing, nonconforming ground sign to an electronic message sign is prohibited.

EXHIBITS:

Staff Report to City Council dated January 6, 2010, including Exhibits A – N



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT

Date: January 6, 2010

To: City Council

Reviewed By: Suzanne Myers^{jm}, Principal Planner

By: Carly Meske, Planner II

Subject: Electronic Message Sign Code Amendment (DCA-09-048)
City of Medford, Applicant

BACKGROUND

Proposal

Consideration of a proposed Class "A" legislative amendment of the Medford Land Development Code to revise Sections 10.1010, 10.1022, 10.1030, 10.1046, 10, 1200, 10.1300, 10.1400, 10.1500, 10.1600, 10.1700, 10.1800, of Article VI, to define and allow electronic message signs. City of Medford, Applicant

History

City Council directed staff to prepare a code amendment establishing a definition for the term "electronic message sign," and regulations for the allowance of these signs. Currently, the code contains a prohibition that states, "animated, scintillating, flashing, blinking, strobing, and traveling lights or any design created to give the illusion of motion are prohibited. This prohibition does not include electronic message signs." This term "electronic message signs" is not currently defined.

On March 26, 2009, the City Council held a study session discussing the code amendment, and expressed their desire to encourage creativity while maintaining the safety of the transportation system. As a result, the proposed amendment includes a restriction of the frequency at which text can change: all text must remain stationary on the sign for a minimum two (2) seconds. Images contain no such restriction. Additionally, electronic message signs are not permitted within 150-feet of any residential zoning district or residential General Land Use Plan (GLUP) Map designation, except in the cases of institutional uses in residential zoning districts, and must contain automatic dimming capabilities.

Subsequent study sessions were also held with the Planning Commission and the Site Plan and Architectural Commission on April 27, 2009 and May 1, 2009, respectively.

Additionally, the Citizen's Planning Advisory Committee discussed the proposed amendment at their June 9, 2009 and August 11, 2009 meetings.

At the September 10, 2009 Planning Commission hearing, the Medford School District testified requesting electronic message signs be permitted in single family residential zones for public high schools (Exhibit J). The item was continued, and the Planning Commission held two subsequent study sessions on September 28, 2009 and October 26, 2009. The Planning Commission discussed creating an additional definition for "electronic reader boards;" allowing electronic reader boards in residential zoning districts for institutional uses as per a Conditional Use Permit (CUP); allowing electronic message signs and electronic reader boards in the Neighborhood Commercial (C-N) zone as per a CUP; and allowing electronic message signs and electronic reader boards in the C-B overlay district.

The Landmarks and Historic Preservation Commission (LHPC) discussed this item at their November 3, 2009 meeting, and recommended that electronic message signs not be allowed in the downtown historic district.

The definition for "electronic reader board" has been eliminated from the proposal due to concerns regarding regulating content of signs. One definition for electronic message signs will be used to describe all signs using electronic processes.

At the November 12, 2009 Planning Commission hearing, the Planning Commission forwarded a favorable recommendation to the City Council, recommending that the proposal be clarified to allow for the following: the combination of total square footage allowed per site into one sign. For example: an institutional use in a residential zone has 3 street frontages. Three street frontages times 20 square feet equals a total of 60 square feet of sign area permitted for the site. As recommended by the Planning Commission, this institutional use would be permitted to have one 60 square foot sign. Staff finds that a sign larger than 20 square foot sign for an institutional use in a residential zone is too large, and is incompatible with the surrounding development. As a compromise to this recommendation, staff proposes allowing one 20 square foot ground sign and one 20 square foot wall sign per street frontage, and disallowing combining signs from other street frontages. This is one 20 square foot sign more per frontage than the current code language allows.

The City Council held a public hearing on December 17, 2009. The City Council directed staff to make the following revisions to the proposal: (1) allow institutional uses in residential zoning districts the option of having two ground signs or two wall signs per street frontage as an alternative to one ground sign and one wall sign per street frontage; and (2) prohibit electronic message signs in the Downtown Historic Preservation District Overlay.

Format of Legislative Amendment

The attached Exhibit "A" provides the proposed code revision language. Words to be deleted are ~~struck through~~ and words to be added are **bold**. Note that the new

provisions for the allowance of electronic message signs are identical in all applicable zoning districts.

Applicable Criteria

MLDC, Section 10.182, *Major Legislative Amendments* (Exhibit B)

Findings

Staff prepared Findings of Fact and Conclusions of Law (Exhibit C) to support the proposed legislative amendment. The findings include a discussion of the proposal relative to the approval criteria for legislative amendments.

ISSUES/ANALYSIS

The attached code amendment contains the inclusion of two main elements: (1) a definition for the term "electronic message signs," and (2) regulations permitting electronic message signs in: industrial zoning districts; commercial zoning districts; as a Conditional Use Permit (CUP) in the Neighborhood Commercial (C-N) zoning district; and institutional uses in the residential zoning districts as a CUP.

Definition

The proposed definition for the term "electronic message sign" is as follows:

Sign, electronic message sign. Any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

Regulation

Commercial and Industrial Zoning Districts

Under direction from City Council, the attached code amendment permits electronic message signs, with limitation. Said signs are permitted in all commercial and industrial zoning districts, and specifically in the Neighborhood Commercial (C-N) as a CUP. Electronic Message Signs are prohibited in the downtown Historic District. Electronic message signs are permitted as ground or wall signs, and must meet the height, square footage, and setback requirements established by the zoning district. The proposed regulations are as follows:

Electronic Message Signs are permitted as a ground sign subject to the following limitations:

- (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 or GLUP Map designation;*

- (ii) *All text displayed on an electronic message sign must be static for a minimum of two (2) 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.*

Institutional Uses in Residential Zoning Districts

Under recommendation from the Planning Commission, the attached code amendment permits electronic message signs, with limitation, in residential zoning districts for institutional uses. Said signs require approval of a Conditional Use Permit (CUP), are permitted as ground or wall signs, and must meet the height, square footage, and setback requirements established by the zoning district. The proposed regulations are as follows:

Institutional uses, as defined in Section 10.012, are permitted 40 square feet of signage per street frontage. Signs shall not be internally illuminated except as provided in (c) below. Each street frontage is permitted: (a) a maximum of one ground sign measuring a maximum of 20 square feet, and a maximum of one wall sign measuring a maximum of 20 square feet; or (b) a maximum of two ground signs or two wall signs, each measuring a maximum of 20 square feet. The square footage of the two permitted signs per street frontage may not be combined to create a larger sign. In cases of properties with more than one street frontage, the signage from one street frontage may not be transferred to another street frontage. Signs shall also comply with the following provisions:

(a) Ground Signs:

- (i) Maximum Size: 20 square feet per sign*
- (ii) Maximum Height: 5 feet*
- (iii) Minimum Setback: 15-feet from any property line.*
- (iv) Exempt: Ground signs within public parks, schools, or stadiums that are placed and located so as not to be viewed from the street are exempt from these provisions.*

(b) Wall Signs:

- (i) Maximum Size: 20 square feet per sign*
- (ii) Maximum Height: No part of any wall sign shall be higher than the building height as defined in Section 10.1010.*
- (iii) Exempt: Wall signs within public parks, schools, or stadiums which are placed and located so as not to be viewed from the street are exempt from these provisions.*

- (c) Electronic Message Signs: Electronic message signs are a conditional use. A Conditional Use Permit may authorize institutional uses to have one electronic message sign as a permitted ground or wall sign. Regardless of the number of street frontages, one of the permitted ground or wall signs may be an electronic message sign, provided it complies with the following provisions:*

- (i) *Electronic message signs shall apply for and receive approval for a Conditional Use Permit as per Section 10.250.*
 - a. *The electronic message sign shall be considered as an element of the CUP for the use.*
 - b. *Existing conditional uses shall apply for an amendment to their existing approved CUP to request an electronic message sign, as per Section 10.250.*
 - c. *The expiration of a CUP shall require the removal of the electronic message sign.*
- (ii) *Maximum Size: 20 square feet;*
- (iii) *Maximum Height: 5 feet if a ground sign. If a wall sign, shall not be higher than the building height as defined in Section 10.1010.*
- (iv) *All text displayed on an electronic message sign must be static for a minimum of two (2) 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.*
- (v) *All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night, consistent with Section 10.764, Glare.*
- (vi) *The conversion of an existing, conforming ground or wall sign to an electronic message sign is permitted.*
- (vii) *The conversion of any existing, nonconforming ground or wall sign to an electronic message sign is prohibited*

Comments

The draft ordinance was placed on the City's website and sent to Referral Agencies for a 30-day comment period in May 2009. Comments were received from Hale Signs, CSA Planning, and the Oregon Department of Transportation (ODOT). These comments are included as Exhibit I.

Comments concern, but are not limited to: grammatical errors; objectivity; frequency of change; effective advertisement; and visibility from state highways. The Oregon Department of Transportation (ODOT) regulates "Outdoor Advertising Signs (OAS), defined as "those signs not at the location of some business or some activity open to the public, and are posted for compensation." ODOT uses the Lithia/Automall electronic message sign as an example, stating that this sign is not an OAS, and is therefore permitted to have lights that intermittently change (Exhibit I).

Staff worked closely with the local sign companies responding to comments and revising the proposal in accordance with their comments. The original proposal required text and images to be stationary for ten (10) seconds. After comments received from local sign companies, the City Council, Planning Commission, and Site Plan and Architectural Commission, this restriction was revised to require text to be stationary for two (2) seconds. Images are permitted to move without restriction.

As mentioned above, the City Council held a study session discussing the code amendment on March 26, 2009. Council expressed a desire to encourage creativity while maintaining the safety of the transportation system. Subsequent study sessions were also held with the Planning Commission and the Site Plan and Architectural Commission on April 27, 2009 and May 1, 2009, respectively.

The Planning Commission discussed: aesthetics, including content; size; brightness and glare; and frequency of change. (Exhibit E)

The Site Plan and Architectural Commission (SPAC) discussed: frequency of change; brightness; proximity of electronic message signs to each other; text versus images; proximity to residential zoning districts; nonconforming signs; and safety. SPAC concluded that they did not have a problem with electronic message signs. (Exhibit F)

The Citizen's Planning Advisory Committee discussed the proposed amendment at their June 9, 2009 and August 11, 2009 meetings (Exhibit I). At their August 11, 2009 meeting, CPAC made the motion: (1) Prohibit electronic message signs in all Neighborhood Commercial (C-N) zoning districts; (2) Require text and images to be stationary for a minimum five (5) seconds; and (3) Require the level of brightness to be described in terms of *lumens* (at some distance) (Exhibit H).

The proposed language requires text to be stationary for two (2) seconds, while images may move without a time restriction. This two (2) second restriction is consistent with the current electronic message signs in the City of Medford. The proposed code requires the brightness of the electronic signs to have automatic dimming capabilities that adjust the brightness to the ambient light at all times of the day or night. The proposed language includes this general term, "ambient light," in order to facilitate signage that is never brighter than the surrounding light. Using a specific number of lumens may result in signage brighter than the ambient light. The brightness of electronic message signs will be regulated under the glare standards of the *Medford Land Development Code*, Section 10.764, *Glare*. Lighting levels will be measured in footcandles with a direct reading, portable light meter. Direct or indirect light from the sign shall not have a maximum permitted illumination in excess of 0.5 footcandles on any property in any residential district, other than the lot on which the glare is generated.

Safety

Safety was mentioned in all study sessions with the City Council, Planning Commission and Site Plan and Architectural Commission. Because Medford currently has electronic message signs along state highways (Highway 62 and Highway 99), Staff discussed these concerns with the Oregon Department of Transportation (ODOT). ODOT provided crash data between June 30, 2003 and June 30, 2008. The data indicates that from 6/30/2003 to 6/30/2008, which is the most current data available, there have been a total of eight (8) crashes between MP 2.30 to 3.30 (the vicinity of the Lithia electronic message sign). There were three (3) crashes in 2007 and none listed for 2008. Of the three (3) crashes in the vicinity of the sign, one was wild animal, other than elk or deer related. The (2) two remaining crashes both involved excess speed for conditions. One

crash, in June 2007, was a single vehicle, southbound hitting a fixed object after running off the road over 1,500-feet past the sign. The other crashes (in December 2007) were northbound vehicles involved in a rear end crash on snow and/or ice 1,000-feet past the sign. The details of the crashes do not include any indication of a distraction to drivers from the electronic message sign. At this time there is no connection between the Lithia sign installation and operation with any crash history.

RECOMMENDED ACTION

Staff recommends that the City Council adopt the ordinance amending the sign provisions of the Land Development Code (DCA-09-048), as per the Staff Report dated January 6, 2010, including Exhibits A through N.

EXHIBITS

- A Proposed Legislative Amendment to Article VI of the *MLDC* dated January 6, 2010;
- B Approval Criteria dated August 27, 2009;
- C Findings of Fact and Conclusions of Law dated January 6, 2010;
- D City Council March 26, 2009 Study Session Minutes;
- E Planning Commission April 27, 2009 Study Session Minutes;
- F Site Plan and Architectural Commission May 1, 2009 Study Session Minutes;
- G Citizens' Planning Advisory Committee June 9, 2009 Meeting Minutes;
- H Citizens' Planning Advisory Committee August 11, 2009 Meeting Minutes;
- I Comments received;
- J Medford School District testimony received September 10, 2009;
- K Landmarks and Historic Preservation Commission Memorandum dated November 9, 2009;
- L Planning Commission Public Hearing Minutes dated September 10, 2009;
- M Planning Commission Public Hearing Minutes dated November 12, 2009; and
- N City Council Public Hearing draft Minutes dated December 17, 2009.

CITY COUNCIL AGENDA: **DECEMBER 17, 2009**
 JANUARY 21, 2010

ARTICLE VI - SIGNAGE

10.1000 Purpose of Article VI.

It is the purpose of this article to regulate signs in a manner which recognizes and balances the commercial need for signs with other visual, aesthetic and safety concerns of the community. Such regulation shall include but not be limited to the placement, number, height and size of signs.

[Amd. Sec. 2, Ord. No. 6021, Nov. 19, 1987.]

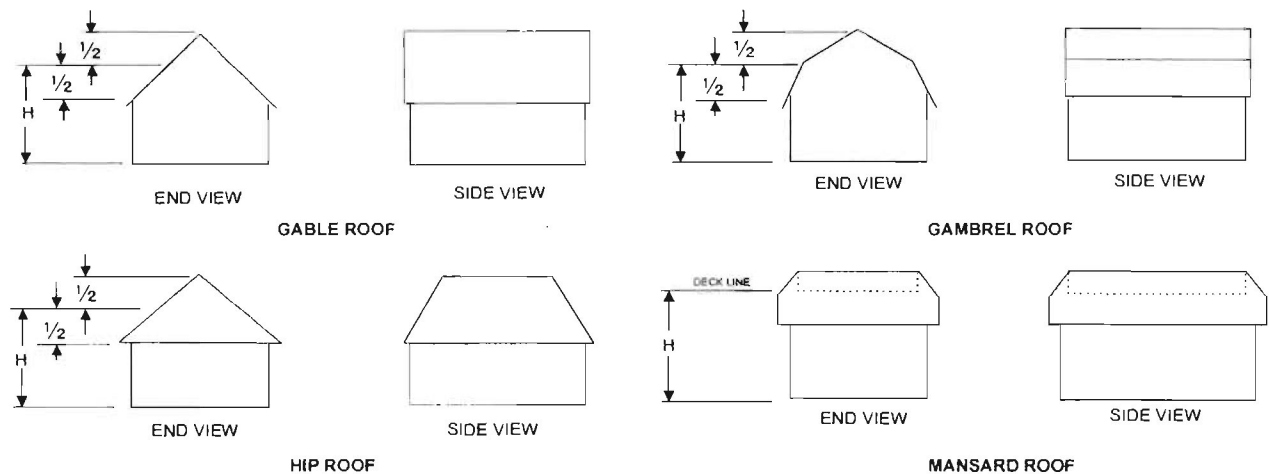
10.1010 Definitions.

Awning. A temporary or removable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the support framework.

Building face or wall. All window and wall area of a building on one plane or elevation.

Building height. Shall mean the vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof surface for flat roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs and mansard roofs.

H = Height of Building



Business frontage. The lineal footage of a building or portion thereof, devoted to a specific business or enterprise.

