



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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www.oregon.gov/LCD



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

Date: March 28, 2016
Jurisdiction: City of Medford
Local file no.: ZC-13-079 & DCA-13-0
DLCD file no.: 006-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 03/24/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



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

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.: ZC-13-079 & DCA-13-080

Date of adoption: 3/3/16 Date sent: 3/24/2016

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): 3/23/15

☐ No

Is 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:

Added a revision to 10.031 to exempt new airport accessory structures within the airport's fence line from Site Plan and Architectural Review.

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

Phone: 541-774-2397 E-mail: praline@rocketmail.com

Street address: 200 S. Ivy Street, 3rd Floor 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:

Amending sections 10.031, 10.146, 10.300, 10.348, 10.349, 10.350, 10.351, 10.352, 10.353, 10.354, 10.355, 10.358, 10.360, 10.365, 10.410, 10.411, and 10.414.

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: Area of Concern. Acres added: unk. Acres removed:

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

List affected state or federal agencies, local governments and special districts: Federal Aviation Administration, Oregon Department of Aviation, Rogue Valley Medford-International Airport, Jackson County

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.

Attached is the signed Ordinance, and the City Council staff report consisting of a

ORDINANCE NO. 2016-35

AN ORDINANCE amending sections 10.031, 10.146, 10.300, 10.348, 10.349, 10.350, 10.351, 10.352, 10.353, 10.354, 10.355, 10.358, 10.360, 10.365, 10.410, 10.411, and 10.414 of the Medford Code to align with the Airport's Master Plan Update.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.031 of the Medford Code is amended to read as follows:

10.031 Exemptions from the Development Permit Requirement.

C. The following uses or developments do not require a development permit.

(11) Airport accessory structure(s) including hangars, aircraft storage, maintenance facilities, warehouse storage, and office buildings to be located on airport property within the secured fence area (as shown on the Medford Zoning Map) not intended for public use.

SECTION 2. 10.146 of the Medford Code is amended to read as follows:

10.146 Referral Agencies, Distribution.

2. When the proposal is within; or abutting the Airport Approach or Airport Radar Overlay — Districts Area of Concern.

SCHEDULE OF REFERRAL AGENCY DISTRIBUTION

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
CITY DEPTS.														

Dept. of State Lands	-	-	-	-	-	-	5	5	5	5	5	5	-	-
Federal Aviation Administration		2					2	2	2	2	2	2		2
Garbage Company	-	-	-	x	x	-	-	-	-	-	-	-	-	-

Natural Gas Company	-	-	x	x	x	x	3	-	x	x	x	x	x	-
Oregon Dept. of Aviation		2					2	2	2	2	2	2		2
Oregon Dept. of Fish & Wildlife	-	-	-	-	-	-	5	5	5	5	5	5	-	-

Rogue River Valley Irrigation	1	-	1	1	1	-	3	-	1	1	-	-	-	-

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
District														
R V Rogue Valley Medford Airport	1	1	1	-	-	1	2	2	2	2	2	2	-	2

SECTION 3. Section 10.300 of the Medford Code is amended to read as follows:

10.300 Establishment of Zoning Districts.

This Code separates the city into three ~~(3)~~ basic use classifications, sixteen ~~(16)~~ zoning districts, eight ~~(8)~~ nine overlay districts, and four ~~(4)~~ five administrative mapping categories as follows:

I. A. RESIDENTIAL

- ~~(a)~~ SFR-00 Single-Family Residential - (1 dwelling unit per existing lot)
- ~~(b)~~ SFR-2 Single-Family Residential - (2 dwelling units per gross acre)
- ~~(e)~~ SFR-4 Single-Family Residential - (4 dwelling units per gross acre)
- ~~(d)~~ SFR-6 Single-Family Residential - (6 dwelling units per gross acre)
- ~~(e)~~ SFR-10 Single-Family Residential - (10 dwelling units per gross acre)
- ~~(f)~~ MFR-15 Multiple-Family Residential - (15 dwelling units per gross acre)
- ~~(g)~~ MFR-20 Multiple-Family Residential - (20 dwelling units per gross acre)
- ~~(h)~~ MFR-30 Multiple-Family Residential - (30 dwelling units per gross acre)

II. B. COMMERCIAL

- ~~(a)~~ C-S/P Commercial, Service and Professional Office
- ~~(b)~~ C-N Commercial, Neighborhood
- ~~(e)~~ C-C Commercial, Community
- ~~(d)~~ C-R Commercial, Regional
- ~~(e)~~ C-H Commercial, Heavy

