



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

12/30/2013

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 011-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, January 14, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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: Prailine McCormack, City of Medford
Gordon Howard, DLCD Urban Planning Specialist
Josh LeBombard, DLCD Regional Representative

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

 File No.: 011-13 (20010)
 [17725] 2013
 Received: 12/26/2013

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Medford

Local file no.: **DCA-13-054**

Date of adoption: 12/5/13 Date sent:

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

☒ Yes: Date (use the date of last revision if a revised Form 1 was submitted): 9/16/3☐ NoIs the adopted change different from what was described in the Notice of Proposed Change? ☐ Yes ☒ No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Praline McCormack, Planner II

Phone: 541-774-2397 E-mail: praline.mccormack@cityofmedford.org

Street address: 411 W. 8th Street City: Medford Zip: 97501**For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from to . acres. ☐ A goal exception was required for this change.Change from to . acres. ☐ A goal exception was required for this change.Change from to . acres. ☐ A goal exception was required for this change.Change from to . acres. ☐ A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): .

If the change is a UGB amendment including over 50 acres by a city with a population greater than 2,500, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

If the change is an urban reserve establishment or amendment, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

10.249, Conditional Use Permits, Mitigation of Impacts. Section 10.1400, Signs in Service Commercial and Professional Offices (C-S/P); Basic Regulations.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from to . Acres:

Change from to . Acres:

Change from to . Acres:

Change from to . Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Signed ordinance, Minutes from City Council hearing 12/5/13, Agenda Item Commentary & Staff Report to City Council including all exhibits.

NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in ORS 197.615 and OAR 660-018-0040.

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line "Notice of Adopted Amendment."

Submittals may also be uploaded to DLCD's FTP site at

http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Content:** An administrative rule lists required content of a submittal of an adopted change (OAR 660-018-0040(3)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. (ORS 197.615)

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- ☐ Completed Form 2
- ☐ A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- ☐ The findings and the text of the change to the comprehensive plan or land use regulation
- ☐ If a comprehensive plan map or zoning map is created or altered by the proposed change:
 - ☐ A map showing the area changed and applicable designations, and
 - ☐ Electronic files containing geospatial data showing the area changed, as specified in OAR 660-018-0040(5), if applicable
- ☐ Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

ORDINANCE NO. 2013-180

AN ORDINANCE amending Sections 10.249 and 10.1400 of the Medford Code pertaining to electric message signs.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.249 of the Medford Code is amended to read as follows:

10.249 Conditional Use Permits, Mitigation of Impacts.

A development requiring the mitigation of impacts under Section 10.248(2), Conditional Use Permit Criteria, must do one (1) of the following:

- (1) Preserve unique assets of interest to the community.
- (2) Provide a public facility or public nonprofit service to the immediate area or community.
- (3) Otherwise provide ~~for a development~~ **a use or improvement** that is consistent with the overall needs of the community in a location that is reasonably suitable for ~~the~~ **its** purpose.

SECTION 2. Section 10.1400 of the Medford Code is amended to read as follows:

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:

* * *

(c) Minimum Setback: 5 feet from **any** lot in a residential **zoning district** 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. **An electronic message sign located less than 150 feet from any lot in a residential zoning district or GLUP Map designation shall require the approval of a Conditional Use Permit. Such sign must meet the other provisions of this section.**

* * *

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

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

* * *

(i) The electronic message sign or electronic reader board must be 150 feet, or farther, from any **lot in a** residential zoning district or GLUP Map designation. **An electronic message sign located less than 150 feet from any lot in a residential zoning district or GLUP Map designation shall require the approval of a Conditional Use Permit. Such sign must meet the other provisions**

of this section.

* * *

PASSED by the Council and signed by me in authentication of its passage this 5 day of December, 2013.

ATTEST: Glenda Wilson
City Recorder

Don White
Mayor

APPROVED Dec 5, 2013

Don White
Mayor

NOTE: Matter in **bold** in an amended section is new. Matter ~~struck out~~ is existing law to be omitted. Three asterisks (***) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.

110. Oral requests and communications from the audience

- 110.1 Tom Hall, S&B James Construction, addressed the Council regarding the study session on construction management/general contractor process. He disputed the presentation and noted that he feels design-build process is the way to go. He supports the concept to issue separate requests for proposals for each project and to hire local architects and construction companies.

120. Public hearings

- 120.1 COUNCIL BILL 2013-179 An ordinance amending Sections 4.405, 4.718 and 4.761 of the Medford Code pertaining to Sanitary Sewer, Storm Drain and Street Utility Fees. (Legislative)

Cory Crebbin, Public Works Director addressed the Council and provided a staff report. He noted that the proposed fee increases do not include sewage treatment as those rates are determined by the Regional Rate Committee. He provided an overview of previous increases to Public Works utility fees, the methodology changes and goal of removing any General Fund contribution to the Public Works department.

Public hearing opened.

None

Public hearing closed.

Motion: Adopt the ordinance amending the Medford Code pertaining to utility fees.

Moved by: John Michaels

Seconded by: Bob Strosser

Councilmembers discussed concerns with increasing fees. Councilmembers Matthews, Corcoran and Blair noted they did not feel that this was the right time to increase these fees. Councilmember Gordon questioned how the fees would affect commercial and industrial users and Mr. Crebbin noted that the increase is percentage based and the same percentage would apply to all customers. Councilmember Michaels expressed concern with postponing the fee increases which would in effect defer maintenance needs. Councilmember Bunn noted that the decision was made by the Council previously to impose the fees and this decision was supported by the Budget Committee. Councilmember Gordon felt that more public education is needed before moving forward with fee increases.

Alison Chan, Finance Director noted that the Public Works Department is currently not budgeted in the General Fund. That decision was made by the Budget Committee when they recommend these fee increases for the necessary additional revenue. If the Council decides to postpone the fee increase, funding will need to be identified to make the Public Works Department budget whole. She noted that funding could be continued to the Public Works Department from the General Fund for this biennium, based on the lower actual PERS rate versus what was budgeted.

Council discussion on the funding alternative presented and Council requested staff to provide additional details on funding options to fund Public Works from the General Fund for the remainder of the biennium.

Motion: Continue Agenda Item 120.1 to the January 2, 2014 Council meeting.

Moved by: John Michaels

Seconded by: Eli Matthews

Roll Call: Councilmembers John Michaels, Eli Matthews, Karen Blair, Daniel Bunn, Chris Corcoran, Dick Gordon, Tim Jackle and Bob Strosser voting yes.

Motion carried and so ordered.

- 120.2 COUNCIL BILL 2013-180 An ordinance amending Sections 10.249 and 10.1400 of the Medford Code pertaining to electronic message signs. (DCA-13-054) (Land Use, Legislative)

Jim Huber, Planning Director provided a staff report. He outlined the request from People's Bank to make the amendment to allow for a message sign on their property. He reviewed the current code language and approval criteria. Planning Commission recommends adoption.

Public hearing opened.

1. Craig Stone, CSA Planning representing People's Bank addressed the Council and requested support of the amendment to the code as proposed.

Public hearing closed.

Motion: Adopt the ordinance amending the Medford Code pertaining to electronic message signs.

Moved by: Bob Strosser

Seconded by: Daniel Bunn

Roll Call: Councilmembers Bob Strosser, Daniel Bunn, Tim Jackle, John Michaels, Eli Matthews, Karen Blair, Chris Corcoran and Dick Gordon voting yes.

Ordinance 2013-180 was duly adopted.

130. Ordinances and resolutions

None

140. Council Business

None

150. Further reports from the City Manager and staff

- 150.1 Mr. Swanson distributed a memo regarding the proposed cooperative agreement process. He noted that the Board of Fire District #3 has approved moving forward. The Board of Fire District #2 has some questions they will be discussing and will forward to us.