Change of face/copy. Where an existing sign is modified by change of message or design on the sign face, without any change to size or shape of the sign framework or structure, excluding marquee, electronic message boards, menu boards, and approved changeable copy signs.

Facade, principal. The side(s) of the building facing a street.

Facade, secondary. Any side of a building not facing a street.

Indirect illumination. A source of illumination directed toward a sign so that the beam of light falls upon the exterior surface of the sign.

Shopping Center or Business Complex. A group of five or more commercial establishments having common parking facilities.

Sign. Any message, identification, description, illustration, symbol, device, or sculptured matter, including forms shaped to resemble any human, animal or product, which is affixed directly or indirectly upon a building, vehicle, structure, or land. This definition is not to include architectural facades, or lighting features.

Sign, abandoned. A sign which pertains to a time, event, or purpose which no longer applies.

Sign, alteration. Any change in the size, shape, method of illumination, position, location, material, construction, or supporting structure of a sign.

Sign, area of.

(1) The area of a ground or projecting sign shall be calculated by adding the outer dimensions of all the faces presenting a sign message. Pole covers, and columns shall not be included in the area of the measurement if they do not bear advertising copy. Double-faced signs will be calculated as one sign only when placed back to back and separated by no more than twenty-four inches.

(2) The area of a wall sign without a border shall be computed by enclosing the entire sign within sets of parallel lines touching the outer limits of the sign message.

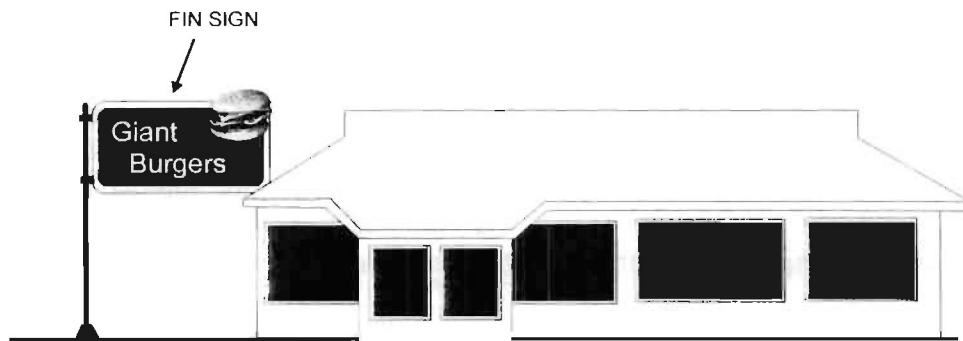
Determining the Area of a Sign



Shaded Area Indicates Area of Signs

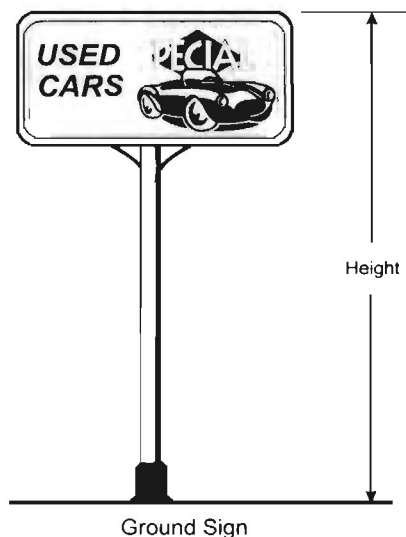
Sign, electronic message. Any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes. This definition includes television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, and other similar media.

Sign, fin. A sign which is supported partly by a pole and partly by a building or structure.



Sign, flashing. A sign incorporating intermittent electrical impulses to a source of illumination or revolving in a manner which creates the illusion of flashing, or which changes colors or intensity of illumination. This definition is not to include electronic message signs.

Sign, ground. A sign erected on a free-standing frame, mast, or pole and not attached to any building. Also known as a free-standing sign.



Sign, height of. The distance measured from the average elevation of the ground adjacent to the structure that the sign is mounted on or nearest public sidewalk or street curb, when such are adjoining the site, to the maximum height of the face of the sign.

Sign, nonconforming. An existing sign, lawful at the time of the enactment of this ordinance, which does not conform to the requirements of this code.

Sign, portable. Any sign not permanently attached to the ground, a building, or other structure.

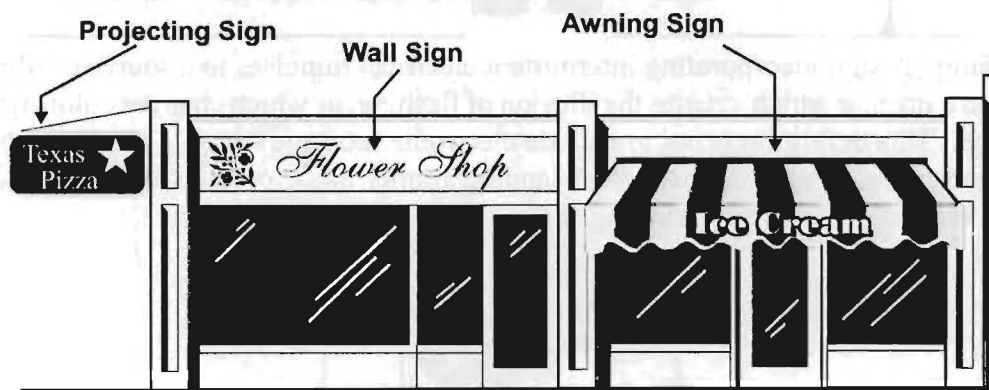
Sign, projecting. Signs other than wall signs, which are attached to and project from a structure or building face, at a 90 degree angle.

Sign, structure. The supports, uprights, braces, framework and other structural components of the sign.

Sign, temporary. Any sign, including supporting structure, to be maintained for a continuous period of less than thirty (30) days.

Sign, wall. Any sign placed or painted directly against a building with the exposed face of the sign in a plane approximately parallel to the plane of said wall and projects outward from the wall not more than eighteen inches.

Wall, graphic. Any mosaic, mural, painting, or graphic art technique applied, implanted or placed directly onto a wall and containing no copy, advertising/hallmark symbols, lettering or references to any product, service, or goods sold on or off the premises.



[Amd. Sec. 3, Ord. No. 6021, Nov. 19, 1987; Amd. Sec. 1, Ord. No. 7134, May 21, 1992.]

10.1012 Terminology. Terms used to describe types of signs, such as "freeway sign", "shopping center sign", "construction sign", etc., do not limit the content of the sign message, but are intended to refer to the location of the sign or the type of use on the lot where the sign is permitted.

[Added Sec. 24, Ord. No. 6021, Nov. 19, 1987.]

10.1020 Permits Required; ✕Violation.

(1) Except as otherwise provided in this chapter, it shall be unlawful for any person to construct, erect, alter or relocate a sign, or direct an employee or agent to do same within the city without first obtaining a permit for each separate sign from the Planning Department as required by this chapter.

(2) No person shall construct, erect, alter or relocate a sign except as authorized in Article VI of this chapter.

[Amd. Sec. 4, Ord. No. 6021, Nov. 19, 1987.]

10.1022 Exceptions to Permit Requirements.

The provisions of Article VI shall not apply to:

(1) Traffic signs and all other signs erected or maintained by a municipal or governmental body or agency, including danger signs, railroad crossing signs, and signs of a non-commercial nature

required by public laws, ordinances or statutes.

(2) Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays.

(3) Signs on a truck, bus, car, boat, trailer or other motorized vehicle and equipment provided all the following conditions are adhered to:

(a) Primary purpose of such vehicle or equipment is not the display of signs.

(b) Signs are painted upon or applied directly to an integral part of the vehicle or equipment.

(c) Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of a business/or use.

(d) Vehicles and equipment are not used as static displays, advertising a product or service, for more than two (2) days in any location, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

(e) During periods of inactivity exceeding five work days, such vehicle/equipment is not so parked or placed that the signs thereon are displayed to the public. Vehicles and equipment engaged in active construction projects and the on-premise storage of equipment and vehicles offered to the general public for rent or lease shall not be subjected to this condition.

(4) Signs not exceeding three (3) square feet in area located in a commercial or industrial zone not to exceed four (4) signs for each business frontage.

(5) Signs not exceeding six (6) square feet in area and an overall height of six (6) feet in the Single-Family Residential Zoning Districts - (SFR 2, 4, 6, 10) and the Multiple-Family Residential Districts - (MFR 15, MFR 20, MFR 30), not to exceed two (2) signs per parcel.

(6) National and State flags. National and state flags shall be flown and displayed in a manner whereby they are not construed as attraction-gaining devices to advertise a product or use, or in a manner to otherwise draw attention of the traveling public to an establishment or sales office. Such displays shall conform to the criteria established in House Document 209 of the 91st Session of Congress.

(7) Signs Located in the Interior of any Building. Signs located in the interior of any building or within an enclosed lobby or court of any group of buildings, which are designed and located to be viewed by patrons only. Such signs may be illuminated and are not subject to the provisions of this chapter.

(8) Change of face. Where an existing sign is modified by change of message or design on the sign face, without any change to size or shape of the sign framework or structure. In Historic Preservation Overlay Zoning Districts, only the message may be changed without Historic Review.

(9) Window Signs. Signs located in windows, if they are mounted or painted upon the inside of windows within all commercial or industrial zoning districts.

(10) Real Estate Signs. Signs not exceeding thirty-two (32) square feet in area in commercial and industrial zoning districts advertising the sale, rental, or lease of the premises on which they are located.

~~(11) Signs in Historic Preservation Overlay Zoning Districts. Signs in Historic Preservation Overlay Zoning Districts shall be approved through the Historic Review process. Such signs may differ from specific standards of Article VI if authorized by the Landmarks and Historic Preservation Commission pursuant to design criteria and/or guidelines for signs adopted by such Commission.~~

[Amd. Sec. 5, Ord. No. 6021, Nov. 19, 1987; Amd. Sec. 21, Ord. No. 2006-199, Sept. 7, 2006.]

10.1028 [Repealed Sec. 1, Ord. No. 6021, Nov. 19, 1987.]

10.1030 Application.

Application for a permit shall be made to the Planning Department upon a form provided by the City and shall include the following:

- (1) Two sets of drawings to scale, including the following information with regard to the signs:
 - (a) The written or graphic content.
 - (b) Location of the sign on the building or building site.
 - (c) Dimensions of the sign.
 - (d) Construction materials.
 - (e) Method of attachment and character of structural members to which attachment is to be made.
 - (f) Electrical wiring and components or U.L. approved number.
 - (g) If an electronic message sign, the frequency at which the text changes.
- (2) The Building Safety Official may also require that a licensed engineer furnish information concerning structural design and proposed attachments.

[Amd. Sec. 6, Ord. No. 6021, Nov. 19, 1987.]

10.1035 Issuance of Permits.

City personnel shall examine applications for permits within two (2) working days after filing. If it appears from the application, drawings, and specifications therewith that the requested sign(s) and all existing signs on the premises conform with all the provisions of this chapter, a permit shall be issued. -But, if City personnel find that any requested or existing sign(s) directly related to the application violates this chapter or any other chapter of the City code or ordinance related thereto, a permit shall not be issued until necessary corrections are made.

No additional permits shall be issued for signs on businesses or uses with signs not already in compliance with this section, including overdue sign regulation fees or unpaid inspection charges.

All signs, except for signs painted directly upon a building, are also subject to Building Department requirements.

[Amd. Sec. 7, Ord. No. 6021, Nov. 19, 1987.]

10.1040 [Repealed, Ord. No. 2006-278, Jan. 4, 2007.]

10.1045 Indemnification of City.

As a condition to the issuance of a sign permit as required by this chapter, all persons engaged in the hanging or painting of signs, which involves, in whole or in part, the erection, alteration, relocation, maintenance, or other sign work in, over, or immediately adjacent to a public right-of-way or public property if used or encroached upon by the sign hanger or painter in the said sign work, shall agree to

10.1045 Indemnification of City.

As a condition to the issuance of a sign permit as required by this chapter, all persons engaged in the hanging or painting of signs, which involves, in whole or in part, the erection, alteration, relocation, maintenance, or other sign work in, over, or immediately adjacent to a public right-of-way or public property if used or encroached upon by the sign hanger or painter in the said sign work, shall agree to hold harmless and indemnify the City, its officers, agents, and employees from liability for damages resulting from said erection, alteration, relocation, maintenance or other sign work.

[Amd. Sec. 9, Ord. No. 6021, Nov. 19, 1987.]

10.1046 Definition of Nonconforming Signs.

All signs that do not conform to the specific standards of this Code may be considered legal nonconforming as per Section 10.032, if the sign was erected in conformance with a valid permit and complied with all applicable laws at the time of the sign's installation. All nonconformities shall be subject to the requirements of Section 10.033, Continuation of Nonconforming Development, through 10.037, Completion of Nonconforming Development.

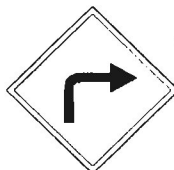
10.1100 Prohibited Signs For All Districts.

The following signs are prohibited for all zoning districts:

(1) Signs on a truck, bus, car, boat, trailer, or other motorized vehicle and equipment are prohibited, except as provided in Section 10.1022(3).



(2) Traffic hazards: No sign shall be permitted at the intersection of a street or driveway in such a manner as to obstruct free and clear vision of motor vehicle operators or at any location where by reason of its position, shape, or color it may interfere with or be confused with any authorized traffic sign, signal, or device, or which makes use of a word, symbol or phase, shape or color in such a manner as to interfere with, mislead, or confuse traffic.



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(3) Animated, scintillating, flashing, blinking, strobing, and traveling lights or any design created to give the illusion of motion are prohibited. This prohibition does not include electronic message signs.

(4) Anchored balloon signs are prohibited.



(5) Moving or rotating signs are prohibited.

(6) Fin signs are prohibited.

(7) Paper signs are prohibited.

(8) Any ground sign that is to be installed as to extend through a portion of a building or roof, with the sign being mounted above the roof, and appearing similar to a roof sign is prohibited.

(9) Any sign not listed as a permitted sign within a district is prohibited in that district, unless it is exempt under Section 10.1022.

[Amd. Sec. 10, Ord. No. 6021, Nov. 19, 1987.]

10.1120 Abandoned Signs.

(1) Any abandoned sign and supporting structure shall be removed by the owner of the sign or owner of the premises within six (6) months following the date of abandonment.

(2) Any owner of an abandoned sign which is otherwise in conformance with this chapter may apply to the Planning Commission for an extension of the removal date. If the Planning Commission determines that the continued maintenance of the sign is consistent with the purpose of Article VI of the Land Development Code, an extension of up to one (1) year may be granted.

[Amd. Sec. 11, Ord. No. 6021, Nov. 19, 1987.]

10.1130 Certain Signs Declared A Nuisance.

Any abandoned, dangerous, defective, illegal, or prohibited sign, or any sign which is not in accordance with the drawings, specifications and details of the permit application is hereby declared a nuisance and may be abated as prescribed in sections 5.520 - 5.535 of the Medford Code. This is in addition to any other remedy provided by law or ordinance.

[Amd. Sec. 12, Ord. No. 6021, Nov. 19, 1987.]

10.1200 Signs in Single-Family Residential Zoning Districts (SFR-00,2,4,6,10).

Signs shall be permitted only as follows in the single-family residential zoning districts:

(1) **Undeveloped Subdivision/Planned Unit Development Signs:** Two non-illuminated ground signs, not exceeding 50 square feet in area, and 14 feet in height and setback a minimum of 20 feet from any property line are permitted within an undeveloped subdivision/ planned unit development. Such signs may be installed on the undeveloped subdivision/planned unit development property after approval of the tentative plat by the Planning Commission. However, the sign must be removed no later than 2 years after installation, unless the Planning Commission, upon due application prior to expiration of the 2 year period, determines that the continued maintenance of the sign is consistent with the purpose of this code, in which case an extension for an additional year may be granted. **Electronic message signs are prohibited.**

~~(2) **Public Use Signs:** Each lot occupied by public uses, schools and churches is allowed a maximum of 20 square feet of sign area per street frontage. The maximum area shall be a combination of wall and ground signs. If a ground sign, the sign shall not be located within 15 feet of any property line and shall not be internally illuminated. Signs within public parks, schools, or stadiums, which are generally placed and located so as not to be viewed from a street, are exempt from this provision. Institutional uses, as defined in Section 10.012, are permitted 40 square feet of signage per street frontage. Signs shall not be internally illuminated except as provided in (c) below. Each street frontage is permitted: (a) a maximum of one ground sign measuring a maximum of 20 square feet, and a maximum of one wall sign measuring a maximum of 20 square feet; or (b) a maximum of two ground signs or two wall signs, each measuring a maximum of 20 square feet. The square footage of the two permitted signs per street frontage may not be combined to create a larger sign. In cases of properties with more than one street frontage, the signage from one street frontage may not be transferred to another street frontage. Signs shall also comply with the following provisions:~~

(a) Ground Signs:

- (i) Maximum Size:** 20 square feet per sign
- (ii) Maximum Height:** 5 feet
- (iii) Minimum Setback:** 15-feet from any property line.
- (iv) Exempt:** Ground signs within public parks, schools, or stadiums that are placed and located so as not to be viewed from the street are exempt from these provisions.