III. C. INDUSTRIAL

- ~~(a)~~ I-L Industrial, Light
- ~~(b)~~ I-G Industrial, General
- ~~(e)~~ I-H Industrial, Heavy

IV. D. OVERLAY DISTRICTS

I-00 Limited Industrial

- ~~(a)~~ A-A Airport Approach
- A-R Airport Radar
- A-C Airport Area of Concern
- ~~(b)~~ C-B Central Business
- ~~(e)~~ E-A Exclusive Agriculture
- ~~(d)~~ ~~H~~ Historic
- ~~(e)~~ F Freeway
- ~~(f)~~ ~~A-R~~ Airport Radar
- ~~(g)~~ S-E Southeast
- ~~(b)~~ ~~I-00~~ Limited Industrial

H Historic

V. E. ADMINISTRATIVE MAPPING CATEGORIES

- (a) Downtown Parking**
- (b) Limited Service**
- (c) P-D Planned Unit Development**
- (d) R-Z Restricted Zoning**
- Airport Fence Line**

SECTION 4. Section 10.348 of the Medford Code is amended to read as follows:

10.348 Limited Industrial Overlay District, I-00.

SECTION 5. Section 10.349 of the Medford Code is amended to read as follows:

10.349 Airport Approach Overlay District, A-A.

A. Purpose of the A-A Overlay. The purpose of this overlay district is to ~~minimize the nuisance effects of the airport on its surroundings, to minimize the restrictions placed upon the airport operations by surrounding development, to reduce or eliminate incompatible land use development which may jeopardize the present and future operations of the airport functions. It is also the purpose of this district to recognize that the continued residential development adjacent to the airport reduces the livability of the area and adversely impacts the health, safety, and welfare of the residents. It is further recognized that certain categories of land use development are most appropriate and compatible with the airport development, reduce risks to aircraft operations as well as risks of damage or injury to persons or property on the ground near the airport. This is accomplished by limiting land uses that could create hazardous conditions, and limiting building height and density of development. A use in the A-A Overlay is considered compatible if the use does not create a bird attractant, distracting light, glare, smoke, or electrical interference. Impact from airport noise is another factor to consider in terms of compatible uses.~~ The A-A Overlay includes an area called the Runway Protection Zone (RPZ).

B. Location of A-A Overlay. The Airport Approach is shown on the official zoning map of the City of Medford, and is defined by Federal Aviation Regulations (FAR, Part 77, OAR 660-013, and OAR 738-070). ~~The Airport Approach District shall be described as follows:~~

~~1) Main Runway: an area extending 5000 feet beyond each end of the primary surface and 1250 feet laterally from the centerline of the main runway~~

~~2) General Aviation Runway: an area extending 825 feet laterally from the centerline and the area at each end of the runway encompassed by a regular trapezoid, the parallel sides of which are at right angles to and bisected by the extended centerline of the general aviation runway. The base of the trapezoid shall be adjacent to the end of the primary surface of the runway and have a width of 1650 feet. The side opposite and parallel to the base shall be a distance of 2000 feet from the end of the primary surface and have a width of 650 feet.~~

C. Application of A-A Provisions.

The A-A designation shall overlay a zoning district. If any conflict in the regulation of

procedure occurs between the zoning district and the A-A Overlay, the provisions of the A-A Overlay shall govern.

D. Noise Impacts and Compatible Land Uses in the A-A Overlay. The airport's "severe" noise impact area (70 DNL and above), as illustrated in the Airport Master Plan Update, is intended to be airport property only. The "substantial" noise impact area (65-70 DNL) is an area where residential development is incompatible due to noise impacts. If public institutions are built within the substantial noise impact area, measures should be taken to reduce noise levels. Most land uses are compatible in areas impacted by noise levels less than 65 DNL.

E. Permitted Uses in the A-A Overlay. Uses in the A-A Overlay are limited in order to prevent hazardous conditions as described in subsection (A) above.

The following uses are permitted within the A-A Overlay:

- (1) Uses Permitted in the underlying zoning district.
- (2) Open land uses such as cemeteries, sod farming, truck farming, other vegetable and plant crop cultivation, landscape nursery, riding academies, picnic area, botanical gardens, paths or recreation areas.
- (3) Roadways, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, or result in glare or in any other way impair visibility in the vicinity of the landing approach.
- (4) Customary and usual aviation- and emergency-related activities including but not limited to takeoffs, landings, aircraft hangars, tie-downs, construction and maintenance of airport facilities, fixed-base operator facilities, flight instruction, law enforcement, emergency medical flights, firefighting activities and other activities incidental to the normal operation of an airport.