Councilmember Strosser spoke to the anxiety due to perception of lack of communication with our own people. He noted that Fire District #2 has expressed that they do not feel they are being listened to and he questioned if City staff is improving communication with our own people and Fire District #2? Councilmember Corcoran noted that the process is moving forward with open communication with all parties involved.

160. Propositions and remarks from the Mayor and Councilmembers

- 160.1 Further Council committee reports.

- 160.2 Further remarks from Mayor and Councilmembers.

170. Adjournment

There being no further business the meeting adjourned at 8:50 p.m.

The proceedings of the City Council meeting were recorded and are filed in the City Recorder's office. The complete agenda of this meeting is filed in the City Recorder's office.



Glenda Wilson
City Recorder



CITY OF MEDFORD AGENDA ITEM COMMENTARY

www.cityofmedford.org

Item No:

DEPARTMENT: Planning

PHONE: 541-774-2380

STAFF CONTACT: James E. Huber, Department Director

AGENDA SECTION: [City Recorder]

MEETING DATE: December 5, 2013

COUNCIL BILL 2013-

[City Recorder will enter Ordinance or Resolution header written by Legal]

ISSUE STATEMENT & SUMMARY:

Municipal Code Chapter 10 (Land Development Code) amendment has the objective of adding language to permit within a C-S/P zone one electronic message ground sign or multiple electronic message wall signs that are located less than 150-feet from any lot in a residential zoning district or residential GLUP Map designation with an approved CUP. It also revises the CUP provisions relating to mitigation of impacts to make it possible for the CUP approving authority to impose mitigation of impacts, if necessary, for electronic message signs.

BACKGROUND:

People's Bank (located at the northeast corner of Barnett Road and Highland Avenue) would like to replace its existing monument sign cabinet with an electronic message sign. However, the Code currently prohibits electronic message signs that are located less than 150-feet from any residential zone or GLUP Map designation in order to lessen the impacts of glare and flashing, moving lights onto residential properties. The People's Bank monument sign is located less than 150-feet from the Bear Creek Dog Park, which is zoned MFR-30 (Multi-Family Residential, 30 units per acre). The Planning Department drafted the amendment and forwarded it for agency and public comment in September of 2013. No comments were received from referral agencies. The Planning Commission conducted a noticed public hearing on November 14, 2013, and voted to recommend City Council approval.

A. Council Action History

At the April 28, 2013, City Council meeting, Craig Stone for People's Bank requested this code amendment and Council requested that staff look into the issue. At the May 16, 2013, City Council meeting, the Planning Director presented Council with an update and reviewed the criteria for Conditional Use Permits. Council requested staff to prepare an amendment. At a City Council Study Session on August 29, 2013, staff presented an overview of the sign code and background on electronic message signs. Council requested that Staff bring forward a code amendment as requested by People's Bank, while separately and in addition, provide options regarding possible changes to the overall electronic message sign provisions.

B. Analysis

The proposal amends the Code in order to clear up an inconsistency regarding electronic message signs. Institutional uses in residential zones are conditionally permitted to have an electronic message sign with an approved Conditional Use Permit. However, uses in C-S/P zones located adjacent to residential zones/GLUP designations are prohibited outright from placing electronic message signs any closer than 150-feet.

C. Financial and/or Resource Considerations

None.



D. Timing Issues

There are no deadlines to meet for this code amendment; it was initiated at Council's request.

STRATEGIC PLAN:

Goal 11: Provide efficient and state-of-the-art development application review.

COUNCIL OPTIONS:

1. Approve the ordinance.
2. Modify the ordinance.
3. Remand the proposal to the Planning Commission for further consideration.
4. Deny the ordinance.

STAFF RECOMMENDATIONS:

Staff recommends approval of the ordinance as proposed, based on the finding that the code amendment approval criteria are met.

SUGGESTED MOTION:

I move to approve the ordinance amending the *Land Development Code* Sections 10.249 and 10.1400.

EXHIBITS:

Staff Report for file DCA-13-054 dated November 20, 2013, with exhibits attached.



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT – LAND DEVELOPMENT CODE AMENDMENT

Date: November 20, 2013

To: Mayor and City Council for December 5, 2013 Hearing

From: Praline McCormack, Planner II

Reviewer: Suzanne Myers, AICP, Principal Planner

Subject: Electronic Message Signs in C-S/P Zones Code Amendment (DCA-13-054), City of Medford, Applicant

BACKGROUND

Proposal: To amend the *Municipal Code*, Chapter 10, Articles II and VI to permit electronic message signs in C-S/P (Commercial, Service/Professional) zones that are located less than 150 feet from a residential zoning district or residential GLUP (General Land Use Plan) Map designation with an approved CUP (Conditional Use Permit) (Exhibit A). The proposal will:

- Revise the conditional use permit provisions relating to mitigation of impacts to make it possible for the CUP approving authority to impose mitigation of impacts, if necessary, for electronic message signs (Section 10.249).
- Add language to permit an electronic message ground sign that is located less than 150 feet from any lot in a residential zoning district or residential GLUP Map designation with an approved CUP (Section 10.1400[1][d]).
- Add language to permit electronic message wall signs that are located less than 150 feet from any lot in a residential zoning district or residential GLUP Map designation with an approved CUP (Section 10.1400[2][c]).

History: At the April 18, 2013, meeting of the City Council, Craig Stone, representing People's Bank (located at the northeast corner of Barnett Road and Highland Avenue – Exhibit B), submitted a letter (Exhibit C) requesting that City Council initiate a code amendment to permit electronic message signs where located nearer than 150 feet to a residential zone subject to an approved conditional use permit. Council requested that staff look into the issue (Exhibit D).

Currently, People's Bank has a monument sign on the southwest corner of their property (Exhibit E). People's Bank would like to replace the sign cabinet with an electronic mes-

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sage sign. In the C-S/P zoning district, electronic message signs must be 150 feet or farther from any residential zoning district or residential GLUP Map designation because of their brightness (glare) and movement of light. Across the street, on the northwest corner of Barnett Road and Highland Avenue lies the Bear Creek Dog Park, which is zoned MFR-30 (Multi-Family Residential, 30 units per acre) (Exhibit J). The People's Bank monument sign is located less than 150-feet from the Dog Park, so an electronic message sign is currently prohibited. In his letter, Mr. Stone states that "this is surprising" given that institutional uses such as schools and churches located in residential zoning districts are permitted to have electronic message signs with an approved Conditional Use Permit. These signs, however, are limited in number, area and height (only one sign, and if a ground sign a maximum of 20 square feet in area with a maximum height of 5-feet). The People's Bank sign cabinet is 32 square feet in area, and the monument is 9-feet in height. It can be argued that electronic message signs utilized by institutional uses have a public benefit in that they display announcements and events that are important to a broader audience.

Planning staff discussed the issue with the Planning Commission at a Study Session on May 13, 2013, (Exhibit F). Staff proposed several options:

1. Reduce the 150-foot required setback from residential zoning districts/GLUP Map designations for electronic message signs if they abut an arterial or collector street. These streets are 11-feet to 37-feet wider than a standard residential street, and tend to carry a large volume of traffic, so the street acts as a buffer, and a resident expects less tranquility on an arterial or collector.
2. Move forward with the amendment as requested. As part of an approval of a Conditional Use Permit, the Planning Commission may impose mitigations that serve to reduce impacts. These approvals must meet one of three criteria (Section 10.249). Planning Commissioners pointed out that none of these criteria were appropriate for signage so they requested that staff look into revising them.
3. Expand the amendment to include all zoning districts, and reduce the required setback for electronic message signs abutting residential zoning districts/GLUP Map designations from the current 150-foot requirement to a 50-foot requirement.

At the May 16, 2013, City Council meeting, the Planning Director presented an update on the People's Bank request and reviewed the Conditional Use Permit criteria (Exhibit G). Council directed staff to prepare a code amendment to allow People's Bank to apply for a Conditional Use Permit for their proposed electronic message sign. Council also discussed other concerns regarding electronic message signs and directed staff to schedule a Study Session to look at other issues with the electronic message sign code.