(b) Wall Signs:

- (i) Maximum Size:** 20 square feet per sign
- (ii) Maximum Height:** No part of any wall sign shall be higher than the building height as defined in Section 10.1010.
- (iii) Exempt:** Wall signs within public parks, schools, or stadiums which are placed and located so as not to be viewed from the street are exempt from these provisions.

(c) Electronic Message Signs: Electronic message signs are a conditional use. A

Conditional Use Permit may authorize institutional uses to have one electronic message sign as a permitted ground or wall sign. Regardless of the number of street frontages, one of the permitted ground or wall signs may be an electronic message sign, provided it complies with the following provisions:

- (i) Electronic message signs shall apply for and receive approval for a Conditional Use Permit as per Section 10.250.
 - a. The electronic message sign shall be considered as an element of the CUP for the use.
 - b. Existing conditional uses shall apply for an amendment to their existing approved CUP to request an electronic message sign, as per Section 10.250.
 - c. The expiration of a CUP shall require the removal of the electronic message sign.
- (ii) Maximum Size: 20 square feet;
- (iii) Maximum Height: 5 feet if a ground sign. If a wall sign, shall not be higher than the building height as defined in Section 10.1010.
- (iv) All text displayed on an electronic message sign must be static for a minimum of two (2) 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.
- (v) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night, consistent with Section 10.764, *Glare*.
- (vi) The conversion of an existing, conforming ground or wall sign to an electronic message sign is permitted.
- (vii) The conversion of any existing, nonconforming ground or wall sign to an electronic message sign is prohibited

(3) **Planned Unit Development Signs:** Residential Planned Unit Developments are permitted two (2) non-illuminated ground signs, subject to the following limitations.

- (a) Maximum Height: 4 feet.
- (b) Maximum Square Footage: 20 square feet per sign.
- (c) Minimum Setback: 5 feet from any public right-of-way.
- (d) Such signs may be installed after approval of the signs and the Planned Unit Development by the Planning Commission.
- (e) Electronic Message Signs are prohibited.

~~(3) **Planned Unit Development Signs:** Two (2) non-illuminated ground signs, each sign not exceeding twenty feet in area, and 4 feet in height and setback a minimum of 5 feet from any street right-of-way are permitted in a residential Planned Unit Development. Such signs may be installed after approval of the signs and the Planned Unit Development by the Planning Commission.~~

[Amd. Sec. 13, Ord. No. 6021, Nov. 19, 1987; Amd. Sec. 6, Ord. No. 2003-258, Sept. 18, 2003.]

10.1300 Signs in Multiple-Family Residential Districts (MFR-15), (MFR-20) and (MFR-30).

Signs shall be permitted only as follows in the MFR-15, MFR-20 and MFR-30 zones:

(1) New Development/Project Sign: One non-illuminated ground sign, not exceeding 50 square feet in area, and 14 feet in height is permitted on the premises of each proposed building or development project. Such sign may be installed after a building permit has been obtained for the 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 first. No more than one such sign shall be erected for each construction project and such sign shall be subject to the same setback requirements as are imposed for structures in this zone. **Electronic Message Signs are prohibited.**

(2) Multiple-family Dwelling Sign: For multiple-family dwellings containing four or more dwelling units, one sign not more than 10 square feet in area, either affixed to the building or free-standing is permitted. If free-standing, the sign shall not be located in any required yard area and shall not exceed 4 feet in height and shall be mounted within a landscaped area or decorative planter. If affixed to the building, the sign may not project into a required yard area more than 18 inches. No part of any such sign shall be higher than the building height as defined in Section 10.1010.

Electronic Message Signs are prohibited

~~(3) Public Use Signs: Public uses, schools, and churches are allowed a maximum of 20 square feet of sign area, per street frontage. The maximum area shall be a combination of wall and ground signs. If a ground sign, the sign shall not be located within 15 feet of any property line and shall not be internally illuminated. Signs within public parks, schools, or stadiums, which are generally placed and located so as not to be viewed from a street, shall be exempted from this provision.~~

Institutional uses, as defined in Section 10.012, are permitted 40 square feet of signage per street frontage. Signs shall not be internally illuminated except as provided in (c) below. Each street frontage is permitted: (a) a maximum of one ground sign measuring a maximum of 20 square feet, and a maximum of one wall sign measuring a maximum of 20 square feet; or (b) a maximum of two ground signs or two wall signs, each measuring a maximum of 20 square feet. The square footage of the two permitted signs per street frontage may not be combined to create a larger sign. In cases of properties with more than one street frontage, the signage from one street frontage may not be transferred to another street frontage. Signs shall also comply with the following provisions:

(a) Ground Signs:

- (i) Maximum Size: 20 square feet per sign**
- (ii) Maximum Height: 5 feet**
- (iii) Minimum Setback: 15-feet from any property line.**
- (iv) Exempt: Ground signs within public parks, schools, or stadiums that are placed and located so as not to be viewed from the street are exempt from these provisions.**

(b) Wall Signs:

- (i) Maximum Size: 20 square feet per sign**

- (ii) **Maximum Height:** No part of any wall sign shall be higher than the building height as defined in Section 10.1010.
 - (iii) **Exempt:** Wall signs within public parks, schools, or stadiums which are placed and located so as not to be viewed from the street are exempt from these provisions.
 - (c) **Electronic Message Signs:** Electronic message signs are a conditional use. A Conditional Use Permit may authorize institutional uses to have one electronic message sign as a permitted ground or wall sign. Regardless of the number of street frontages, one of the permitted ground or wall signs may be an electronic message sign, provided it complies with the following provisions:
 - (i) Electronic message signs shall apply for and receive approval for a Conditional Use Permit pursuant to Section 10.250.
 - d. The electronic message sign shall be considered as an element of the CUP for the use.
 - e. Existing conditional uses shall apply for an amendment to their existing approved CUP to request an electronic message sign, pursuant to Section 10.250.
 - f. The expiration of a CUP shall require the removal of the electronic message sign.
 - (i) **Maximum Size:** 20 square feet;
 - (ii) **Maximum Height:** 5 feet if a ground sign. If a wall sign, shall not be higher than the building height as defined in Section 10.1010.
 - (iii) All text displayed on an electronic message sign must be static for a minimum of two (2) 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.
 - (iv) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night, consistent with Section 10.764, *Glare*.
 - (v) The conversion of an existing, conforming ground or wall sign to an electronic message sign is permitted.
 - (vi) The conversion of any existing, nonconforming ground or wall sign to an electronic message sign is prohibited
- (4) **Planned Unit Development Signs:** Residential Planned Unit Developments are permitted two (2) non-illuminated ground signs, subject to the following limitations.
- (a) **Maximum Height:** 4 feet.
 - (b) **Maximum Square Footage:** 20 square feet per sign.
 - (c) **Minimum Setback:** 5 feet from any public right-of-way.
 - (d) Such signs may be installed after approval of the signs and the Planned Unit Development by the Planning Commission.
 - (e) **Electronic Message Signs** are prohibited.

[Amd. Sec. 14, Ord. No. 6021, Nov. 19, 1987.]

10.1400 Signs in Service Commercial and Professional Offices (C-S/P); Basic Regulations.

Signs shall be permitted only as follows in the C-S/P district:

(1) **Ground Signs:** Each parcel of land is permitted one (1) ground sign per street frontage, subject to the following limitations:

- (a) **Maximum Height:** 9 feet
- (b) **Maximum Square Footage:** 32 -square feet per sign.
- (c) **Minimum Setback:** 5 feet from a lot in a residential zone or from a street right-of-way.
- (d) **Electronic Message Signs are permitted as a ground sign subject to the following limitations:**
 - (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 or GLUP Map designation;**
 - (ii) **All text displayed on an electronic message sign must be static for a minimum of two (2) 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.**

(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 square foot for each linear foot of business frontage. No part of any sign shall be higher than the building height as defined in Section 10.1010.

(b) **Secondary Facade:** The aggregate area of all signs shall not exceed one-half square foot for each linear foot of business frontage. No part of any sign shall be higher than the building height as defined in Section 10.1010.

- (c) **Electronic Message Signs are permitted as a primary or secondary façade wall sign subject to the following limitations:**
 - (i) **The electronic message sign or electronic reader board must be 150 feet, or farther, from any residential zoning district or GLUP Map designation;**
 - (ii) **All text displayed on an electronic message sign must be static for a minimum of two (2) 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.**
- (v) **The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.**

(3) **Projecting Signs: Prohibited.**

(4) **Awning/Canopy/Marquee Signs:** No sign shall project into public right-of-way. All such signs shall be assessed against the aggregate wall signage for the facade.

[Amd. Sec. 15, Ord. No. 6021, Nov. 19, 1987.]

10.1410 Service Commercial and Professional Office (C-S/P): Additional Special Signs.

Additional special signs shall be permitted as follows in the C-S/P district:

(1) **New Development/Project Sign:** One non-illuminated ground sign, not exceeding 50 square feet in area, and 14 feet in height is permitted on the premises of each proposed building or development project. Such sign may be installed after a building permit has been obtained for the 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 first. No more than one sign shall be erected on the premises of each construction project and such sign shall be subject to the same setback requirements as are imposed for structures in this zone.

(2) **Hospital Signs:** Signs exceeding the dimensional standards of Article VI may be approved subject to Section 10.248 Conditional Use Permit Criteria, through 10.250 Expiration of a Conditional Use Permit. In addition, such approval shall be based on review and approval of an integrated sign program for the entire facility and on a determination that the signs proposed to exceed the standards of Article VI are the minimum necessary to facilitate proper identification of hospital activities. In no case shall ground signs exceed 15 feet in height or 100 square feet in area, nor shall this provision allow an increase in the numbers of signs otherwise allowed by this section. For the purpose of this section, "hospitals" are those that are licensed for at least 150 inpatient beds, and emergency services.

[Added Sec. 25, Ord. No. 6021, Nov. 19, 1987; Amd. Ord. No. 6333, Apr. 20, 1989; Amd. Ord. No. 2007-92, May 3, 2007.]

10.1500 Signs In Neighborhood Commercial District (C-N): Basic Regulations.

Signs shall be permitted as follows in the C-N district:

(1) **Ground Signs:** Not more than one ground sign may be placed on each lot or parcel subject to the following limitations:

(a) **Maximum Height:** 9 feet

(b) **Maximum Square Footage:** 36 square feet per sign

(c) **Minimum Setback:** 10 feet from a lot in a residential zone or from a street right-of-way

(d) **Electronic Message Signs** are permitted subject to Sections 10.248, Conditional Use Permit Criteria, through Section 10.250, Expiration of a Conditional Use Permit, and the following criteria:

- (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 or GLUP Map designation;

- (ii) All text displayed on an electronic message sign must be static for a minimum of two (2) 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.

(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 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 10.1010.

(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 10.1010.

(c) Electronic Message Signs are permitted as a primary or secondary façade wall sign subject Sections 10.248, Conditional Use Permit Criteria, through Section 10.250, Expiration of a Conditional Use Permit, and the following criteria:

- (i) The electronic message sign must be 150 feet, or farther, from any residential zoning district or GLUP Map designation;
- (ii) All text displayed on an electronic message sign must be static for a minimum of two (2) 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.
- (v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.

(3) Projecting Signs: Prohibited

(4) Awning/Canopy/Marquee Signs: No such sign shall extend into the public right-of-way. All such signs shall be assessed against the facade aggregate for wall signs.

(5) Portable Signs: 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.

(6) 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. One (1) ground sign may be up to 100 square feet in area and 20 feet in height. Each additional ground sign shall not exceed 30 square feet in area and 4 feet in height. The shopping center ground signs allowed by this subsection (6) 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.

[Amd. Sec. 16, Ord. No. 6021, Nov. 19, 1987; Amd. Sect. 1, Ord. No. 7265, Dec. 3, 1992; Amd. Sec. 20, Ord. No. 8285, Feb. 6, 1997; Amd. Sec. 1, Ord. No. 8449, Aug. 7, 1997.]

10.1510 Neighborhood Commercial District (C-N): Additional Special Signs.

Additional Special Signs shall be permitted as follows in the C-N district:

(1) Freeway Signs: Prohibited

(2) Service Station Signs: One additional ground sign per street frontage, not exceeding 30 square feet in area and 9 feet in height is permitted on each parcel of land occupied by a service station. Such signs may not project into public right-of-way.

(3) Drive-up Window Signs: One additional ground sign not to exceed 32 square feet in area and six feet in height is permitted on each parcel of land occupied by a drive-up window business. Such signs may not project into public right-of-way.

(4) Construction Sign: One non-illuminated sign may be installed on each construction site 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 or upon completion of the project, whichever occurs sooner. The sign shall not exceed 50 square feet in area and no single dimension shall exceed 10 feet. The sign shall not exceed 14 feet in height and shall comply with the setback requirements for structures within this district.

(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 10.1010.

[Amd. Sec. 17, Ord. No. 6021, Nov. 19, 1987; Amd. Section 2, Ord. No. 7265, Dec. 3, 1992; Amd. Sec. 21, Ord. No. 8285, Feb. 6, 1997.]

10.1600 Central Business Overlay (CB): Basic Regulations.

Signs shall be permitted as follows in the CB district:

(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: May not project into public right-of-way
 - (d) **Electronic Message Signs are permitted, except where within the Historic Overlay District, as a ground sign subject to the following limitations:**
 - (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 or GLUP Map designation;
 - (ii) All text displayed on an electronic message sign must be static for a minimum of two (2) 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.
- (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 10.1010.
 - (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 10.1010.
 - (c) **Second Story and Basement Enterprises or Uses:** Second story and basement enterprises or uses, which are maintained exclusively on a floor other than that on the street floor, shall be entitled to additional sign area equal to 60% of the sign area authorized above for each facade. No part of any sign shall be higher than the building height as defined in Section 10.1010.
 - (d) **Electronic Message Signs are permitted, except where within the Historic Overlay District, as a primary or secondary façade wall sign subject to the following limitations:**
 - (i) The electronic message sign or electronic reader board must be 150 feet, or farther, from any residential zoning district or GLUP Map designation;
 - (ii) All text displayed on an electronic message sign must be static for a minimum of two (2) 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.
- (v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.

(3) Projecting Signs: Signs not exceeding 20 square feet are permitted.

(4) Awning/Canopy/Marquee Signs: Signs not exceeding 20 square feet placed flat on a marquee, awning, or canopy are permitted.

[Amd. Sec. 18, Ord. No. 6021, Nov. 19, 1987.]

10.1610 Central Business Overlay (CB): Additional Special Signs.

Additional special signs shall be permitted as follows in the CB district:

(1) Service Station Signs: One additional ground sign per street frontage, not exceeding 30 square feet in area and 9 feet in height is permitted on each parcel of land occupied by a service station. Such signs may not project into public right-of-way.

(2) Drive-up Window Signs: One additional ground sign not to exceed 32 square feet in area and 6 feet in height is permitted on each parcel of land occupied by a drive-up window. Such signs may not project into public right-of-way.

(3) Temporary Sign: -One temporary sign on each street frontage is permitted 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 sign shall not exceed 32 square feet. No part of any sign shall be higher than the building height as defined in Section 10.1010.

(4) Portable Signs: 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.

[Amd. Sec. 19, Ord. No. 6021, Nov. 19, 1987.]

10.1620 Historic Preservation District Overlay (H): Basic Regulations.

Signs in Historic Preservation Overlay Zoning Districts shall be approved through the Historic Review process. Such signs may differ from specific standards of Article VI if authorized by the Landmarks and Historic Preservation Commission (LHPC) pursuant to design criteria and/or guidelines for signs adopted by such Commission, except that electronic message sign shall be prohibited.

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.

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

- (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 or GLUP Map designation;**
- (ii) All text displayed on an electronic message sign must be static for a minimum of two (2) 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.**

(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 10.1010.

(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 10.1010.

(c) Electronic Message Signs are permitted as a primary or secondary façade wall sign subject to the following limitations:

- (i) The electronic message sign must be 150 feet, or farther, from any residential zoning district or GLUP Map designation;**
- (ii) All text displayed on an electronic message sign must be static for a minimum of two (2) 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.**
- (v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.**

(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 10.1010.

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

(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).**

[Amd. Sec. 20, Ord. No. 6021, Nov. 19, 1987; Amd. Section 3, Ord. No. 7265, Dec. 3, 1992; Amd. Sec. 22, Ord. No. 8285, Feb. 6, 1997; Amd. Sec. 2, Ord. No. 8449, Aug. 7, 1997.]

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 in the C-C, C-R, and C-H districts:

(1) Freeway Signs: One (1) sign not exceeding 250 square feet in area and 50 feet in height, and one (1) sign not exceeding 150 square feet in area and 20 feet in height are permitted on each parcel of land located within the Freeway Overlay Zone. Such signs are permitted in lieu of all ground signs permitted in the underlying zoning district, as listed under the Basic Regulations.

(2) Service 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 service station. Such signs may not project into public right-of-way.

(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.

(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.

(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 10.1010.

(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.

(7) Miles Field/Professional Baseball Park Signs: One (1) additional freestanding scoreboard sign, not to exceed 630 square feet in area and 30 feet in height; one (1) time of day/display sign located above the right field fence, not to be visible from outside the stadium after June 1, 1997, and not to exceed 30 square feet in area and 25 feet in height; one (1) ground sign not exceeding 150 square feet in area and 20 feet in height; one (1) wall sign identifying the facility, not to exceed 50 feet in area; and other additional ground signs located above the outfield fence, not to exceed a total of 3000 square feet and 20 feet in height. These outfield billboard signs shall be permitted until June 1, 1997, at which time they must either be removed or enclosed so that they cannot be viewed from outside the ball park. Signs permitted in subsection (8) are in lieu of signs permitted in the underlying zoning district, as listed under the basic regulations.

[Added Sec. 2, Ord. No. 7134, May 21, 1992; Amd Ord. No. 7170, July 16, 1992; Amd. Section 4, Ord No. 7265, Dec. 3, 1992; Amd. Sec. 1, Ord. No. 7957, Sept. 7, 1995; Amd. Sec. 23, Ord. No. 8285, Feb. 6, 1997.]

10.1800 Signs in Light Industrial (I-L), General Industrial (I-G), and Heavy Industrial (I-H): Basic Regulations.

Signs shall be permitted as follows in the I-L, I-G, and I-H districts:

(1) Ground Signs are subject to the following limitations:

(a) Maximum Height: 24 feet

(b) Maximum Square Footage: 200 square feet per sign

(c) Minimum Setback: Sign shall not project into public right-of-way.

(d) Maximum Number: No more than one free-standing sign shall be permitted on any single lot, except under the following conditions:

(i) The lot has more than one street frontage, then a lot may be allowed one ground sign for each frontage over 120 linear feet, and

(ii) No sign shall project into the public right-of-way.

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

(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 or GLUP Map designation;

(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) 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.

(2) Wall Signs:

(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 10.1010.

(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 10.1010.

(c) Electronic Message Signs are permitted as a primary or secondary façade wall sign subject to the following limitations:

- (i) The electronic message sign must be 150 feet, or farther, from any residential zoning district or GLUP Map designation;
- (ii) All text displayed on an electronic message sign must be static for a minimum of two (2) 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.
- (v) The conversion of an existing, nonconforming wall sign to an electronic message sign is prohibited.

(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 to which the sign is attached 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 10.1010.

(4) Awning/Canopy/Marquee Signs: No such sign shall extend into the public right-of-way. All such signs shall be assessed against the facade aggregate for wall signs.

[Amd. Sec. 22, Ord. No. 6021, Nov. 19, 1987.]

10.1810 Light Industrial (I-L), General Industrial (I-G) and Heavy Industrial (I-H): Additional Special Signs.

Additional special signs shall be permitted as follows in the I-L, I-G, and I-H districts:

(1) **Service Station Signs:** One ground sign per street frontage, not exceeding 32 square feet in area and 6 feet in height for any single parcel of land occupied by a service station. Such signs shall not project into public right-of-way.

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

(3) **Temporary Sign:** One sign on each street frontage 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 sign shall not exceed 32 square feet. No part of any sign shall be higher than the building height as defined in Section 10.1010.

(4) **Construction Signs:** Such a sign 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 completion of the project, whichever is sooner. The non-illuminated 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 sign shall be subjected to the same setback requirements as are imposed for structures in this zone.

[Amd. Sec. 23, Ord. No. 6021, Nov. 19, 1987.]

10.1900 [Repealed Sec. 1, Ord. No. 6021, Nov. 19, 1987.]

10.1910 [Repealed Sec. 1, Ord. No. 6021, Nov. 19, 1987.]

10.2000 [Repealed Sec. 1, Ord. No. 6021, Nov. 19, 1987.]

10.2010 [Repealed Sec. 1, Ord. No. 6021, Nov. 19, 1987.]



CITY OF MEDFORD

PLANNING DEPARTMENT

EXHIBIT B

DCA-09-048

August 27, 2009

Approval Criteria: Medford Land Development Code Section 10.182

Section 10.182 of the *Land Development Code* requires findings that address the following:

- (1) Identification of all applicable Statewide Planning Goals
- (2) Identification and explanation of the goals and policies of the Comprehensive Plan considered relevant to the decision.
- (3) Statement of the facts relied upon in rendering the decision, if any.
- (4) Explanation of the justification of the decision based on the criteria, standards, and facts.

CITY OF MEDFORD
EXHIBIT # B
File # DCA-09-048

BEFORE THE PLANNING COMMISSION
AND CITY COUNCIL
FOR THE CITY OF MEDFORD
JACKSON COUNTY, OREGON

IN THE MATTER OF AMENDING)
ARTICLE VI OF THE MEDFORD LAND)
DEVELOPMENT CODE, RELATING TO)
THE ELECTRONIC MESSAGE SIGNS)

FINDINGS OF FACT
CONCLUSIONS OF LAW
File No. DCA-09-048
Exhibit C
January 6, 2010

City of Medford, Applicant

PROCEDURAL BACKGROUND

Amendment of the *Medford Land Development Code* is categorized as a procedural Class 'A' legislative action by the *Medford Land Development Code*. Sections 10.180 through 10.184 provide the process and standards for such amendments.

RELEVANT SUBSTANTIVE CRITERIA

For Class 'A' Major Amendments, *Medford Land Development Code* (MLDC) Section 10.182, "Application Form," requires the following information to be prepared by the City:

- (1) Identification of all applicable Statewide Planning Goals.
- (2) Identification and explanation of the goals and policies of the *Comprehensive Plan* considered relevant to the decision.
- (3) Statement of the facts relied upon in rendering the decision, if any.
- (4) Explanation of the justification of the decision based on the criteria, standards, and facts.

COMPLIANCE WITH STATEWIDE PLANNING GOALS

Applicable Statewide Planning Goals:

GOAL NO. 1: Citizen Involvement
GOAL NO. 2: Land Use Planning

Upon investigation, it has been determined that Statewide Planning Goals 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 are not applicable to this action. Goals 15, 16, 17, 18, and 19 are not applicable in Medford as these pertain to the Willamette River Greenway and ocean-related resources.

GOAL 1: CITIZEN INVOLVEMENT - To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

FINDINGS OF FACT

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which a cross-section of citizens will be involved in the land use planning process, including participation in identifying public goals, developing policy guidelines, and evaluating alternatives in the revision of the *Comprehensive Plan*, and in the inventorying, mapping, and analysis necessary to develop the plan content and implementation strategies. Citizens must also be given the opportunity to participate in the development, adoption, and application of legislation to carry out a comprehensive plan. Goal 1 requires providing an opportunity to review proposed amendments prior to the public hearing, and any recommendations must be retained and receive a response from policy-makers. The rationale used to reach land use policy decisions must be available in the written record.

The City of Medford has an established citizen involvement program consistent with Goal 1 that includes review of proposed legislative *Land Development Code* amendments by the Citizens Planning Advisory Committee, the Planning Commission, and the City Council in study sessions, regular meetings, and public hearings. Affected agencies and interested persons are also invited to review and comment on such proposals, and meeting and hearing notices are published in the local newspaper. This process has been adhered to in the development of the proposed amendment.

The draft document was made available for review by the public (via the internet), affected agencies, departments, local sign companies, the Chamber of Commerce, and interested persons. The Citizen's Planning Advisory Committee (CPAC) reviewed the amendment at a regular meeting on June 9, 2008 and again on July 21, 2009. Study sessions were held before the City Council, Planning Commission, and Site Plan and Architectural Commission on February 26, 2009, April 27, 2009, and May 1, 2009 respectively. The Planning Commission reviewed the amendment at a regular meeting on September 10, 2009 and November 12, 2009. The hearing was continued to allow for revisions to the ordinance to allow for the addition of the term "electronic reader board," and for the allowance of these signs in residential zoning districts for institutional uses and in the Neighborhood Commercial zoning districts. Staff removed the term "electronic reader boards" from the proposal in an attempt to maintain a content neutral ordinance in which the content of signs is not regulated.

The Landmarks and Historic Preservation Commission (LHPC) discussed this item at their November 3, 2009 hearing, concluding that electronic message signs are not appropriate for the downtown historic district, and ought not be promoted or permitted. The proposal was revised to prohibit electronic message signs in the Central Business (C-B) District Overlay. The City Council conducted an appropriately noticed legislative public hearing on the proposal on December 17, 2009. At that hearing, the City Council heard testimony from the Medford School District requesting a revision to the proposal to allow for the following: the option of having two ground signs or two wall signs in lieu of one ground sign and one wall sign per street frontage;

and to prohibit electronic message signs in the downtown historic district overlay. The amendment does not place new limitations on permitted uses, and is therefore not subject to Measure 56 noticing requirements.

CONCLUSIONS OF LAW

The process used by the City of Medford to facilitate and integrate citizen involvement in this proposal is consistent with the City's acknowledged *Comprehensive Plan* and Statewide Planning Goal 1. The City Council voted to make amendments to the proposal at their December 17, 2009 public hearing. As such, the process used by the City of Medford to facilitate and integrate citizen involvement at the public hearing is consistent with the City's acknowledged *Comprehensive Plan* and Statewide Planning Goal 1.

GOAL 2: LAND USE PLANNING - To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

FINDINGS OF FACT

Goal 2 and its implementing *Oregon Administrative Rules* (OAR) and *Oregon Revised Statutes* (ORS) require City land use actions to be consistent with the adopted *Comprehensive Plan*, which must include identification of issues and problems, inventories, and other factual information for each applicable Statewide Planning Goal, and evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. Comprehensive Plans must state how the Statewide Planning Goals are to be achieved. The plan must contain specific implementation strategies that are consistent with and adequate to carry out the plan, and which are coordinated with the plans of other affected governmental units. Implementation strategies can be management strategies such as ordinances, regulations and project plans, and/or site or area-specific strategies such as development permits, construction permits, public facility construction, or provision of services. Comprehensive plans and implementation ordinances must be reviewed and revised on a periodic cycle to take into account changing public policies and circumstances. "Major" (legislative) revisions occur when changes are proposed that affect a large area or many different property ownerships or the entire City.

This proposal affects the City's land use planning process in a minor way relative to electronic message signs. Furthermore, this proposal has no significant effect upon *Comprehensive Plan* policies. It is an attempt to define and permit electronic message signs in zoning appropriate districts, consistent with all applicable site development standards and the *Comprehensive Plan*. This proposal will allow electronic message signs in the Community Commercial, Heavy Commercial, Regional Commercial, and all industrial zoning districts.

CONCLUSIONS OF LAW

The City's efforts in this proposal are to assure that MLDC provisions remain to properly implement the adopted policies of the acknowledged Medford *Comprehensive Plan* and the

Statewide Planning Goals. The changes proposed by the City of Medford are consistent with Statewide Planning Goal 2.

COMPLIANCE WITH THE CITY OF MEDFORD *COMPREHENSIVE PLAN*

Applicable *Medford Comprehensive Plan* Goals, Policies, and Implementation Strategies:

Upon investigation, it has been determined that no *Comprehensive Plan* Goals and Policies are applicable to this action as this amendment defines the term "electronic message sign," and provides for the allowance of this type of signs in some commercial zoning districts and all industrial zoning districts.

STATEMENT OF FACTS RELIED UPON IN RENDERING THE DECISION, IF ANY

As identified in the Staff Report, prior to this code amendment, the code did not contain a definition for the term "electronic message sign." This lack of a definition created confusion in what constituted an "electronic message sign." The purpose of this code amendment is to define electronic message signs, and permit these signs with limitations. As stated in the Staff Report, electronic message signs are permitted as ground signs with limitations on frequency of images change and brightness.

JUSTIFICATION OF THE DECISION BASED ON THE CRITERIA, STANDARDS, AND FACTS

As stated above, criteria 1, 2, and 3 have been met. Prior to this *Land Development Code* amendment, the code standards for electronic message signs were unclear. This code amendment clarifies both the definition of the term electronic message sign, adds a definition for electronic reader boards, and specifies where and how these signs are permitted. Crash statistics along Highway 62 and Highway 99 are included as Exhibit I to the Staff Report. These statistics conclude that there has been no correlation between the installation of electronic message signs and vehicular accidents at those locations studied. Despite the crash statistics, the proposal is written in an attempt to protect the safety and livability of the City of Medford. Brightness, flashing, height, size, and appearance of movement are limited.

SUMMARY

The proposed *Land Development Code* amendment can be found to be consistent with the Goals and Policies of the *Comprehensive Plan*. The amendment also can be found to be consistent with the requirements of the Statewide Planning Goals, including that of adequate public input opportunities, by properly implementing the *Comprehensive Plan*; and to overcome the demonstrable ineffectiveness of current procedures to achieve these goals.

Medford City Council Study Session
March 26, 2009

The meeting was called to order in Room 151 of the Lausmann Annex with the following members present.

Mayor Gary Wheeler; Councilmembers Dick Gordon, Ben Truwe, Greg Jones, Bob Strosser, Al Densmore, James Kuntz, Chris Corcoran and Jill Stout.

Deputy City Manager Bill Hoke; City Attorney John Huttli; City Recorder Glenda Owens

1. Annual Update by RVCOG: Mike Cavallero, Director addressed the council and provided an update on the activities and services provided by the agency. He noted services delivered to the City of Medford included staffing the Regional Problem Solving process, participation on the West Medford TOD technical advisory committee, coordination of public involvement for the Highway 62 corridor project, staffing for the RVACT and RVMPO, assistance with grant applications and TMDL permit monitoring.

Councilmembers discussed the methodology for calculation of RVCOG dues, affect of Federal and State financial shortfalls on the agency and update on the Regional Problem Solving process. Mr. Cavallero also reported that Jackson County has requested the agency gather information on the various jurisdictions and what economic stimulus projects are being moved forward.

2. Electric Signs: Carly Meske, Planner II addressed the council regarding proposal to update the code to deal with the new technology being utilized in signage. She noted that "electronic message sign" is not currently defined within the code. During an recent appeal hearing the council directed staff to research other jurisdictions to see how they are handling this new technology and to bring forward recommendations. Ms. Meske provided example code language that demonstrates that other cities are allowing the signs but under specific guidelines such as size, illumination, etc.

Councilmembers questioned the use of moving signs in vehicles and requested staff move forward with modification to the code regarding electronic signs including language to manage the motion, brightness, size, location and overall safety concerns.