On June 10, 2013, staff met with the Planning Commission at a Study Session and presented a draft code amendment as proposed by People's Bank (Exhibit H). Staff also

presented other options that could be considered in addition to the Conditional Use Permit process proposed by People's Bank. The options discussed were:

1. Move forward with the amendment as proposed by People's Bank.
2. Permit electronic message signs in C-S/P zones that are near residential zoning/GLUP Map designations if certain conditions exist or could be met, including:
 - a) If residential zoning/GLUP Map designation is across the street from the subject C-S/P zone and the street is classified as an arterial or collector, or
 - b) If residential zoning/GLUP Map designation is abutting a C-S/P zone, then the electronic message sign must be at least 50-feet from the common property line with the residential zoning/GLUP designation.
 - c) If the use on the residential zoning/GLUP Map designation is an institutional use, or a community service facility, then permit an electronic message sign on an abutting C-S/P zone less than 150-feet from the residential zoning/GLUP Map designation.
 - d) Permit an electronic message sign in a C-S/P zone located less than 150-feet from a residential zoning/GLUP Map designation and limit the size of the sign to 20 square feet.

Planning Commissioners indicated a preference to review the issue as part of a larger code amendment that addressed electronic message signs as a whole, including issues related to brightness, speed at which text changes, and animation. They also indicated that they preferred the conditional use permit process in regards to People's Bank.

On August 29, 2013, staff met with the City Council at a Study Session and presented an overview of the sign code and background on the 2009-2010 code amendment that permitted electronic message signs (Exhibit I). The Council requested that staff bring forward the code amendment as requested by People's Bank. They also requested a separate proposal to address brightness, speed of text changes and animation, and spacing for electronic signs city-wide.

The Planning Commission conducted a noticed public hearing regarding this proposal on November 14, 2013.

Authority: The City Council is authorized to approve amendments to the *Land Development Code*, Chapter 10 of the *Municipal Code*, per Sections 10.102, 10.110, 10.111, and 10.122.

Criteria: *Medford Land Development Code* Section 10.184(2)

APPROVAL CRITERIA COMPLIANCE

10.184 Class 'A' Amendment Criteria.

10.184 (2).Land Development Code Amendment.

The City Council shall base its decision on the following criteria:

CRITERION 10.184 (2)(a). An explanation of the public benefit of the amendment.

Findings: This code amendment is being proposed in order to fix an inconsistency in the Code. Currently, per the Code, institutional uses in residential zones are permitted to have an electronic message sign with an approved Conditional Use Permit. However, a use adjacent to a residential zone is prohibited from placing an electronic message sign less than 150-feet from residential zoning/GLUP Map designation. In other words, on the one hand the Code conditionally permits electronic message signs in residential zones, and on the other hand it prohibits them adjacent to residential zones. Fixing this inconsistency is a public benefit. In addition, signage provides information to the public and this information benefits both the business owner and the public. Utilizing the Conditional Use Permit process benefits the public in several ways:

- It allows the approving authority to consider special circumstances, such as those of People's Bank where the residential property that is adjacent to their sign is a park.
- The approving authority can impose, if necessary, conditions to mitigate any adverse impacts from electronic message signs on abutting residences or the surrounding area.
- It provides the opportunity for public input at a noticed public hearing.

Conclusion: This amendment benefits the public in several ways. First, it clears up an inconsistency in the Code. Second, signage provides information to the public that benefits both the business owner and the public. Third, the Conditional Use Permit process benefits the public by allowing consideration of special circumstances, giving the approving authority the ability to impose conditions to mitigate any adverse impacts, and by providing the opportunity for public input. Criterion 10.184(2)(a) is satisfied.

CRITERION 10.184 (2)(b). The justification for the amendment with respect to the following factors:

CRITERION 10.184 (2)(b)(1). Conformity with applicable Statewide Planning Goals and Guidelines.

Findings: The following demonstrates conformity with the applicable Statewide Planning Goals:

1. *Citizen Involvement:* 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. The City of Medford has an established citizen involvement program consistent with Goal 1 that includes review of proposed Development Code Amendments by the Planning Commission and the City Council. Affected agencies and

the public are also invited to review and comment on such proposals, and hearing notices are published in the local newspaper. This process has been adhered to in the proposed amendment. The amendment drafts were made available for review on the City of Medford website and at the Planning Department. It was considered by the Planning Commission during a televised public hearing. It will be considered by the City Council during a televised public hearing.

2. *Land Use Planning*: Comprehensive plans and implementation ordinances must be reviewed and revised on a periodic cycle to take into account changing public policies and circumstances.
3. *Agricultural lands*: Does not apply.
4. *Forest Lands*: Does not apply.
5. *Natural Resources, Scenic and Historic Areas, & Open Spaces*: Does not apply.
6. *Air, Water, and Land Resources Quality*: Does not apply.
7. *Areas Subject to Natural Hazards*: Does not apply.
8. *Recreation Needs*: Does not apply.
9. *Economic Development*: Does not apply.
10. *Housing*: Does not apply. The amendment will not have an impact on the supply of housing.
11. *Public Facilities and Services*: Does not apply. There will be no impact on Category A facilities.
12. *Transportation*: Does not apply. There will be no impact on transportation.
13. *Energy Conservation*: Does not apply. There is no expected effect on energy use.
14. *Urbanization*: Does not apply.

Goals 15-19 apply only to other regions of the State and are not evaluated here.

Conclusion: Criterion 10.184 (2)(b)(1) is satisfied.

CRITERION 10.184 (2)(b)(2). Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.

Findings: Staff finds that there is nothing in this amendment that rises to a policy level. It is a code amendment to address special circumstances and provide a plan authorization process for such circumstances.

Conclusion: Criterion 10.184 (2)(b)(2) is satisfied.

CRITERION 10.184 (2)(b)(3). Comments from applicable referral agencies regarding applicable statutes or regulations.

Findings: There were no comments from applicable referral agencies.

Conclusion: Criterion 10.184 (2)(b)(3) is satisfied.

CRITERION 10.184 (2)(b)(4). Public comments.

Findings: Craig Stone, CSA Planning, testified at the Planning Commission meeting on November 14, 2013. Mr. Stone remarked that the code is inconsistent to permit electronic message signs in residential zones for institutional uses with an approved Conditional Use Permit, but not afford commercial uses abutting residential zones to have the same opportunity. Mr. Stone testified that the Conditional Use Permit process would provide an opportunity to manage any adverse impacts. He did not think there would be any adverse impacts on the Dog Park from an electronic message sign at People's Bank.

Conclusion: Criterion 10.184 (2)(b)(4) is satisfied.

CRITERION 10.184 (2)(b)(5). Applicable governmental agreements.

Findings: No governmental agreements apply to the proposed code amendments.

Conclusion: Criterion 10.184 (2)(b)(5) is satisfied.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, on November 14, 2013, the Planning Commission voted 4 to 1 to recommend adoption of DCA-13-054 per the Staff Report dated November 20, 2013, including Exhibits A through K.

EXHIBITS

- A Proposed Code Amendment dated 9/12/2013
- B Aerial photo of location of People's Bank on Barnett Road

- C Letter from Craig Stone, CSA Planning Ltd., to the Mayor and City Council dated April 18, 2013
- D Minutes from City Council April 18, 2013
- E Picture of People's Bank Monument Sign
- F Minutes from Planning Commission Study Session May 13, 2013
- G Minutes from City Council May 16, 2013
- H Minutes from Planning Commission Study Session June 10, 2013
- I Minutes from City Council Study Session August 29, 2013
- J People's Bank Site – Zoning
- K Draft Minutes from Planning Commission November 14, 2013

PLANNING COMMISSION AGENDA: NOVEMBER 14, 2013

CITY COUNCIL AGENDA: DECEMBER 5, 2013

Exhibit A

Electronic Message Signs in C-S/P Zones Code Amendment Staff Report

November 20, 2013

Code Amendment Proposal

Bold copy indicates an addition; ~~Struck-through copy~~ indicates a deletion.