3. Pavement Management System: Public Works Director Cory Crebbin addressed the council and provided an overview of the Pavement Management System report. He noted that fully funding the pavement management system will be presented as a budget issue in the upcoming budget process. He will be requesting funding for a pavement management system that was developed by the Nevada DOT and has proven effective. Medford has 587 lane miles of pavement. He is requesting a 15% increase in the street utility fee in order to fund the

Planning Commission Study Session

MINUTES
April 27, 2009

The study session of the Medford Planning Commission was called to order at 12:00 p.m. in Room 151 of the Lausmann Annex on the above date with the following members and staff in attendance:

Commissioners: Dave McFadden, Norm Nelson, Jerry Shean, Walt Locke

Staff: Lori Cooper, Kelly Akin, Greg Kleinberg, Carly Meske, Praline McCormack, Alex Georgevitch, Larry Beskow

Topic: Proposed Land Development Code Amendment Regarding Electronic Signs

Ms. Meske noted that City Council gave direction to the Planning Department to update the sign code due to an appeal on Lithia's electronic sign on Highway 62 at the Oregon Auto Mall. City Council asked to define the term "electronic message sign", and asked that these signs be permitted, but with limitations.

Ms. Meske gave an overview of the research, definition, and limitations proposed. Ms. Meske proposed two questions to the Commissioners: 1) frequency of change, is ten seconds too long? and 2) flashing signs - should they be permitted if video-type signs are permitted? Ms. Meske showed examples.

Commissioner Shean asked about studies regarding hazardous or dangerous driving. Ms. Meske responded that it depended upon who was providing the study. It was noted that the Lithia sign was showing content unrelated to what they were selling, but that it was allowed. Ms. Meske noted that one of the items to be discussed is how to apply the amendment retroactively. Ms. Meske reported that she spoke with ODOT regarding crashes in the area, and found that none of the crashes were attributed to the signs. Commissioner Nelson responded that he was worried about the aesthetics including the content. There was discussion about sign size. Commissioner McFadden asked about brightness. Ms. Meske responded that it would only be addressed in the glare section of the code. There was further discussion on "flashing", aesthetics, and should daytime versus night be considered. The glare standard was also discussed. Ms. Meske asked about limiting that type of sign in an area to one every 500 feet versus one to each parcel. Alex Georgevitch, noted that Engineering signs were spaced at a certain distance apart to avoid confusion. He suggested that it should be limited to one per development or one per block. The consensus was that it would be hard to limit the signs, other than limiting it to one per parcel.

Ms. Meske concluded that aesthetics were important to the Commission. Commissioner Nelson noted that he felt that a ten-second change was too slow. A few of the Commissioners spoke against movies being shown on the signs. Ms. Meske confirmed that there were not any changes to size or height. Ms. Meske noted that if there was a lot of feedback, that a hearing may be held at a Planning Commission Meeting. Commissioner McFadden suggested that it would be helpful to have a recommended list of signs to look at before discussing it.

CITY OF MEDFORD
EXHIBIT # E
File # DCA-09-078

MINUTES
Site Plan & Architectural Commission Study Session
May 1, 2009

The study session of the Medford Site Plan and Architectural Commission was called to order at approximately 10:34 a.m. in the auditorium of the Jackson County Courthouse on the above date with the following members and staff in attendance:

Commissioners: Jon Elliott, Roy Cooper, Nan King, Mark Ledford, Bob Seibert, Scott Sinner

Staff: Kelly Akin, Carly Meske, Sandra Johnson, Debbie Strigle

Topic: Electronic Message Signs

Carly Meske, Planner II, presented two handouts (1) a memo explaining the purpose of the code amendment; and (2) the proposed changes to Article VI of the Medford Land Development Code. Ms. Meske said the code currently lacks a definition for the term "electronic message sign," and this lack of a definition is causing problems. An example is the appeal heard by City Council in 2007 regarding the Lithia sign at the Oregon Auto Mall on Highway 62. Ms. Meske gave a PowerPoint presentation that showed a definition, regulations, questions, and crash statistics. She said that City Council asked staff to review the ordinance and do two things:

- ✓ Define the term "electronic message sign," and
- ✓ Allow these types of signs with regulations

There was a lot of discussion regarding different aspects of an electronic message sign. The following are just some of the questions and concerns of the Site Plan and Architectural Commission:

- How long can a transition last? Is 10 seconds too long?
- Bulbs/lighting that may be too bright?
- What about video's and/or audio's?
- The need to regulate proximity of message signs to each other
- Movement – creates an impression
- Text has different impact than video
- Is 150 feet too short of a distance from residential areas?
- Are some locations more appropriate than others?
- What about non-conforming signs?
- The need for more research on statistics/safety issues

Consensus was that most Commissioners did not have a problem with electronic message signs but it was not unanimous.

Ms. Meske said she will have a composed language written up before this item goes back to City Council.

The meeting was adjourned at approximately 11:30 p.m.

Submitted by:

Debbie Strigle
Secretary

CITY OF MEDFORD
EXHIBIT # **F**
File # **DCA-09-048**

said the big costs are things like schools. Curtis Folsom said infrastructure away from development is expensive. Christine Lachner remembered that Bill Hoke spoke to CPAC about the cost of development. Curtis Folsom asked Jim Howe to draft a letter to Council (during the request for comments period), containing the following information: the cost to citizens; and how this may be a benefit to citizens.

Neighborhood Meetings

Discussed above as item 3.1.

Signage Code Amendment.

Carly Meske explained: this ordinance is currently in the agency comment period; request for comments was sent to all local sign companies; no comments have been received; and that this ordinance is a result of Council action after the Lithia Sign Appeal. Carly Meske then discussed the two main pieces of the amendment: (1) include a definition for the term "electronic message sign," and (2) create limitations to location, brightness, and motion. Curtis Folsom said business owners will be the most concerned, not the sign companies. Jim Howe said his guess is that these signs are not permitted in nice towns such as Portland. . Members then discussed Phat Kat downtown, mentioning that the banners are now down. No other discussion of proposed ordinance.

5. GENERAL DISCUSSION**5.1 Other****LDS-09-047**

Elwin Fordyce's subdivision. No discussion about the proposed subdivision.

MLDC Section 2.472: CPAC's charge

Kathy Helmer reviewed this section and reminded members that their charge was to review long-range Class "A". She asked members to rearticulate what type of applications they wanted to review . Members concluded that they want to see the following: Subdivisions 5 acres and greater; all Exceptions (so as to track trends); all PUDs; all SE Plan projects; and all Comp. Plan Amendments (Class A applications).

6. ADJOURNMENT

The meeting was adjourned at 8:45 PM.

Respectfully submitted,
Carly Meske, Planner II

CITY OF MEDFORD
EXHIBIT # 9
File # DCA-09-048

for example.

SEMCO to prepare letter to Louise identifying: (1) a desire to be recognized by the city as a neighborhood association; and (2) those obstacles (contained in Section 2.466) that prevent them from becoming officially recognized.

CPAC asked that this item remain on the agenda to continue brainstorming and discussions on the topic.

Have additional ideas for why these organizations should form? Email to Carly.

Louise to email CPAC examples of what other cities are doing to facilitate the organization of neighborhood associations.

City facilities are available for neighborhood association meetings (conference rooms at city hall or the Santo Center).

4.2 Applications and Referrals

DCA-09-048: Electronic Message Signs.

This is the second time CPAC has seen this code amendment. Carly explained the changes: (1) the time limit on image and text movement was reduced from 5 seconds to 2 seconds; and (2) images now contain no such restriction, whereas text is required to be stationary for 2 seconds. Additionally, a council member asked that these signs be permitted in the Neighborhood Commercial (C-N) zoning districts. Carly described reasons why staff advises against this.

CPAC made a **motion**: (1) Prohibit these signs in C-N zoning districts; (2) images and text ought to be required to be static for 5 second; and (3) the level of brightness shall be described in terms of lumens, at some distance.

Five (5) voted in favor, zero (0) opposed, and one (1) abstention.

DCA-09-066: Stormwater Detention and Water Quality

Discussion of item was continued to next meeting, August 25, 2009.

ZC-09-061: White, et. al Zone Change:

Item continued to September 10, 2009 hearing. Discussion of item was continued to next meeting, August 25, 2009.

CP-09-075: GLUP Map Amendment and Zone Change (Industrial to Commercial)

Staff asked CPAC if they would like a staff report on this application. Project goes to hearing November 5, 2009. No staff report was requested.

5. GENERAL DISCUSSION

5.1 Other

No general discussion.

6. ADJOURNMENT

The meeting was adjourned at 8:35 PM.

Respectfully submitted,
Carly Meske, Planner II

CITY OF MEDFORD
EXHIBIT # H
File # DCA-09-048

From: Craig [cstone@cstoneassociates.com]
Sent: Wednesday, July 08, 2009 5:12 PM
To: Carly A. Meske
Subject: RE: Request for Comments: DCA-09-048, Sign Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

Carly:

My two minor comments are:

- At page 10:6:2 (under the definition of Sign, electronic message sign) a period is needed after the first sentence.
- At page 10:6:7, Section 10.1046 (Definition of Nonconforming Signs) contains the following language: "All nonconformities shall be encouraged to convert to conformity wherever possible * * * ." I recommend this quoted language be stricken. While it may be a good thing to encourage nonconformities to go away, expressions of encouragement as a matter of public policy should be set out in the comprehensive plan but have no place in an ordinance where the objective is to clearly set forth what is and is not permitted..

Craig Stone

From: Carly A. Meske [mailto:Carly.Meske@cityofmedford.org]
Sent: Wednesday, July 08, 2009 3:09 PM
To: Bob Neathamer; Bruce Abeloe; Cael Neathamer; Chris Galpin; Craig Stone; Curt Burrill; Dale Clark; Dave Hammond; Dave Straus; Dennis Hoffbuhr; Doug Snider; Herb Farber; Jim Hibbs; John Jensen; John Schleining; Judy Gauderman (JCHBA); Lee Brennen; Lee Brennen Office; Lou Mahar; Mike Montero; Mike Thornton; Pat Havird; Randy Jones; Reid Murphy; Steve DeCarlow; Terry Buntin; Tim & Mary Snopl
Subject: Request for Comments: DCA-09-048, Sign Ordinance

Sign Ordinance Code Amendment - DCA-09-038

The City of Medford is proposing to amend Article VI of the *Medford Land Development Code* relating to electronic message signs.

The amendments relate to the definition of and limitations to *electronic message signs*.

Drafts of the affected sections are attached for review and comment. Text that is to be deleted is ~~struck out~~ and text to be added is underlined. Please review the draft and let me know if you have any questions or comments.

A Request for Comments was sent out to affected agencies and interested parties on May 14, 2009. The attached draft has been revised based on comments received thus far.
The proposed language is also been posted on the Planning Department website (www.ci.medford.or.us).

Carly Meske
Land Use Planner
City of Medford, Planning Department
200 S. Ivy Street
Lausmann Annex, Room 240
Medford, OR 97501

CITY OF MEDFORD
EXHIBIT # I 1/5
File # DCA-09-048

From: Roland [halesigns@clearwire.net]
Sent: Tuesday, June 23, 2009 7:34 AM
To: Carly A. Meske
Subject: Re: Electronic Message Signs

Follow Up Flag: Follow up
Flag Status: Completed
Carly,

I appreciate your response. You have done your research and have put a lot of thought into this issue. Thank you. The frequency of change is the issue and your solution gets at the core of it. Your solution could work. It is the flashing messages that can be distracting. The rest of it is just background. Again Carly, I would like to thank you and your staff for all the time you have put into this. Not an easy issue to address. I do support your solution.

Roland Buck
Hale Signs

----- Original Message -----

From: Carly A. Meske
To: hale@halesigns.com
Sent: Monday, June 22, 2009 9:29 AM
Subject: FW: Electronic Message Signs

Roland:

Thank you for your comments.

The frequency of change has certainly been the most discussed topic of these electronic message sign proposal.

City Council has stressed a desire to ensure safety - reducing distraction to passing drivers. And our legal staff advises we cannot regulate content of any sign, whether a static message or an electronic one - as that would violate the 1st Amendment: Freedom of Speech.

Is there a frequency of change you would be satisfied with?

My own observation shows that the electronic message signs currently on Highway 62 (for example) display a frequency of change of approximately 2 seconds (every 2 seconds the text message changes).

Perhaps there's another solution/differentiation: text must remain static for 2 seconds, while imagery contains no such restriction (i.e.: the fireworks, hot air balloons, cars (images) may appear in continuous motion).

I look forward to hearing your thoughts.

Respectfully,

Carly Meske
Land Use Planner
City of Medford, Planning Department
200 S. Ivy Street
Lausmann Annex, Room 240
Medford, OR 97501
541-774-2380
carly.meske@cityofmedford.org

From: Debbie L. Strigle
Sent: Friday, June 19, 2009 9:03 AM
To: Carly A. Meske; Suzanne K. Myers; Kelly A. Akin
Subject: FW: Electronic Message Signs

CITY OF MEDFORD
EXHIBIT # I 345
File # DCA-09-048

From: Roland [mailto:halesigns@clearwire.net]
Posted At: Friday, June 19, 2009 8:41 AM
Posted To: Department Email
Conversation: Electronic Message Signs
Subject: Fw: Electronic Message Signs

Thinking about this some more. I re-read your proposed sign changes again and frankly have no problem with your proposed changes except for the frequency at which the image changes. Five seconds. Unless you are standing still or at a stop light forget about having more than one message. As I mentioned in an earlier e-mail if you want to do anything control the content of reader board signs not how they operate. I would strongly suggest if you plan on having a five second frequency on reader boards that you just out and out ban the use of reader boards. That effectively is what you are doing.

Thanks,

Roland Buck

----- Original Message -----

From: Roland
To: planning@ci.medford.or.us
Sent: Tuesday, June 16, 2009 9:19 AM
Subject: Electronic Message Signs

I have thought about this. I have read and re-read you proposed sign changes. In our present economic environment where business's need every bit of help they can get to succeed and get their message across I find these changes a step backwards. Most of the message centers I find around town are tastefully done. I don't find them flashy and disruptive. What you are seeing with the electronic message signs is really not much different than what you are seeing with the full color graphics and vehicle wraps. What is important is the message. As long as it is tasteful I believe it should be allowed. What you are proposing is a step back in times. You may as well prohibit the signs all together. Having a message static for five seconds. Come on. let's go back to the old reader board tracks. Now those are ugly. Is that what you really want. If you are serious about making changes to the sign code you should get input from the business community. Those are your customers as well as ours. It is important that we do everything we can to help them succeed.

Roland Buck
 President
 Hale Signs

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 8.5.339 / Virus Database: 270.12.87/2195 - Release Date: 06/22/09 06:54:00

From: Carly A. Meske
Sent: Tuesday, June 23, 2009 10:37 AM
To: 'KittyM'
Subject: RE: Sign Code Changes
Kitty:

Thank you for your comments on the current sign amendment.

One purpose of this amendment is to define the term "electronic message sign." The second purpose is to regulate the signs.

What I hear from you is that electronic message signs should be permitted in all commercial and industrial zoning districts without limitation on change of face - is this correct?

Are there particular commercial zoning districts where you feel these signs may be inappropriate (perhaps a Neighborhood Commercial zone)?

And most importantly, is the definition of "electronic message sign" appropriate/accurate?

Sign, electronic message sign. Sign, electronic message sign. Any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes This definition includes television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, and other similar media.

Thanks much for your feedback and thoughts.

Respectfully,
Carly Meske
Land Use Planner
City of Medford, Planning Department
200 S. Ivy Street
Lausmann Annex, Room 240
Medford, OR 97501
541-774-2380
carly.meske@cityofmedford.org

From: KittyM [mailto:kitty-signsetcinc@charter.net]
Sent: Thursday, June 18, 2009 1:11 PM
To: Carly A. Meske
Subject: Sign Code Changes

To whom it may concern:

In reference to your proposed sign changes we feel that the Electronic Message Centers (EMC) are a very effective way to advertise in a clean and attractive way and as it stands now, the Medford sign codes are fine and there is not need for change.

Your proposed sign changes are going to have an impact on a business who purchases an EMC today and is next door to a business who already has one and is able to advertise differently (better). Doesn't seem fair.

In this time of economic strain, being able to advertise with an EMC versus television, newspaper and radio is much more cost effective.

EXHIBIT # ± 3/5
File # DCA-09-048

Why change something that is working?

Sincerely,
Tom Dale
Signs Etc., Inc.

Message

From: JOYCE Amy B [Amy.B.JOYCE@odot.state.or.us]
Sent: Tuesday, March 17, 2009 5:31 PM
To: Carly A. Meske
Cc: STALLSWORTH Adam O; PYLES David; ELSTUN Wendy S *ODOT; JOHNSON Philip A * ODOT
Subject: RE: electronic message signs

Attachments: 377.720 - Prohibited signs.doc
Carly:

I run the Outdoor Advertising Sign program for ODOT. We regulate signs on private property visible to state highways. The statute that deals with lighted signs is ORS 377.720 (attached). No sign under our jurisdiction is allowed to flash or rotate, or to glare in motorists' eyes, or shine on the main traveled way of the highway.

If a sign is not an "outdoor advertising sign" it may have lights that change intermittently. Outdoor advertising signs (OAS) are those not at the location of some business or some activity open to the public, and those signs that are posted for compensation. As an example, I understand the Lithia sign is at a business (it happens to be at a Lithia lot, although that's not required to meet this section). Also, I don't think they sell advertising space on the sign, and I expect they're not paying a land lease for the right to put the sign on that property. Assuming all of that is true, the Lithia sign is not an OAS. So it would be allowed to have lights that intermittently change.

We do not have a rule or guidance on what rate of change constitutes "intermittent." Let me know what questions you have.

Thanks. Amy.

Amy Joyce, Program Coordinator
ODOT Outdoor Advertising Signs
PH: 503-986-3546
FAX: 503-986-3625
amy.b.joyce@odot.state.or.us

-----Original Message-----

From: Carly A. Meske [mailto:Carly.Meske@cityofmedford.org]
Sent: Tuesday, March 17, 2009 5:02 PM
To: PYLES David
Cc: STALLSWORTH Adam O; JOYCE Amy B
Subject: RE: electronic message signs

David:

Great! We are excited to work closely with ODOT on this issue.

Next Thursday, March 26th staff will be approaching Council at a study session, to ask them if they want to allow these signs.

Then from there staff will get started on the amendment process. No hearing dates are scheduled yet. Though there is a rough timeline of going to hearing sometime in June or July.

The memo prepared for Council is due tomorrow at noon. And my presentation to them on this memo will be next Thursday the 26th. Any info you can provide by then, I will be able to pass onto the Council during their study session.

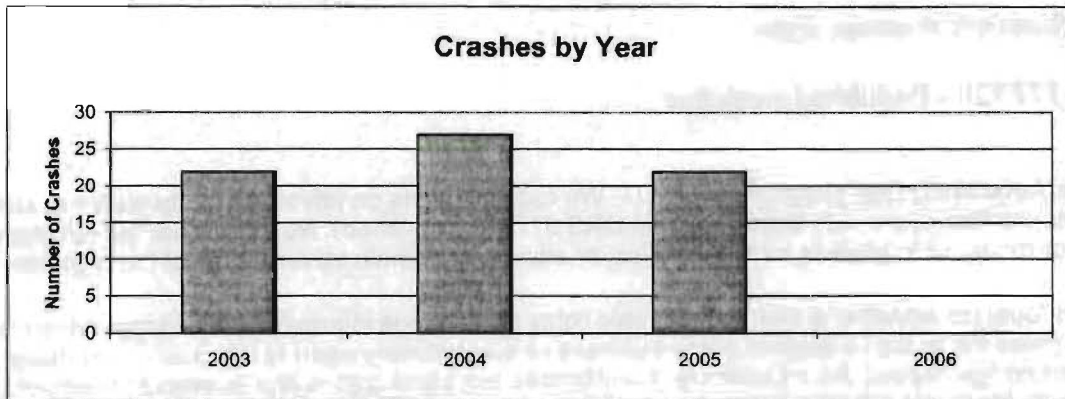
Best,
Carly Meske
Land Use Planner
City of Medford, Planning Department
200 S. Ivy Street
Lausmann Annex, Room 240
Medford, OR 97501
541-774-2380

CITY OF MEDFORD
EXHIBIT # I 4/5
File # DCA-09-048

Oregon Department of Transportation Crash Graphing Tool
Highway 022 Milepoint 1.10 to 1.75, 06/30/2003 to 01/01/2006 Both Add and Non-Add mileage

Project Name: 2840 to 2980 Crater Lake HWY - Pre-Sign

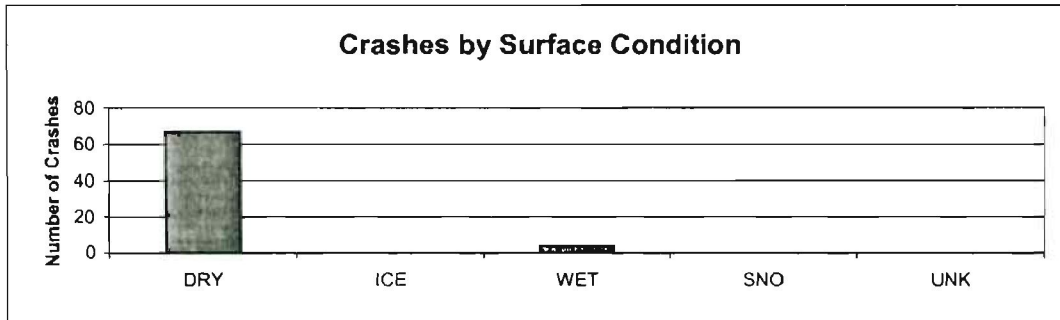
Key No:



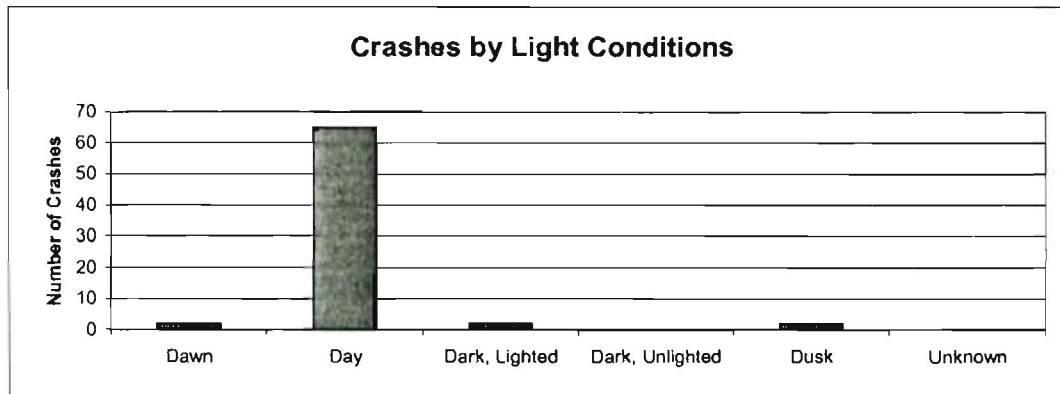
Year	Crashes	Percent
2003	22	31%
2004	27	38%
2005	22	31%
2006		
Total	71	

CITY OF MEDFORD
 EXHIBIT # **± 5/5**
 File # **DC14-09-048**

Oregon Department of Transportation Crash Graphing Tool
Highway 022 Milepoint 1.10 to 1.75, 06/30/2003 to 01/01/2006 Both Add and Non-Add mileage



Surface Condition	Crashes	Percent
DRY	67	94%
ICE		
WET	4	6%
SNOW		
UNKNOWN		
Total	71	

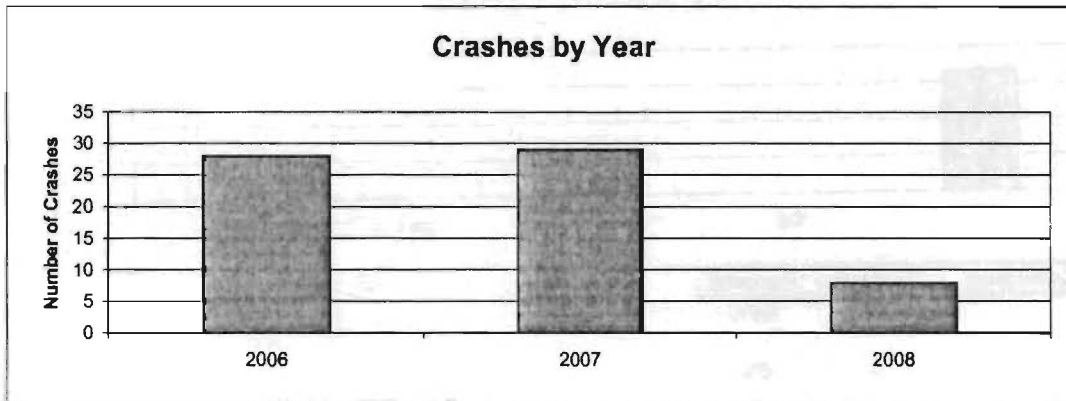


Ambient Light	Crashes	Percent
Dawn	2	3%
Day	65	92%
Dark, Lighted	2	3%
Dark, Unlighted		
Dusk	2	3%
Unknown		
Total	71	

Oregon Department of Transportation Crash Graphing Tool
Highway 022 Milepoint 1.10 to 1.75, 01/01/2006 to 06/30/2008 Both Add and Non-Add mileage

Project Name: 2840 to 2980 Crater Lake HWY - Post-Sign

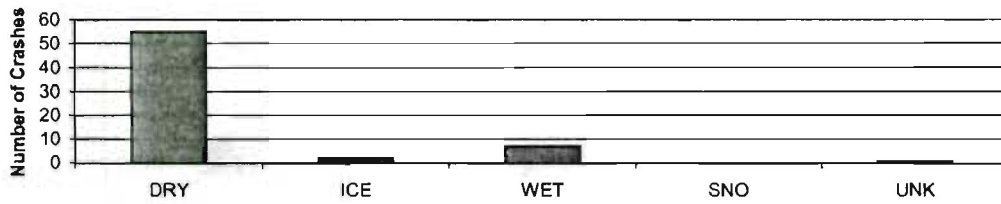
Key No:



Year	Crashes	Percent
2006	28	43%
2007	29	45%
2008	8	12%
Total	65	

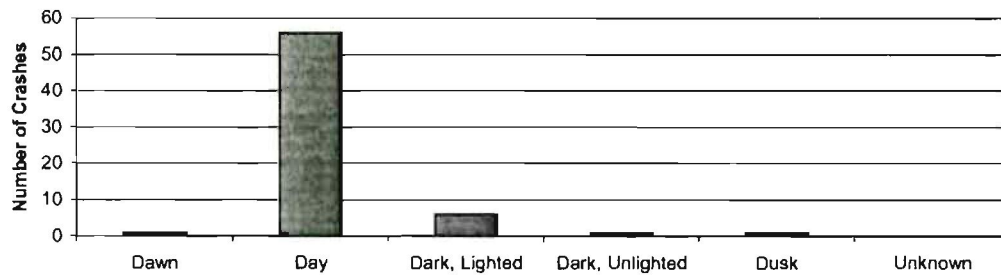
Oregon Department of Transportation Crash Graphing Tool
Highway 022 Milepoint 1.10 to 1.75, 01/01/2006 to 06/30/2008 Both Add and Non-Add mileage

Crashes by Surface Condition



Surface Condition	Crashes	Percent
DRY	55	85%
ICE	2	3%
WET	7	11%
SNOW		
UNKNOWN	1	2%
Total	65	

Crashes by Light Conditions

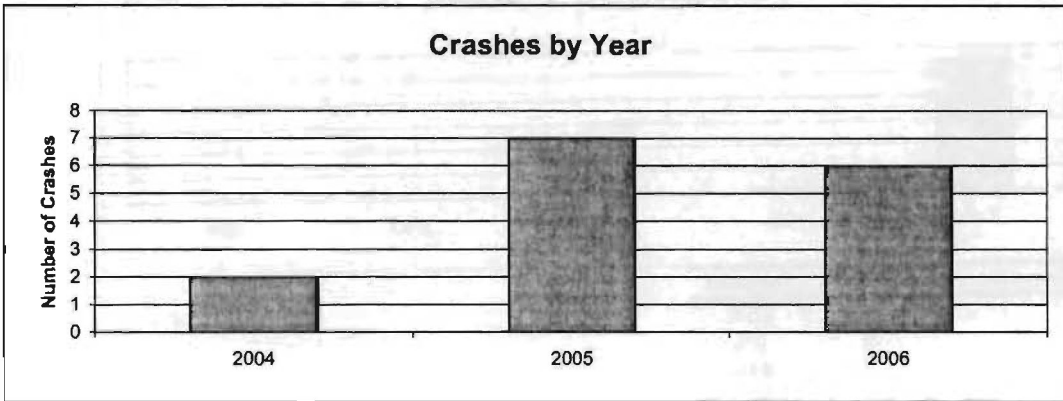


Ambient Light	Crashes	Percent
Dawn	1	2%
Day	56	86%
Dark, Lighted	6	9%
Dark, Unlighted	1	2%
Dusk	1	2%
Unknown		
Total	65	

Oregon Department of Transportation Crash Graphing Tool
Highway 063 Milepoint 8.47 to 8.97, 11/01/2004 to 09/01/2006 Both Add and Non-Add mileage

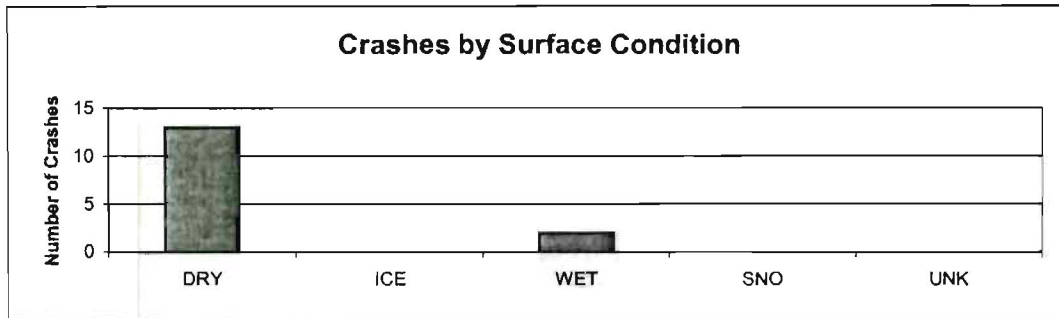
Project Name: 2201 S. Pacific HWY - Naumes - Pre-Sign

Key No:

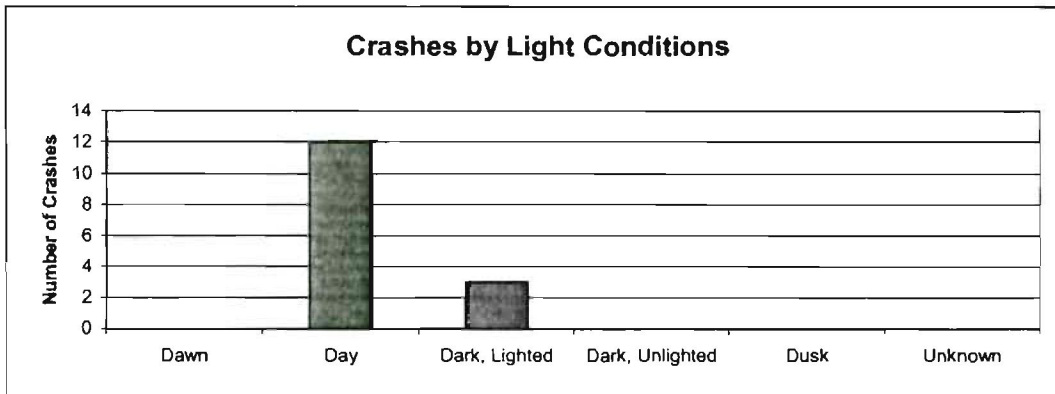


Year	Crashes	Percent
2004	2	13%
2005	7	47%
2006	6	40%
Total	15	

Oregon Department of Transportation Crash Graphing Tool
Highway 063 Milepoint 8.47 to 8.97, 11/01/2004 to 09/01/2006 Both Add and Non-Add mileage



Surface Condition	Crashes	Percent
DRY	13	87%
ICE		
WET	2	13%
SNOW		
UNKNOWN		
Total	15	