1. 10.249: Revise language to make one requirement more specific than just “development” in order to make it possible for the Conditional Use Permit approving authority to impose mitigation of impacts, if necessary, for electronic message signs.

ARTICLE II

10.249 **Conditional Use Permits**, Mitigation of Impacts.

~~A d~~Development requiring the mitigation of impacts under Section 10.248(2), Conditional Use Permit Criteria, must do one (1) of the following:

- (1) Preserve unique assets of interest to the community.
- (2) Provide a public facility or public nonprofit service to the immediate area or community.
- (3) Otherwise provide ~~for a development~~ **a use or improvement** that is consistent with the overall needs of the community in a location that is reasonably suitable for ~~the its~~ purpose.

2. 10.1400: Add language to permit an electronic message ground and wall signs that are located less than 150-feet from any lot in a residential zoning district or residential GLUP Map designation with an approved Conditional Use Permit.

ARTICLE VI

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 **any** lot in a residential **zoning** district 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 lot in a residential zoning district or GLUP Map designation. **An electronic message sign located less than 150-feet from any lot in a residential zoning district or GLUP Map designation shall require the approval of a Conditional Use Permit. Such sign must meet the other provisions of this section.**

Exhibit A

Electronic Message Signs in C-S/P Zones Code Amendment

November 20, 2013

Staff Report

(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 facade wall sign subject to the following limitations:

(i) The electronic message sign or electronic reader board must be 150 feet, or farther, from any **lot in a residential zoning district or GLUP Map designation. An electronic message sign located less than 150-feet from any lot in a residential zoning district or GLUP Map designation shall require the approval of a Conditional Use Permit. Such sign must meet the other provisions of this section.**

(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.

* * *



CITY OF MEDFORD
EXHIBIT # B
File # DCA-13-054



CSA Planning, Ltd

4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779.0569
Fax 541.779.0114

Craig@CSAplanning.net

April 18, 2013

Medford Mayor and City Council
200 South Ivy Street
Room 240
Medford, OR 97501

Request for Initiation of Land Development Code Amendment

Dear Mayor and Council:

We represent Peoples Bank which has recently constructed a new bank building at the intersection of Barnett Road and Highland Avenue. Bank officials had intended an electronic messaging monument sign at the intersection corner and were surprised to learn that electronic message signs (whether wall mounted or ground signs) are not permitted in a C-S/P zone where the sign would be placed within 150 feet of any residential zone. See, MLDC 10.1400. This is surprising because electronic message signs are, in fact, *conditionally permitted in residential zones* subject to a conditional use permit. See, MLDC 10.1300. The issue arises because the vacant park land across Highland Avenue — the Dog Park — is zoned residential.

On behalf of Peoples Bank, we tender this request that the City Council initiate an amendment to the Medford Land Development Code (MLDC) sufficient to *conditionally* permit electronic messaging signs where located nearer than 150 feet to a residential zone where the same would be made subject to approval of a conditional use permit.

The following language shows CSA's initial suggestion for language amendments to the MLDC that may result if such an amendment is initiated (with deleted text ~~stricken~~ and new text in **boldface**):

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. **An electronic message sign to be located nearer than 150 feet from any residential zone or GLUP Map designation shall require the approval of a conditional use permit.**
 - (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.

CITY OF MEDFORD
EXHIBIT # C
File # DCA-13-054



(c) Electronic Message Signs are permitted as a primary or secondary facade 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. **An electronic message sign to be located nearer than 150 feet from any residential zone or GLUP Map designation shall require the approval of a conditional use permit.**

(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.

The proposed change will allow electronic message signs in C-S/P zones nearer than 150 feet from residential zones subject to a conditional use permit — in this instance, across the street from Medford's Dog Park.

If the City Council agrees that this is a beneficial change to allow the same level of land use review for an electronic message sign within 150 feet of a residential zone as the City does within the residential zone itself, we respectfully request that the Council initiate this amendment on its own motion.

Very truly yours,

CSA Planning, Ltd.

Craig A. Stone
President

CAS/m

cc. Ken Trautman
Keith Casebolt
File

MEDFORD CITY COUNCIL MEETING

April 18, 2013

The meeting was called to order at noon in Council Chambers, City Hall, 411 W. 8th Street, Medford with the following members and staff present.

Councilmembers Al Densmore, Dick Gordon, Daniel Bunn, Eli Matthews, Karen Blair, Bob Strosser, John Michaels and Chris Corcoran.

Mayor Wheeler was absent.

Deputy City Manager Bill Hoke; City Attorney John Huttli; City Recorder Glenda Wilson.

McLoughlin Students of the Month

Rick Parsagian, Assistant Principal provided an update on school activities and introduced the students of the month.

New Employee Introductions

Jeff Benyo, Westin Hammer, Manuel Sharp and Bryan Studebaker, Firefighters and Breah Castro, Financial Support Technician were introduced.

Employee Recognition

Employee from Fire Department was recognized for his years of service.

20. Approval or correction of the minutes of the April 4, 2013 regular meeting and April 11, 2013 special meeting

There being no corrections or amendments the minutes were approved as presented.

30. Oral requests and communications from the audience**30.1 Mayor's Youth Advisory Commission Presentation**

Kallum Gagnier and Calvin Rob addressed the Council and requested funding to support the Commission's fund raising efforts for their scholarship program and other activities. They are requesting \$4,000 per year in the upcoming budget to be used to help them address their duties as defined by the Municipal Code. They would focus on homeless teen awareness and support, drug/substance abuse awareness, gang awareness/prevention program and graffiti cleanup.

Councilmembers supported forwarding this request to Budget Committee.

30.2 Chris Smith, SmithWest addressed the Council and introduced Colbie Marshall, Deputy Chief of Staff for Congressman Greg Walden. Mr. Marshall provided an update on the Federal legislation for a bill to address the O&C land management issues. Councilmembers questioned the Congressman's position on the casino issue and Mr. Marshall stated that Congressman Walden is not taking a position.

30.3 Criss Garcia, Jackson County Councilmember addressed the Council regarding a proposal to develop a bike path from Jacksonville to Medford. The City of Jacksonville is partnering with the City of Medford and Jackson County in a grant application that if awarded would begin the preliminary work to address this potential project. He is requesting a letter of support from the City for this project. Councilmembers requested that further written information be forwarded for their review.

30.4 Don Skundrick, Jackson County Commissioner addressed the Council and complimented the Pear Blossom Festival event as the best one ever, the new Commons park block was wonderful.

Councilmember Corcoran questioned collaboration for working with the County to address Emergency Management. Commissioner Skundrick noted that Oregon statutes require each City in the State to be responsible for their jurisdictions.



30.5 Craig Stone, representing People's Bank, spoke to his client's request to have an electronic messaging sign at their location on Biddle Road. However, his client is precluded from having this sign in a commercial zone unless located 150 feet from a residential zone. He noted that these signs are allowed in a residential zone. He is requesting the Council initiate a code amendment to allow the signs in commercial zone subject to Conditional Use Permit.

Council requested staff look into this issue.

40. Consent calendar

40.1 COUNCIL BILL 2013-56 A resolution denying an exemption from competitive bidding for the design and construction of the Police Department's Property Control Facility, Phase 2.

40.2 COUNCIL BILL 2013-57 An ordinance awarding a contract in the amount of \$193,242 to Brown and Caldwell, Inc., to provide engineering services for the Larson Creek Basin Plan.

Motion: Adopt the consent calendar.

Moved by: John Michaels

Seconded by: Chris Corcoran

Roll Call: Councilmembers John Michaels, Chris Corcoran, Dick Gordon, Al Densmore, Eli Matthews, Daniel Bunn, Karen Blair and Bob Strosser voting yes.

Motion carried and the following Council Bills were duly adopted: 2013-56 and 2013-57.

50. Items removed from consent calendar**60. Ordinances and resolutions**

60.1 COUNCIL BILL 2013-58 An ordinance authorizing execution of an Agreement between the City of Medford and Teamsters Local 223/Medford Municipal Mechanics Association concerning wages, hours, fringe benefits and other working conditions retroactive from July 1, 2012 to June 30, 2014.

Motion: Adopt the ordinance.

Moved by: Chris Corcoran

Seconded by: John Michaels

Roll Call: Councilmembers Chris Corcoran, John Michaels, Al Densmore, Bob Strosser, Daniel Bunn and Dick Gordon voting yes. Councilmembers Eli Matthews and Karen Blair voting no.

Motion passed to a second reading.

CITY OF MEDFORD

File #

DCA-13-054



CITY OF MEDFORD

EXHIBIT # E

File # DCA-13-054



MINUTES
PLANNING COMMISSION STUDY SESSION
May 13, 2013

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: Tim Jackle, Norman Fincher, Robert Tull, Bill Christie, Patrick Miranda and Michael Zarosinski.

Staff: Jim Huber, Bianca Petrou, Praline McCormack, Kelly Akin, Terri Rozzana and Lori Cooper.

Subject:

1. Proposed Code Amendment to eliminate duplicate reviews in the Historic Overlay
2. Request for Electronic Sign Code Amendment

1. Proposed Code Amendment to eliminate duplicate reviews in the Historic Overlay

Praline McCormack, Planner II, reported that the purpose of the study session is to discuss a proposed development code amendment to eliminate duplicate reviews in the Historic Overlays. Currently, in Historic Overlays an applicant has to apply for both historic review by the Landmarks and Historic Preservation Commission (LHPC) and the Site Plan and Architectural Commission (SPAC). Staff is proposing to eliminate the Site Plan and Architectural Commission review. This duplicative process results in additional time to go through two public hearing processes, and additional cost to the developer to submit two applications. The place where this duplicative review is most likely to occur is within the downtown. The Landmarks and Historic Preservation Commission would do both the historic and site plan review. The Site Plan and Architectural Commission approval criteria are very similar to the historic approval criteria. They both relate to the compatibility with adjacent development and compliance with the Code. The proposed code amendment will expand the Landmarks and Historic Preservation Commission's authority to include Site Plan and Architectural Review (SPAR) at the same time as conducting the Historic Review. The Landmarks and Historic Preservation Commission would also be granted authority to approve Exceptions to provisions of the Code because they may accompany SPAR applications, as well as authority to impose SPAR conditions of approval. LHPC decisions would continue to be appealable to the City Council. LHPC would be given the authority to extend approvals that are about to expire. Ms. McCormack reviewed the proposal with the LHPC and they unanimously voted in favor of it. They did indicate they would like training to implement their new authority. Staff will present them with a mock hearing of a development and go through the process with them. The proposal will go to referral agencies for comment, Planning Commission public hearing then to a City Council public hearing.

Chair Jackle has concerns with not knowing the qualifications of the LHPC. SPAC members have certain qualifications to be on that Commission such as architects, engineers and contractors. They have a skillset to evaluate those kinds of applications.

Commissioner Tull reinforced Chair Jackle's concerns. Those that have served on SPAC have been chosen because they bring experience, expertise or professional knowledge. He knows nothing about what qualifies someone to be on the Landmarks and Historic Preservation Commission. He is not sure the criteria that exist for that selection is going to provide the kind of skillset that has been important for the SPAC responsibility in the City.

Commissioner Fincher asked what was the original reason why both commissions were chosen in the first place and what has changed that might justify giving it all to the LHPC.

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EXHIBIT # F
File # DCA-13-054
3



2. Request for Electronic Sign Code Amendment

Mr. Huber reported that on April 18, 2013, Craig Stone appeared in front of the City Council requesting City Council to initiate a text amendment on electronic reader board signs. In a C-S/P district if properties abut or are across the street from either a residential GLUP designation or zoning the electronic sign has to setback 150 feet. The text amendment would state that if you are beyond 150 feet, it is permitted. If it is less than 150 feet it will require a conditional use permit. The argument is that it is true in residential zones but it is not that simple. It is for institutional uses such as schools in residential zones. There are two criteria for a conditional use permit: 1) no adverse harm or impact and 2) there is some public benefit. It does not have to meet both. It is an either or situation. Staff has several ideas. One is to be permitted and reduce the setback if next to an arterial or collector street. The streets tend to be wider and carry a larger volume of traffic. Two is to concur with what they are asking. Three is expanding the conditional use permit in all zones with a minimum of a 50 foot setback.

Commissioner Tull commented that criterion two on a conditional use permit is that there are impacts but the applicant has proposed mitigations that make it allowable. What are our standards relative to placing a sign and what sort of mitigations would they propose? Mr. Huber replied that there are eleven. The first one is to limit the manner in which it is conducted including time it can take place. Minimizing environmental impacts such as noise, vibration, air pollution, glare, setbacks, heights, size and, location.

Commissioner Tull asked if a sign was proposed, that is less than 150 feet, is that from the right-of-way? Mr. Huber responded wherever the zone boundary is. Often it is the centerline on the street. Commissioner Tull stated that it would be expected that the applicant is going to work with those mitigation criteria. Mr. Huber replied what triggered this is an unusual case.

Ms. Akin reported that when mitigation is required it has to do one of three items of the development: 1) it has to preserve unique assets or of interest to the community; 2) provide a public facility or public non-profit service to the immediate area or community; or otherwise 3) provide for development that is consistent with the overall needs of the community in a location reasonably suitable for the purpose. This conditional use permit is not necessarily written for signage.

Mr. Huber commented that what he heard from the Commissioners is that an additional criteria be created for this.

The meeting was adjourned at 1:03 p.m.

Submitted by:
Terri L. Rozzana, Recording Secretary

110. Oral requests and communications from the audience

None

120 Public hearings

City Attorney John Huttel read the rules governing quasi-judicial hearings

- 120 1 COUNCIL BILL 2013-73 An ordinance vacating a strip of public right-of-way, approximately 13 39 feet wide and approximately 288 feet long, being a portion of an alley running the length of a block from Third Street to Fourth Street, between Bartlett and Apple Streets, with a C-C/CB/H (Community Commercial/Central Business District/Historic Preservation Overlay) zoning district (SV-13-021) (Land Use, Quasi-judicial)

Planning Director Jim Huber provided a staff report and reviewed the criteria for approval. He noted that this action was initiated by the City Council and meets applicable criteria. He reviewed the proposed location of the vacation and noted that this is in conjunction with The Commons project and the property was originally identified as a third park block. He noted that no objections have been received on this application. Planning Commission and staff recommend approval.

Public hearing opened

- 1 Jim Maize, representing Lithia Real Estate, Inc. supported the staff and Planning Commission recommendation.

Public hearing closed

Motion Adopt the ordinance

Moved by Bob Strosser

Seconded by Daniel Bunn

Roll Call Councilmembers Bob Strosser, Daniel Bunn, Karen Blair, Dick Gordon, Al Densmore, John Michaels, Eli Matthews and Chris Corcoran voting yes

Ordinance 2013-73 was duly adopted

130. Ordinances and resolutions

None

140. City Manager and other staff reports

*

- 140 1 Electric Sign Code Update – Jim Huber

Planning Director Jim Huber provided an update on the issue raised by Craig Stone, CSA requesting a code amendment for the use of an electric sign at his client's property on Barnett Road. Mr. Huber reviewed the Conditional Use Permit criteria and the requirements for eligibility. Staff discussed this request with the Planning Commission and they would like to look at the issue further if the Council is inclined to pursue this course of action.