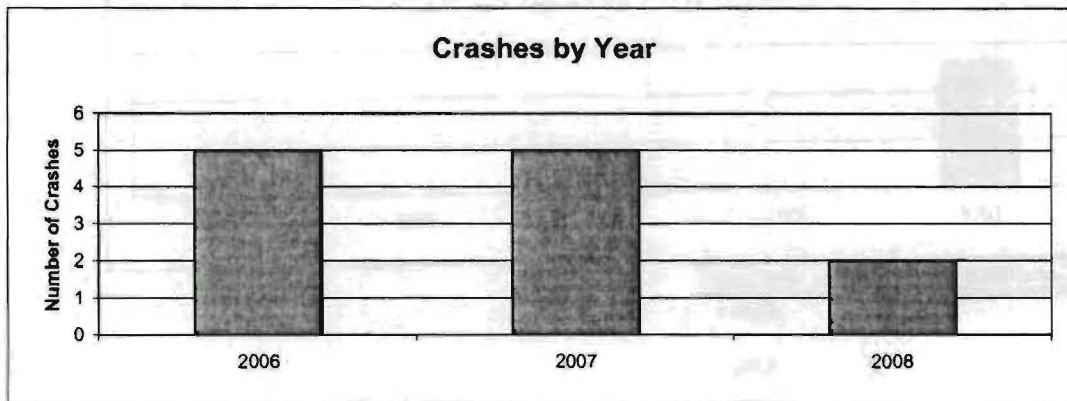


Ambient Light	Crashes	Percent
Dawn		
Day	12	80%
Dark, Lighted	3	20%
Dark, Unlighted		
Dusk		
Unknown		
Total	15	

Oregon Department of Transportation Crash Graphing Tool
Highway 063 Milepoint 8.47 to 8.97, 09/01/2006 to 06/30/2008 Both Add and Non-Add mileage

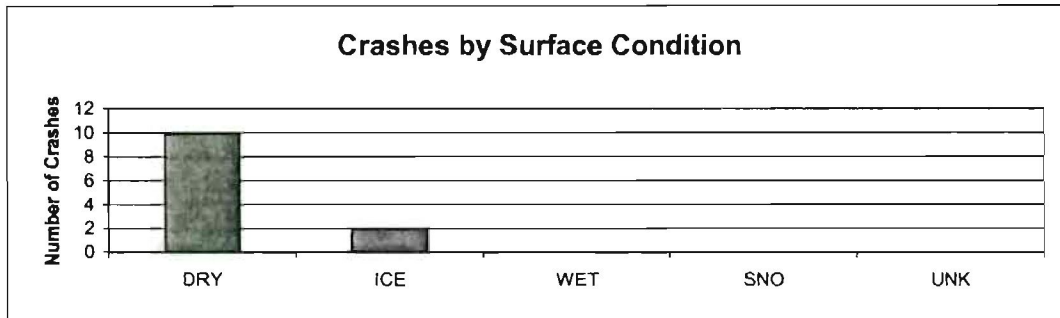
Project Name: 2201 S. Pacific HWY - Naumes - Post-Sign

Key No:

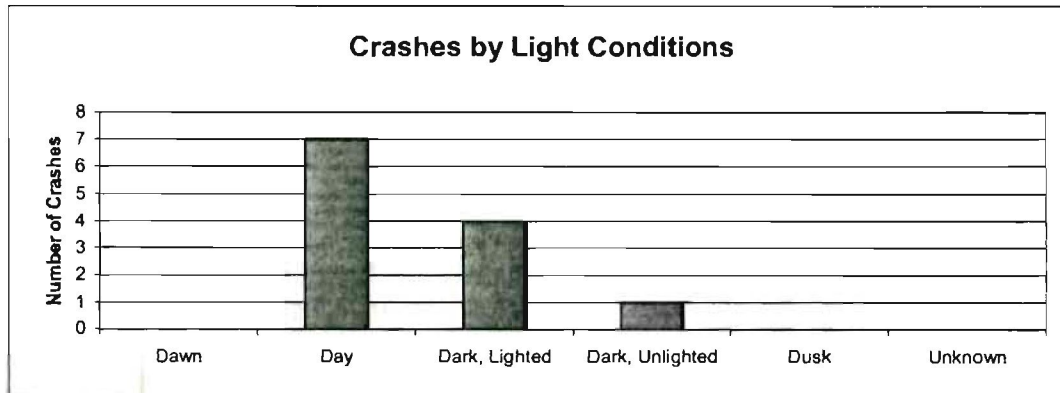


Year	Crashes	Percent
2006	5	42%
2007	5	42%
2008	2	17%
Total	12	

Oregon Department of Transportation Crash Graphing Tool
Highway 063 Milepoint 8.47 to 8.97, 09/01/2006 to 06/30/2008 Both Add and Non-Add mileage



Surface Condition	Crashes	Percent
DRY	10	83%
ICE	2	17%
WET		
SNOW		
UNKNOWN		
Total	12	



Ambient Light	Crashes	Percent
Dawn		
Day	7	58%
Dark, Lighted	4	33%
Dark, Unlighted	1	8%
Dusk		
Unknown		
Total	12	

MAIZE & ASSOCIATES

PLANNING CONSULTANTS

P.O. Box 628 • Medford, Oregon 97501 • Phone 541.776.4142 • Fax 541.776.4143 • jmaize3145@charter.net

RECEIVED

SEP 10 2009

PLANNING DEPT.

September 10, 2009

Medford Planning Commission
City of Medford
Lausmann Annex
200 South Ivy Street
Medford, OR 97501

Subject: Request for Change to Proposed Electronic Message Sign Code Amendment (DCA-09-048)

Dear Planning Commission Members:

On behalf of the Medford School District 549C district, I would like the Planning Commission to consider the addition of language to the proposed electronic message sign code amendment that would permit a small electronic message sign at both North Medford High School and the new South Medford High School on Columbus Avenue and Cunningham Avenue.

Presently, the two district high schools have small monument signs that display messages comprised of manually placed letters within an enclosure. Those messages announce up-coming school announcements and events that are important to students, parents, and the general community.

Because the electronic sign technology today will provide a sign that can display a number of messages which can be changed automatically without creating an intrusion upon neighboring properties any greater than the externally illuminated signs presently allowed, the district feels that with the regulations in the proposed text change, there will be no increase in impacts upon the immediate neighborhood.

The sign location at North Medford High School is on North Keene Way across from the Church of Jesus Christ of Latter-Day Saints, approximately 250 feet from the closest residential use. The sign location at the new South Medford High School is located on Columbus Avenue adjacent to the student driveway, 120 feet from the closest residential use on the opposite side of Columbus Avenue.

If there are any questions that you might have about this request, I will be glad to answer them as part of the public hearing.

CITY OF MEDFORD
EXHIBIT # J
File # DCA-09-048
20

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Maize', with a large, stylized initial 'J'.

Jim Maize

agent for applicant,
Medford School District 549C

attachment: Requested Code Language

**REQUESTED CHANGE TO PROPOSED ELECTRONIC MESSAGE SIGN
CODE AMENDMENT (DCA-09-048)**

(proposed language underlined)

10.1200 Signs in Single-Family Residential Zoning Districts (SFR-00, 2, 4, 6, 10)

Signs shall be permitted only as follows in the single-family residential zoning districts:

(1) Undeveloped Subdivision/Planned Unit Development Signs:

(2) Public Use Signs: Each lot occupied by public uses, schools and churches is allowed a maximum of 20 square feet of sign area per street frontage. The maximum area shall be a combination of wall and ground signs. If a ground sign, the sign shall not be located within 15 feet of any property line, shall not be internally illuminated, and except for high schools, may not be electronic message signs. Signs within public parks, schools, or stadiums, which are generally placed and located so as not to be viewed from a street, are exempt from this provision.

(2a) High Schools: Electronic Message Signs are permitted as a portion of any ground sign subject to the following limitations:

(i) Each parcel of land is permitted one (1) electronic message sign, attached to a permitted ground sign, if the sign is farther than 120 feet from a lot containing a residential use.

(ii) All text displayed on an electronic message sign must be static for a minimum of two (2) 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 or addition of an electronic message sign to any conforming existing permitted ground sign is permitted.

(v) The addition of any electronic message sign to any nonconforming ground sign is prohibited.

(3) Planned Unit Development Signs:



CITY OF MEDFORD

Landmarks and Historic Preservation Commission

November 9, 2009

Planning Commission
City of Medford
200 S Ivy Street
Medford OR 97501

RE: Proposed Land Development Code Amendment for Electronic Message Signs
File No. DCA-09-048

Chair McFadden and Planning Commissioners:

On November 3, 2009, the Landmarks and Historic Preservation Commission considered the above referenced proposed amendment to the Land Development Code that would allow electronic message signs and electronic reader boards in the Downtown Historic Preservation Overlay District (Downtown Historic District).

The Landmarks and Historic Preservation Commission decided that these types of signs are not appropriate in the Downtown Historic District. Section 7(C) of the Sign Approval Guidelines for the Downtown Historic District states that, "Internally illuminated signage is not traditional or subject to approval under these guidelines." The proposed electronic signs are simply not compatible with the character of the Downtown Historic District.

The Landmarks and Historic Preservation Commission strongly recommends that electronic message signs and electronic reader boards not be permitted in the Downtown Historic Preservation Overlay District.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Cathy de Wolfe".

Cathy de Wolfe, Chair
Landmarks and Historic Preservation Commission

:ka

MINUTES - Planning Commission Meeting

September 10, 2009

- 50.4** DCA-09-048 Consideration of an amendment to the Medford *Land Development Code* Article VI, Signage, to (1) define the term "electronic message sign", and (2) to provide for the allowance of said signs.

Carly Meske, Planner II, read the criteria and gave a Staff Report. Staff recommends approval. Ms. Meske noted a letter from Medford School District 549C had been received and a copy of it was provided for the Commissioners. The letter was requesting a revision to the proposed ordinance allowing high schools the ability to have a message sign in a single-family residential zone. Ms. Meske indicated that if the Commissioners find that the signs are not appropriate in residential zones, the ordinance can be forwarded to the City Council with a favorable recommendation as is. Staff would recommend that if the Commission wants to allow these signs, the item be continued for staff to further review.

Commissioner McFadden questioned the data in the letter from the School District citing the 250 feet distance to a residence. He indicated that he thought it was about 60 feet.

Commissioner Nelson asked why schools were excluded from the ordinance. Ms. Meske replied that schools were not excluded but that single-family residential zones were excluded. She noted that signs in commercial or industrial zones must be 150 feet away from a residential zone or GLUP map designation.

Commissioner Nelson asked if the high school could have four signs, one on each street frontage. Ms. Meske responded, yes, with a maximum of 20 square feet per street frontage. Commissioner Nelson asked what would be the benefit of a CUP beside additional review. Ms. Meske responded that it would apply to Goal 1, public involvement, and would provide neighbors the opportunity to testify for or against such a sign in their neighborhood. Commissioner Nelson asked what staff's recommendation is on the suggestion made by the Medford School District. Ms. Meske responded that the code proposal prohibits signs in or near residential zones with the intent to preserve residential neighborhoods. Commissioner Nelson was concerned that if they included Mr. Maize's language as written, then the high schools could put illuminated signs on their property without any further review.

Commissioner Tull recommended a longer static presentation be required for the school sign to minimize the distraction. Ms. Meske indicated that a CUP would allow the Planning Commission to add such conditions.

Commissioner Nelson commented that the need for an illuminated sign at a school was not clear. Commissioner McFadden commented that an illuminated sign would be helpful to people from out of town attending events at the school. Commissioner Tull suggested that a distinction could be made with an electronic sign against a lighted sign that might allow text to be changed electronically. He indicated that a sign that was not flashing and was controlled electronically would be more appropriate. Commissioner Hokanson asked if the word "image" was described in the code; he felt that someone may try to combine text and an image. Commissioner Nelson expressed concern about bright lights in the neighborhood.

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

- a) Jim Maize, Maize & Associates, PO Box 628, Medford OR 97501, representing Medford School District 549C. Mr. Maize clarified that the signs being proposed are for the two high schools only and the intent is for only one reader board at each school. He questioned what is allowable if this is adopted and what options were there to incorporate a message board.

Currently, the only option is a static manually-changed sign that can only be illuminated by exterior lighting. Mr. Maize indicated that the intent of their proposal is to follow standards that apply to commercial and industrial zones in regard to dimming, hesitation, and distance. Mr. Maize noted a correction to the letter he submitted: a reference a distance of 250 feet to the nearest residence, but should have stated 208 feet, located adjacent to the LDS church. Mr. Maize noted that a distance of 120 feet was chosen, because that is the distance at South Medford High School to the nearest residence.

- b) Steve Ennis, PO Box 4051, Medford OR, Architect and Project Manager for Medford School District 549C. Mr. Ennis showed maps of the high schools with the proposed locations of the reader boards. He also showed a preliminary drawing of the sign with the reader board.

Commissioner Nelson asked if the sign would be static or a moving reader board. Mr. Ennis deferred the question to Mr. Maize.

Commissioner McFadden asked Ms. Meske if staff would want to work on the ordinance further and bring it back again at a later date to the Planning Commission. Ms. Meske confirmed that it would be appropriate to continue the item for staff to research and bring back to the Planning Commission.

Commissioner Locke recommended that any signs in residential zones should require public input and questioned if it should not apply only to high schools, but also to middle schools. He feels that anything that had to do with making exceptions in residential zones should require a more rigorous public input process such as the CUP process.

Commissioner McFadden felt that with some reasonable conditions added to the code, a lot of the questions could be answered. Commissioner Locke felt that excluding public input is more of a risk. Commissioner Nelson expressed that he did not feel the issue would be resolved tonight and suggested to either continue it or pass on to City Council with a favorable recommendation, without the request from the school district.

Commissioner Shean feels that a provision be added that the signs are not allowed in a residential area unless approved pursuant to a Conditional Use Permit or approve the ordinance as is, without the high school's request. He feels the request needs further review.

Commissioner Tull recommended that the Commission take affirmative action with the ordinance staff has brought forward, and refer Mr. Maize's letter to staff for further study and discussion with before taking action on it.

Mr. Ennis showed a map of North Medford high school, demonstrating the location of a new monument sign that was recently approved. He noted that the proposed reader board would be located across from the church. The distance to the closest residential property is 208 feet.

- c) Ron Beick, 2933 Lone Pine, Medford, OR 97504, Principal of North Medford High School. Mr. Beick indicated that the signs are needed to provide information to the 1800 students at the high schools and to people in the community. An electronic reader board would allow them to promote several events each day in an efficient manner. He also noted that there are people coming to the schools at night for sporting events and community events. The signage is beneficial for people coming from out of town.

- d) Doug Jantzi, 500 Monroe Street, Medford, OR 97504, Director of Secondary Education. Mr. Jantzi expressed that he was very proud of the community that supported and invested property tax dollars in the new high school. He indicated that the signs were needed for not only reminding high school students, but also to invite the community into the schools.

Commissioner Nelson expressed that he was concerned about introducing signs in residential zones. Commissioner Tull asked that if the ordinance was sent back to the staff, they would help us to do careful thinking appropriateness of images and text in this setting.

Mr. Maize clarified that if the City Council did not adopt the new language, under the existing code, signs are allowed in single-family residential zones. He stated that their point was to illustrate that they feel that they are more obnoxious and intrusive than a reader board message sign. He indicated that flood lights would have to be used. He pointed out that if the Commission proposes moving the current language onto City Council, it would preclude the schools from being included. He would like to have some options to discuss with staff.

Commissioner McFadden asked if staff had a preference. Ms. Myers suggested that item be continued so that staff can address the issues and incorporate changes into the current proposal; there is not an option for an interior-lighted sign with the current code.

Commissioner Locke suggested that the Commission direct staff to review language and the letter from the school district and consider a way to build a CUP process for certain signs in certain situations. Commissioner Shean commented that he liked this idea, but was concerned about the impact on neighbors. He asked that Mr. Maize testify as to what burden a CUP would have on the applicant. Ms. Meyers estimated that staff would require approximately a month to present the ordinance again to the Planning Commission. Commissioner Tull recommended that the Commission give wide parameters for staff to explore and come back with their best judgment. Ms. Myers suggested that the item be brought back for a study session.

Commissioner Shean indicated that he preferred a CUP process, but would like to hear Mr. Maize's testimony on a CUP, before directing staff. Mr. Maize indicated that after speaking briefly with the other school representatives in attendance, they would not object to the CUP Process; language can be drafted and they would be supportive.

Commissioner Nelson asked Mr. Maize if he preferred that the language be codified or that CUP process be used. Mr. Maize responded that he would first prefer that language proposed be included in the code, and secondly a CUP process. Commissioner Nelson indicated that he would like staff to consider both alternatives.

Motion: Continue the item and direct staff to provide options for language including public use, be it through a Conditional Use Permit or code language permitting them.

Moved by: Commissioner Shean Seconded by: Commissioner Locke

Friendly Amendment: Commissioner McFadden asked staff to expedite the Commission's request.

Friendly Amendment: Commissioner Nelson moved that the ordinance be discussed at another study session before bringing it to a public hearing.

MINUTES - Planning Commission Meeting

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Roll Call Vote: Motion passed, 7 – 0

- 50.5** DCA-09-066 Consideration of amendment to the Medford *Land Development Code* Sections 10.012, 10.235, 10.247, 10.267, 10.287, 10.485, 10.486, 10.487, 10.708, 10.727, 10.728, and 10.729, to include requirements for Stormwater Quality and Detention Facilities for development of private property and public rights-of-way. The proposal also includes new definitions, and a new submittal requirement for some Class C applications (PUDs, CUPs, Land Divisions, and SPAC applications).

Carly Meske, Planner II, read the criteria and gave a Staff Report. Staff recommends approval.

Commissioner Nelson asked Mr. Beskow about the code amendment. Mr. Beskow responded that it codifies almost everything they have been doing for the last 10 years. He noted that the City is under an NPDES phase 2 permit and this ordinance will help meet one of the six measures required by the permit. He noted that this ordinance does not address water quality, but they will be adding more to it. He indicated that the ordinance also helps developers meet density requirements.

Motion: Forward a favorable recommendation to the City Council for DCA-09-066 as per the Staff Report dated August 27, 2009, including Exhibits A through E.

Moved by: Commissioner Nelson Seconded by: Commissioner Tull

Roll Call Vote: Motion passed, 7 - 0

- 60. Report of Citizens Planning Advisory Committee.**
- 60.1 Commissioner McFadden reported that the committee discussed forming neighborhood associations and upcoming public hearings. The meeting time has been changed to 5:30 p.m., the 2nd & 4th Tuesday of the month.
- 70. Report of the Site Plan and Architectural Commission.**
- 70.1 Commissioner Entenmann noted that no SPAC Awards were given out. She reported that at the last meeting, the hearing for a food pantry was continued, and the Commission approved a change to the fencing for Rogue Federal Credit Union.
- 80. Report of the Joint Transportation Subcommittee.** None
- 90. Report of the Boundary Advisory Committee.**
- 90.1 Commissioner Locke reported that at the last meeting, they discussed objective criteria for what land might be included in the Urban Growth Boundary.
- 100. Report of the Planning Department.**
- 100.1 Ms. Akin reported that the next Study Session will be held Monday, September 14, 2009. The agenda items include an update on the West Main Circulation Plan and the mobile food vendor amendment.
- 100.2 Kelly Akin, Senior Planner, reported that the next Planning Commission Meeting would be held in the City Council Chambers. She thanked Jackson County for their hospitality.

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November 12, 2009

forwarding it to the City Council. Commissioner Tull commented that a public hearing by the Planning Commission may be needed; there are concerns about size and impact. He asked that the person who brought this issue up attend the study session. Commissioner McFadden asked Ms. McCormack if the scope of the City Council's directive has been enlarged; if things being discussed like pop outs and smoke were included in the original ordinance. Ms. McCormack responded that Ms. Wittmers presented oral testimony at a City Council meeting about the size limit but the letter entered into record brought up more issues. Ms. McCormack feels that the scope has enlarged.

Motion: Refer this amendment back to staff asking them to schedule a study session where we can consider it further, and ask further that they give the people who initiated this before City Council specific notice of that study session so they can attend.

Moved by: Commissioner Tull Seconded by: Commissioner McFadden

Voice Vote: motion passed 7 – 0, with Commissioner Nelson abstaining.

30. **Minutes.** The minutes for the October 22, 2009, meeting were approved as submitted.

40. **Oral and Written Requests and Communications.** None

50. **Public Hearings.**

Old Business

50.1 LDP-09-064 Consideration of a request for tentative plat approval for a two lot partition of a 1.84 acre site, located on Crater Lake Highway east of Medco Haul Road, within an I-L/AA (Light Industrial/Airport Approach Overlay) zoning district. Mill Race, LLC, Applicant (Hoffbuhr & Associates, Agent)

Kelly Akin, Senior Planner, noted that the applicant submitted a request for continuance until the January 14, 2010, meeting. Commissioner Potter noted that this item has been continued in the past and asked that a note be placed on future memos if an item has been previously continued.

Motion: Continue to the meeting of January 14, 2010.

Moved by: Commissioner McFadden Seconded by: Commissioner Hokanson

Voice Vote: Motion passed, 8 - 0

50.2 DCA-09-048 Consideration of a proposed Class "A" legislative amendment of the Medford Land Development Code to revise Sections 10.1010, 10.1022, 10.1030, 10.1046, 10.1200, 10.1300, 10.1400, 10.1500, 10.1600, 10.1700, 10.1800, of Article VI, to define and allow electronic message signs. City of Medford, Applicant

Chair McFadden indicated that there was a handout on this item: a letter from the Landmarks and Historic Preservation Commission requesting that electronic signs not be allowed in the Downtown Historic District. Carly Meske, Planner II, gave a Staff Report. Staff recommends a favorable recommendation to the City Council.

There was discussion about institutional uses in residential zones regarding the size of a sign allowed on each frontage, particularly when there is more than one frontage. Commissioner Shean pointed out that the sentence under 10.1200(2) Institutional Use Signs: In no case shall each sign exceed 20 square feet, did not agree with the previous sentence indicating that square footage for all frontage may be combined and placed on one frontage. Kelly Akin, Senior Planner, explained the definition for frontage. She noted that previous discussions had discussed the intent that the amendment would limit an electronic message sign to 20 square feet whether or not the size of the sign allowed would be cumulative. Commissioner Tull asked if a high school was considered to be "a" use. Ms. Meske confirmed yes. Commissioner Tull pointed out that at North Medford High School there are

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at least three ways to access the campus, so they may want more than one sign. Commissioner Nelson indicated that he thought one sign was allowed on each frontage. He suggested that Mr. Maize be asked if the amendment satisfies the School District's request. Commissioner Potter asked if the institutional use ends, would the sign stay on the property. Ms. Meske indicated that if the use terminates, then the CUP terminates. Ms. Meske suggested the Commission include language that speaks to the expiration of the signs at the termination of the CUP. Commissioner McFadden asked if the secondary use is not on the list of institutional uses, does the sign have to be removed. Jim Huber, Planning Director, indicated yes.

There was discussion on whether the CUP runs with the land or with the use. Mr. Huber confirmed that the CUP is unique to the use. Commissioner Potter commented that once the institutional use stops, the sign CUP should also stop; there should be a way to tie that together in the code. Ms. Meske suggested that the school would amend their CUP to include the sign rather than submit a separate CUP.

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

- a) Jim Maize, Maize & Associates, PO Box 628, Medford, OR 97501, representing Medford School District 549C. Mr. Maize indicated that the District agrees with CUP process. He indicated that he understood that in the proposed ordinance, each use is allowed a maximum of 20 square foot per street frontage. He did note that two 20-foot signs on one frontage may be needed, rather than one sign on two frontages. Mr. Maize agrees that the CUP doesn't necessarily run with the land, but runs with the use; the CUP goes away when the use is changed. He thanked the Commission and staff.

Commissioner Tull expressed concern that the language talks about one sign per use, with a school being one use. Mr. Maize indicated that he understood the proposed language would allow one sign per use per street frontage. That signage could be an electronic message sign provided it was under 20 square feet. Commissioner Tull asked specifically if North Medford would be allowed three electronic message signs, one on each frontage. Mr. Maize indicated, that yes, that is how he understands it. Commissioner Tull commented that we need to be very clear before going further.

Discussion: Commissioner McFadden 50.2 page 15, 4th line down. This square footage.... Recommended to delete the second half of that dealing with the "cumulative square footage combined" to limit the signs to 20 square feet each. Commissioner Shean noted that a decision was needed if they are going to allow more than one sign per frontage. If they can have three on one side and none on the others, he understands that staff says they can. He indicated signs and was not including electronic reader boards. He feels that the language needs to be clearer.

Commissioner Nelson references Section 10.1300(3); electronic message signs may be approved.... In no case shall exceed 20 square feet in area, pointing out that this states that square footage cannot be combined. Ms. Akin clarified, noting that the department regularly sees requests to combine frontages for calculating the size of signs. She noted that 20 square feet is a relatively small sign. Ms. Akin confirmed that the electronic portion of the sign would be limited to 20 square feet; one per use.

Commissioner Shean suggested that it would be clearer to say "each sign should be located along that frontage", instead of "this square footage shall be located along that frontage" in Section 10.1300(3).

Commissioner McFadden summarized that the electronic portion cannot be more than 20 square feet. It was clarified that only one electronic sign was allowed per use, and that sign size could be cumulative.

Ms. Meske summarized that she would break Section 10.1300(3) down into subsections (a) and (b); Subsection (b) will begin with the sentence that is the new language in bold that states "Electronic message signs may...". It was agreed to remove the sentence under Section 10.1300(3) "In no case shall each sign exceed 20 square feet". It was also noted that section (b) needed to clarify that in no case shall an electronic message sign exceed 20 square feet. Various sizes of signs were also discussed.

The public hearing was closed.

MINUTES - Planning Commission Meeting

November 12, 2009

Motion: Forward a favorable recommendation to the City Council for DCA-09-048 as per the Staff Report dated November 4, 2009, including Exhibits A through J and the following changes:

- Delete the section allowing cumulative square footage to be combined
- Clarify that only one electronic message sign is permitted per use
- Clarify that electronic message signs are limited to 20 square feet
- Divide Sections 10.1300(3) and 10.1200(3) into subsections (a) and (b) for clarity
- In section 10.1300(3) and 10.1200(3), replace "this square footage shall be located along that frontage" with "each sign should be located along that frontage".

Moved by: Commissioner Nelson Seconded by: Commissioner Tull

Roll Call Vote: Motion passed, 8 - 0

60. Report of Citizens Planning Advisory Committee.

60.1 Commissioner McFadden reported that CPAC Chair, Mr. Folsom, prepared a document to send out to various neighborhood community groups for inviting more attendance to CPAC. He invited the public to join the Committee.

70. Report of the Site Plan and Architectural Commission.

70.1 Commissioner Entenmann reported that they approved Shenanigan's outdoor seating and a second and final time extension for Lithia Commons.

80. Report of the Joint Transportation Subcommittee.

80.1 Commissioner Shean reported that Peter Mackprang from the City Engineering Department spoke about the repaving on Hillcrest Road and gave an update on Evergreen Way.

90. Report of the Boundary Advisory Committee. None

100. Report of the Planning Department.

100.1 Ms. Akin reported that the next Study Session is scheduled for November 23, 2009. She noted there would not be a second meeting in November or December.

110. Messages and Papers from Chair of Planning Commission.

120. Remarks from the City Attorney. None

130. Propositions and Remarks from the Commission.

Commissioner Tull thanked the Technology Services department. He appreciates the monitor to be able to see who is speaking.

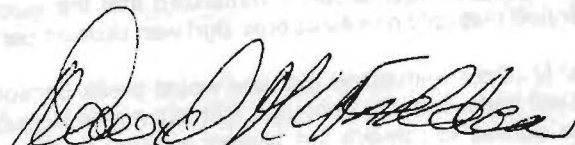
140. Adjournment.

140.1 The meeting was adjourned at 7:05 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:



Kristy Grieve
Recording Secretary



David McFadden
Chair

Approved: December 10, 2009

MINUTES OF THE MEDFORD CITY COUNCIL MEETING

December 17, 2009

EVENING SESSION

The evening session of the City Council was called to order at 7:00 p.m. in Council Chambers at City Hall, 411 W. 8th Street with the following members and staff present.

Mayor Gary Wheeler; Councilmembers Chris Corcoran, Al Densmore, Dick Gordon, Greg Jones, Bob Strosser, Jill Stout and Ben Truwe.

City Manager Michael Dyal; Deputy City Manager Bill Hoke; City Attorney John Huttli; City Recorder Glenda Owens.

110. Oral requests and communications from the audience

None

120. Public hearings

120.1 COUNCIL BILL 2009-279 An ordinance amending Chapter 10 of the Medford Code by amending Sections 10.1010, 10.1022, 10.1030, 10.1200, 10.1300, 10.1400, 10.1500, 10.1600, 10.1700, and 10.1800 and adding Section 10.1046 pertaining to electronic message signs. (DCA-09-048) (Land Use, Legislative)

Jim Huber, Planning Director, addressed the council and provided an overview of the changes being proposed. He reviewed three primary policy issues to be addressed, the definition of a electronic message sign, allowing use in single family and multifamily residential zones and if these signs should be allowed in the downtown historic districts. He noted that the issue with the single family and multifamily residential zones has to do with requests from the high schools which are allowed uses within this zone. This raises a question of fairness as there are a number of industrial uses such as churches, libraries, etc with may also want to have these signs as well. The Landmarks and Historic Preservation Commission is recommending that these signs not be allowed in the downtown historic district.

Councilmembers questioned the two second limit on scrolling and Mr. Huber noted the concerns regarding safety with distracting flashes. Councilmember Corcoran questioned if the Heart of Medford Association or the Chamber of Commerce had any comments regarding limiting the signs in the downtown historic district and Mr. Huber noted no comments were received.

Public hearing opened.

1. Jim Maize, representing Medford School District 549C, addressed the council and thanked the Planning Dept. and Planning Commission for their willingness in working with his clients to consider the public benefit of these signs for the schools. He spoke in support of the Conditional Use Permitting process as a good system for bringing these requests forward. The School District is requesting the council adopt the amendment to allow for more than one free standing sign on street frontages.

Councilmember Truwe questioned the use off animation or streaming video and Mr. Maize noted the school use would be to utilize text to announce events, dates, etc. Councilmember Stout questioned if the signs would be turned off after 10:00 as they are in residential zones and Mr. Maize noted that the signs would be held to current code language that regulates glare. He noted that these signs have controls that dim the brightness of the signs during evening/nighttime hours.

Public hearing closed.

CITY OF MEDFORD
EXHIBIT # N
File # DCA-09-048

Motion: Direct staff to bring back an amended ordinance with the school district amendment and permitting of signs in downtown historic overlay district by conditional use permit.

Moved by: Dick Gordon

Seconded by: Greg Jones

Councilmember Gordon spoke to his motion and felt that as downtown historic overlay district already has allowed two of these signs that this should be allowed under a conditional use permitting process.

Amend Motion #1: Amend to prohibit animation.

Moved by: Ben Truwe

Seconded by: Dick Gordon

Councilmembers discussed concern about definition of animation.

Amend Motion #1 Roll Call: Councilmember Ben Truwe voting yes. Councilmembers Dick Gordon, Chris Corcoran, Al Densmore, Greg Jones, Bob Strosser and Jill Stout voting no.

Amend Motion #1 failed.

Amend Motion #2: Amend to not allow electronic signs in the downtown historic overlay district.

Moved by: Bob Strosser

Seconded by: Jill Stout

City Attorney John Huttli noted that signage in the Downtown Historic Overlay is regulated by the Historic District code language in Medford Code 10.136.

Amend Motion #2 Roll Call: Councilmembers Al Densmore, Greg Jones, Bob Strosser, Ben Truwe and Jill Stout voting yes. Councilmembers Dick Gordon and Chris Corcoran voting no.

Motion carried and so amended.

Main Motion Roll Call: Councilmembers Al Densmore, Greg Jones, Bob Strosser, Ben Truwe and Jill Stout voting yes. Councilmembers Chris Corcoran and Dick Gordon voting no.

Motion carried and so ordered.



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City of Medford
Planning Department
200 South Ivy Street
Medford OR 97501

DEPT OF
FEB 16 2010
LAND CONSERVATION
AND DEVELOPMENT

ATTN: Plan Amendment Specialist
Dept. of Land Conser. & Develop.
635 Capitol St. NE, Ste. 150
Salem, Or 97301-2540



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