Councilmembers discussed the issues and other concerns regarding the electronic signs such as brightness, size, location, number of them now in the community.

Motion Direct the Planning staff to look at a text amendment to allow People's Bank to apply for a conditional use permit for their proposed electronic sign.

Moved by Chris Corcoran

Seconded by Bob Strosser

Roll Call Councilmembers Chris Corcoran, Bob Strosser, Karen Blair, Eli Matthews, Al Densmore, Dick Gordon, John Michaels and Daniel Bunn voting yes

Motion carried and so ordered

Councilmembers requested that a study session be scheduled to look at the other issues with electronic sign code revisions.

- 140 2 Further reports from City Manager

None

CITY OF MEDFORD

EXHIBIT # 6

File # DCA-13-054



MINUTES
PLANNING COMMISSION STUDY SESSION
June 10, 2013

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: Tim Jackle, Norman Fincher, David McFadden, Robert Tull, Michael Zarosinski and Bill Christie (arrived at 12:05).

Staff: Jim Huber, Bianca Petrou, Praline McCormack, Kelly Akin, Terri Rozzana, Alex Georgevitch, John Adam and Lori Cooper.

Guests: Megan LaNier, Jim Maize and Bill Mansfield.

Subject:

1. Proposed Electronic Sign Code Amendment for C-S/P Zone
2. Proposed GLUP Map Amendment for Internal Study Areas (UGB Amendment Project).

1. Proposed Electronic Sign Code Amendment for G-S/P Zone

Jim Huber, Planning Director stated that there are two items on the agenda today. The first one is a text amendment that City Council directed to the Planning Commission to evaluate and the other one is updates on the Urban Growth Boundary amendment.

Praline McCormack, Planner II, reported that Craig Stone, representing People's Bank at the corner of Highland and Barnett, requested that electronic message signs be allowed to be located less than 150 feet from a residential zone with an approved conditional use permit. Currently they are permitted if they are 150 feet or further from a residential zone. Across the street from People's Bank is the dog park that is zoned MFR-30 and is owned by the City. Staff has prepared a draft amendment to make it permitted with a Conditional Use Permit that includes language in Mitigation of Impacts that was discussed at a previous study session. Ms. McCormack distributed Code Section 10.248 Conditional Use Permit Criteria for the Commission to also review. Staff has several options that could be considered other than the Conditional Use Permit. Staff feels it is an "overkill" to say that having an electronic message sign is a public benefit and doing the Conditional Use Permit process. The four options are: 1) Per Craig Stone's request, allow electronic message signs in C-S/P zones that are less than 150-feet from residential zoning/GLUP designation with an approved Conditional Use Permit; 2) Permit electronic message signs in C-S/P that are less than 150-feet from residential zoning/GLUP designation if one of the following conditions can be met: (a) The residential zoning/GLUP designation is across the street from the subject C-S/P zoning, and the street is classified as an arterial or collector, or; (b) The residential zoning/GLUP designation is abutting the subject C-S/P zoning, then the electronic message sign must be at least 50-feet from the common property line with residential zoning/GLUP designation; 3) Permit electronic message signs in C-S/P zones that are less than 150-feet from residential zoning/GLUP designation if the use on the residential property is an institutional use, or a community service facility as defined in Chapter 10; and 4) Permit electronic message signs in C-S/P zones that are less than 150-feet from residential zoning/GLUP designation and limit size of sign to 20 square feet.

Commissioner Tull requested that 2(b) be explained. Ms. McCormack stated that if the residential zoning is next to the property with C-S/P zoning, the sign would have to be at least 50-feet from the residential zone. Most lots are not 150-feet wide and would be hard to meet that setback.

CITY OF MEDFORD
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Ms. McCormack reviewed other areas in the City that has C-S/P zoning that abuts residential. There are areas by Providence Hospital along Royal Avenue that have multi-family dwellings that are around the C-S/P zones. Other areas include around Rogue Valley Medical Center and downtown Medford.

Ms. McCormack reported that after completion of this amendment, staff will analyze electronic message signs.

Alex Georgevitch, Public Works, Transportation Manager, reported that there are some minor collectors such as Peach Street that are built the size of a residential street, so you have to be careful of the designation because it may be no greater than a standard residential street of 36-feet wide curb to curb. Major arterials are not a problem but minor arterials and collectors may be problematic. If it is desired, the wording should state major arterial and major collector. Public Works also has concerns with electronic message signs near signalized intersections or future signalized intersections because it has the potential to conflict or cause confusion for motorists. It creates a distraction on the roadway. Generally speaking, Public Works would like not to see them at all but that is not realistic.

Commissioner Fincher asked if it would make more sense to do this amendment when staff reviews the entire electronic message sign section? Ms. McCormack responded that since this is a citizen request for the initiation of the amendment, staff has to move forward with this amendment. After this amendment, staff will do the analysis of the electronic sign code. Commissioner Fincher asked even if that code could potentially effect what the citizen wants to do? Ms. McCormack responded that it would be after the fact and they would already have their sign.

Bianca Petrou, Assistant Planning Director, stated that if the Commission felt that it should not be considered now they could recommend considering it as part of a package to City Council.

Mr. Huber reported that staff has concerns using the conditional use permit process for signs. Clearly, conditional use permits are used for land uses and different kinds of uses. Some of the items are subjective, such as, it will cause no significant adverse impact and it is in the public interest.

Commissioner Fincher asked that when the permit was originally issued was this a known issue at that time and now that it is built-out they are asking to re-write the rule so that they can use it? Ms. McCormack reported that they have built-out a monument sign that has removable numbers for interest rates and they want to take out the box and install an electronic message sign. Commissioner Fincher stated that he would hate to see this being re-written without having reviewed the entire sign issue just for one individual that has a situation that was already present when they started their build-out and they knew it. He would be more inclined if it was something that just popped up that no one had a clue until they tried to cross that road.

Mr. Huber stated that staff could report back to Council that the general direction the Commission is leaning towards is to not separate the two and when the Commission reviews the broader question of electronic message sign to include this one.

Mr. Huber stated that the divide between the options are, should it be a conditional use or permitted outright. When they are permitted outright they do not come before the Planning Commission. It is an administrative decision that meets the standard.

Ms. Petrou responded that another option is to not change the code at all. Let it remain the same.

Commissioner Tull asked what is prompting the review of the Code that presently exists regarding electronic message signs? Mr. Huber responded that several Council members had received complaints regarding the Verizon sign at the corner of Highways 99 and 238.

Commissioner Tull reported that when the Commission revised the Code to deal with electronic message signs, one of the items that the Commission was concerned about was how distracting is the message. How much movement is there, how often does the message change, is it a video kind of

message or words, etc. There were hefty debates in regard to school signage. What is going on now that requires the Commission to go back and revisit that? Mr. Huber reiterated that it is complaints to several Council members regarding the Verizon sign. It is a large sign, in a prominent location and has a lot of movement.

Commissioner Tull commented that he thought the Code was setup to discourage or contain that kind of moving image.

Chair Jackle stated that the 150-foot is sufficient. He is in favor of having restrictions for reducing the 150-foot setback, It should be a conditional use so that all dimensions of the application can be reviewed and have the applicant prove why it is not a substantial impact to the neighboring properties. He is in favor of number one.

Mr. Huber reported that the Code does not allow exceptions to provisions for the sign code.

Commissioner Tull asked if there is anything in the Code that states that if one does have a sign like this on commercial property that the message has to relate to the business. Lori Cooper, Deputy City Attorney, stated that violates the constitution of the state of Oregon; you cannot do that. It is content neutral.

Commissioner Tull asked how does the Commission take into consideration Mr. Georgevitch's concern about a sign with a message that needs to be read and may be changing every two seconds? There are hundreds of vehicles an hour that go through that intersection at various speeds, some go directly through with the sign obvious to them and others will be coming from directions that the sign is not going to be that obvious until they turn the corner. Do we have a public responsibility in this regard? Mr. Huber replied that the tools are size, placement, setbacks, distance and static image.

Mr. Georgevitch commented that controlling location and placement of the sign is key as it relates to each individual site.

Mr. Huber reiterated that he heard the Commission express they would prefer to review this in its entirety when it goes to Council but failing that the Commission expressed the first option that is the conditional use permit for less than 150-feet.

Commissioner Tull reported that he is in favor of the conditional use if it moves beyond a standard that has been agreed to as being appropriate. The other side of it is that he would rather not deal with this specific instance, he would rather hear staff's recommendation regarding electronic message signs in the City and then the Commission makes certain that this is a good example of what they want.

Commissioner McFadden stated that he is not certain that the current conditional use permit issues are applicable in this instance. He is concerned with reviewing every sign application that comes in with a conditional use permit process.

Commissioner Tull commented that he does not see the Commission dealing with this very often. It seems to him that if a property owner decides that they simply cannot live with the 150-foot setback from a residential property zone they will come to the Commission. Otherwise, the standard is clear and they can make their plan accordingly.

Chair Jackle agreed and is comfortable with the conditional use permit.

2. Proposed GLUP Map Amendment for Internal UGB Study Areas (UGB Amendment Project)

John Adam, Planner IV, stated that he was present to discuss the next steps in the urban growth boundary amendment process specifically on the topic of screening criteria of the Internal Study Areas (ISA). The areas are being reviewed for changes or intensifications of the land use designations that currently exist. It began with the City's Buildable Land Inventory. From that, an initial set of areas were identified as potential areas to change GLUP map designation. The intensification would be going from

Mayor & Council - Minutes

Medford City Council Study Session August 29, 2013

The meeting was called to order at noon in the Medford Room, City Hall, 411 W. 8th Street, Medford with the following members present.

Mayor Gary Wheeler; Councilmembers Chris Corcoran, Dick Gordon, Eli Matthews, Bob Strosser, John Michaels (*left as noted) and Karen Blair.

Councilmember Daniel Bunn was absent.

1. Electronic Message Board Signs: Jim Huber, Planning Director provided an overview of the sign code which permits electronic signs in the City. He provided background on the history of how the code has developed over time to address the new technology. He provided information on the number of existing signs in Medford and their locations.

He reviewed the benefits and issues of concern with the use of electronic signs. Some benefits of the electronic signs include the signs being used for public announcements such as amber alerts, traffic announcements and recently the smoke health hazards. He noted that as they replaced static signs it may result in less overall signage due to the ability to advertise more in the same space with rotating messages.

Mr. Huber addressed concerns with the electronic signs. He cited several studies done regarding the distractions of electronic signs. Most of the studies concluded that drivers look more often at and spend longer time looking at electronic signs.

Mr. Huber reviewed how other communities utilize and what regulations they have to manage electronic signs. He reviewed the inconsistencies that exist in the current code language.

Mr. Huber presented potential options for Council discussion including banning of the signs, limiting the size and location; address the rate of image change, messages displays, and transition methods between messages.

Mr. Huber noted the remaining issue is how to address the request by People's Bank for a Medford Code text amendment to allow consideration of their sign request as a Conditional Use Permit.

Councilmembers discussed the options and expressed initial concern with changing the Medford Code as this could affect other areas of the City. Craig Stone, CSA Planning representing People's Bank was invited to address the Council. He noted that a zone change of the dog park property to allow for their sign would not be the easiest way to address this issue. The code change will simply allow for the submission of a Conditional Use Permit which would then be decided upon on a case by case basis.

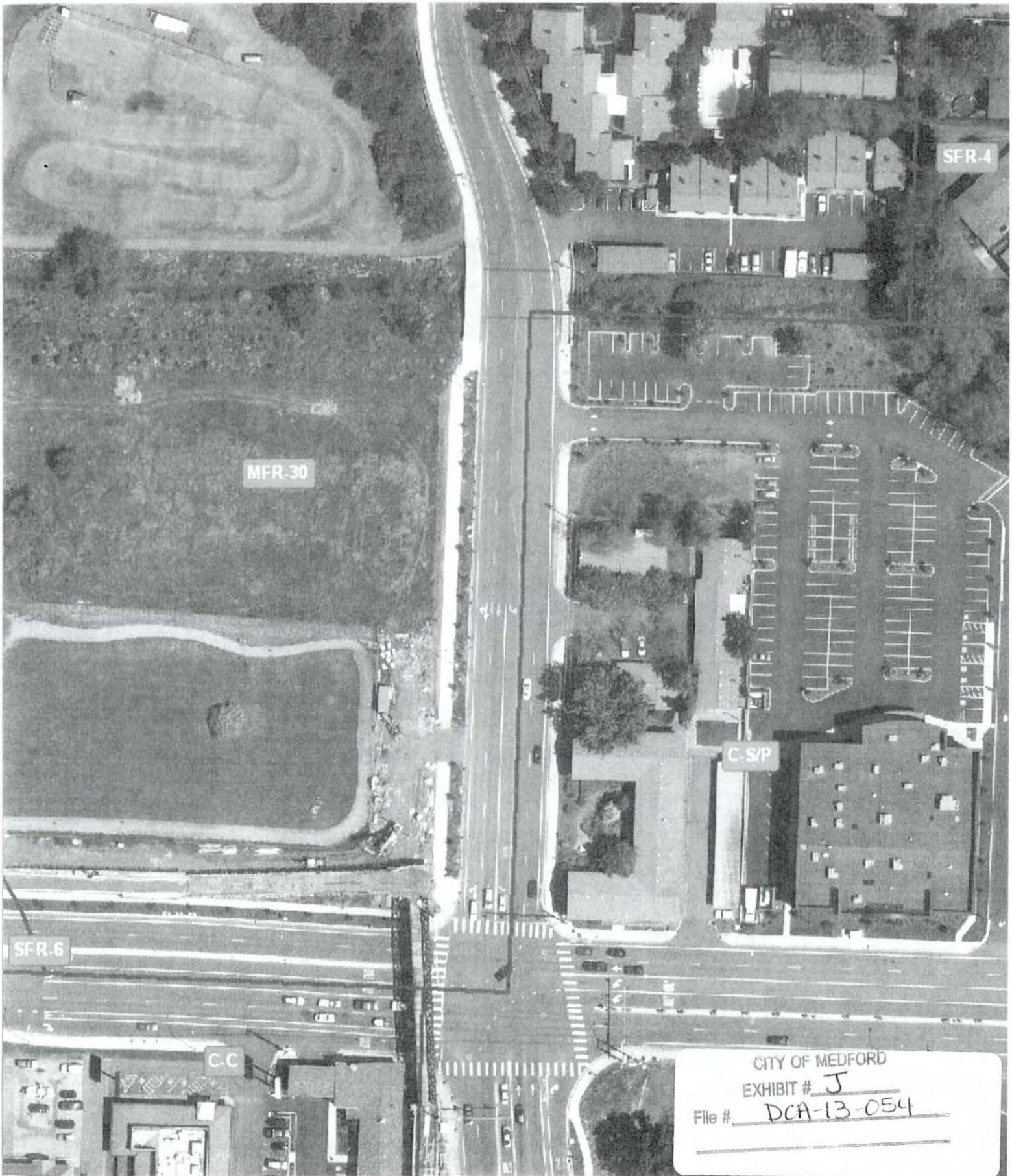
Councilmembers requested staff bring forward the code amendment to allow for a Conditional Use Permit process.

Council discussed the need to still pursue a zone change on the dog park property and staff was directed to investigate this process further.

Council discussed the need to amend the Medford Code regarding electronic signs to address the movement of the sign displays, distances between signs and brightness controls.

2. Boards & Commission Code Amendments: Glenda Wilson, Assistant to the City Manager reviewed changes proposed from various boards and commissions. Council directed staff to bring forward code amendments.

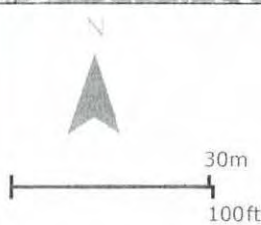
CITY OF MEDFORD
EXHIBIT I
File # DCA-13-054



CITY OF MEDFORD
 EXHIBIT # J
 File # DCA-13-054

People's Bank Site -Zoning

Map created by City of Medford's Land Information System (LIS) www.medfordmaps.org



Plot Date: October 28, 2013

CITY OF MEDFORD

GEOGRAPHIC INFORMATION SYSTEMS

The Geographic Information System's (GIS) data made available on this map are developed and maintained by the City of Medford and Jackson County GIS data is not the official representation of any of the information included. This map and data are made available to the public solely for informational purposes.

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Voice Vote: Motion passed, 5-0.

30. Minutes.


30.1 The minutes for October 24, 2013, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Lori Cooper, Deputy City Attorney, read the Quasi-Judicial Statement.

50. Public Hearing.

New Business

 50.1 **DCA-13-054** Consideration of an ordinance amending Medford Municipal Code, Chapter 10 (Land Development Code) Sections 10.249, and 10.1400 to permit electronic message signs in C-S/P (Commercial, Service Professional) zoning districts to be located less than 150 feet from any lot in a residential zoning district or GLUP Map designation with an approved Conditional Use Permit. City of Medford, (Applicant).

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

Praline McCormack, Planner II, presented the purpose, background, process to date, summary, approval criteria and conclusion.

Commissioner McFadden asked that if the Planning Commission cannot find a public benefit then Criteria 2 would always be in effect? That any of these signs will always require some type of mitigation? Ms. McCormack stated that Commissioner McFadden is thinking of the conditional use permit criteria. If the Planning Commission moves forward with this amendment and allow the conditional use permit that would be the findings that would be applied. Development Code amendments require a public benefit.

Commissioner Fincher commented that in Ms. McCormack's presentation she stated that the City Council wants to conduct a holistic review. Would Ms. McCormack further expand on that statement. Ms. McCormack replied that staff has proposed several options regarding the electronic sign code. Staff is waiting to hear back from the City Council on what direction they would like to go. There could be another Planning Commission study session once staff hears back from the City Council to inform them of where this is heading. City Council was very clear on wanting to move forward with this amendment separately.

Commissioner Zarosinski asked regarding finding a public benefit. Was consideration given to the requirement of content? Ms. McCormack replied that content cannot be regulated. Electronic message signs for institutional uses provide information that is helpful to the public. Such as they advertise public events, amber alerts or traffic issues. She is not sure this could be used for commercial use.

Commissioner McFadden stated that he sees in the audience that CSA Planning is represented tonight. Would they care to speak to the public benefit factor since they are the ones who brought it to the City's attention.

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

- a. Craig Stone, CSA Planning Ltd, 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504-9173. Mr. Stone stated that he is appearing tonight on behalf of his client People's Bank. With the respect to public benefit what prompted this is the present Code which permits electronic message signs in residential zones. In a commercial zone they are not permitted if the location is closer than 150 feet to a residential zone. It is nonsensical to the extent that it needs to show some public benefit. It is a non-glaring inconsistency. It was basically the sole argument that CSA Planning Ltd used to present to the City Council and they agreed the Code does not make any sense the way it is presently written. He cannot state public benefits that this or any other Code amendment might have but having a Code that operates properly and in a way that makes sense is a benefit to all of us. The criterion simply calls for an explanation of a public benefit. Later, People's Bank will be required to apply for a conditional use permit and bring that to the Planning Commission for them to decide whether the facts can be made manageable or not. The only source of impact is the dog park. They cannot get there without this Code amendment.

Commissioner Tull stated that he is remembering that Alex Georgevitch, City Traffic Manager, expressed concern, as they were debating this in a study session, about electronic signs impact upon a very busy signalized intersection and whether a part from this particular situation we want to take that concern into account. The other part of it is, the residentially zoned property across from People's Bank, he believes is owned by the City. If the dog park were moved to another location and the City in its wisdom decided that it did not need that property any longer, they could sell that property and it could be developed as a multi-family residential unit. Would that make a difference then in how the Planning Commission might view this amendment to the Code?

The public hearing was closed.

Motion: Forward a favorable recommendation for adoption of DCA-13-054 to the City Council per the Staff Report dated November 5, 2013, including Exhibits A through J.

Moved by: Commissioner McFadden Seconded by: Commissioner Miranda

Commissioner Fincher questioned as to what the Planning Commission found as the public benefit. It does concern him whenever staff cannot give the Commission support of public benefit nor the gentleman that came forward and spoke could not represent a public benefit. That is a hurdle that the Commission needs to overcome before they can give this an affirmative move to the City Council.

Commissioner Tull asked if the Commission were to deny the request to amend the Code, what it means is that the Commission wants the Code to continue to prohibit electronic signage within 150 feet of an area zoned for residential development. That is really the issue, do they want to do that or not?

Chair Zarosinski stated that it seems the intent of this is that in odd circumstances to at least have an avenue in the Code that would permit the application to at least be made.

Commissioner Tull reported that he has confidence in the process for considering applications for conditional use permits. It has worked well in the past and it is his opinion it will continue to do so. It offers the opportunity for public input to the Commission's decision about a specific situation and requires the applicant to bring some reasons why the Commission should consider the application favorably. He is ready to support the notion that the Commission amends the City Code to allow consideration of this sort of signage

less than 150 feet with the understanding that any application in order to do that, would be an application for a conditional use permit.

Commissioner Fincher asked does the Commission need to find the public benefit now or does the public benefit need to be stated at the time of the application? Ms. Cooper replied that the Commission needs to do it now because the way the Code reads that for a land development code amendment one of the criteria is explanation of the public benefit of the amendment.

Commissioner Tull stated that if there is an inconsistency in the Code the Commission needs to consider both sides of the proposition that makes it inconsistent.

Commissioner Miranda replied that the way he understands it is that based on previous statements that there is code to support these types of signs in a residential district but not abutting or adjacent to a residential district. He would find that inconsistent. He would find that contradictory.

Commissioner McFadden reported that it has to be institutional if it is in a residential area. The Commission is now talking about any commercial area.

Commissioner Miranda stated that exchanging information with the public, be it commercial, industrial, public service, strictly informational finds that beneficial. Depending on what information is being displayed on the sign itself he still finds that a public benefit because it is still conveying information.

Friendly Amendment by Commissioner Miranda: The public benefit is the fact that the signage does promote informational exchange between an entity and the public. Commissioner Tull added to the benefit of the commercial signer. Commissioner Miranda agreed but stated not exclusively to the benefit of the commercial signer. Commissioner Tull stated that he would not object.

Commissioner Fincher stated that his concern is that staff was not able to come up with a benefit to share with the Commission.

Chair Zarosinski reiterated the motion: The Planning Commission finds that all of the approval criteria are either met or are not applicable, and in particular provides informational exchange for the general public and forwards a favorable recommendation for adoption to the City Council per the Staff Report dated November 5, 2013, including Exhibits A through J.

Commissioner Tull stated that he does not like the word "exchange" of information. It provides information to the public.

Chair Zarosinski asked the Commission if any of the Commissioners had objections to striking "informational exchange for" to "information to". There were no objections.

Roll Call Vote: Motion passed, 4-1, with Commissioner Fincher voting no.

- 50.2 **CUP-13-092** Consideration of a request for a Conditional Use Permit to allow the establishment and operation of three automobile dealerships on approximately 11.9 acres, located on the east side of Grumman Drive, approximately 1000 feet north of Coker Butte

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DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540

DEPT OF

DEC 26 2013

LAND CONSERVATION
AND DEVELOPMENT