F. Conditional Uses in the A-A Overlay. Any use listed as conditional in the underlying Zone.

G. Prohibited Uses in the A-A Overlay. The following uses are prohibited within the A-A Overlay:

- (1) Places of public assembly such as churches, schools, conference/convention centers, employment/shopping centers, arenas, athletic fields, stadiums, club houses, or museums.
- (2) High-density residential development.
- (3) New residential development within the Runway Protection Zone.
- (4) Water treatment plants, mining, water impoundments or wetland mitigation.
- (5) Golf courses (unless the applicant can demonstrate that management techniques will be used to reduce existing wild fowl attractants and avoid the creation of new wildlife attractants).
- (6) Any use or building material that results in glare in the eyes of the pilots using the airport (such as flat roofs that retain water, reflecting ponds, sloped glazing, use of glass on roofs, skylights, parking lots not shielded with trees, high rib metal roofing with high gloss finish, east/west facing storefronts).
- (7) Any use which makes it difficult for the pilots to distinguish between airport lights and other lights.
- (8) Any use that would cause emissions of smoke, dust or steam that would obscure visibility within the airport approach corridor (unless the applicant can demonstrate that mitigation measures will reduce the potential for safety risk or incompatibility with airport

operations to an insignificant level).

(9) Any use which creates electrical interference with navigational signals or radio communications between the airport and aircraft.

(10) Any use which would create a bird strike hazard (such as water treatment plants, golf courses, sanitary landfills, water impoundments, sewage lagoons, sewage sludge disposal facilities) if within 10,000 feet from any airport runway.

(11) Flashing, blinking signs or any lighting projected upward. Lighting shall incorporate shielding in their designs to reflect light away from airport surfaces.

(12) Any other use that would endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

H. Height Regulations in the A-A Overlay.

Building height is limited in the A-A Overlay in order to protect airspace, and instrument approach altitudes. No structure, construction equipment, vegetation, electrical transmission lines or any other object shall be allowed to be constructed so as to penetrate the Approach Surface as defined in Federal Aviation Regulations, Part 77.19.

SECTION 6. Section 10.350 of the Medford Code is hereby repealed:

~~10.350 Application of Airport Approach Provisions.~~

~~The A-A designation shall overlay a basic zoning district. If any conflict in the regulation or procedure occurs with the basic zoning district, the provisions of the Airport Approach District shall govern.~~

~~Other required conditions:~~

~~(1) The Site Plan and Architectural Commission shall consider the purpose and objectives of the A-A District when reviewing projects located wholly or partially within the A-A District and otherwise subject to their review and approval.~~

SECTION 7. Section 10.351 of the Medford Code is hereby repealed:

~~10.351 Permitted Uses.~~

~~The following uses are permitted within the A-A District:~~

~~(1) Uses Permitted in the underlying zoning district.~~

~~(2) Open land uses such as cemeteries, reservoirs, sod farming, truck farming, other vegetable and plant crop cultivation, landscape nursery, golf courses, riding academies, picnic area, botanical gardens, paths or recreation areas.~~

~~(3) Roadways, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, or result in glare or in any other way impair visibility in the vicinity of the landing approach.~~

~~(4) Uses consistent with the Master Airport Plan adopted by the city.~~

SECTION 8. Section 10.352 of the Medford Code is amended to read as follows:

~~10.352 Conditional Uses—Airport Radar Overlay District, A-R.~~

~~Any use listed as conditional in the underlying zoning district.~~

- A. Purpose of the A-R Overlay. The purpose of the A-R Overlay is to ensure that development within close proximity to the radar facility does not interfere with the performance of the radar and thus affect airport operations.
- B. Location of the A-R Overlay. The Airport Radar Overlay is shown on the official zoning map of the City of Medford.
- C. Height Restriction in the A-R Overlay. No structure, construction equipment, vegetation, electrical transmission lines or any other object shall exceed 40 feet in height.

SECTION 9. Section 10.353 of the Medford Code is hereby repealed:

~~10.353- Prohibited Uses:~~

~~The following uses are prohibited within the A-A District:~~

- ~~(1) Places of public assembly such as churches and schools.~~
- ~~(2) Any use or building material that results in glare in the eyes of the pilots using the airport.~~
- ~~(3) Any use which makes it difficult for the pilots to distinguish between airport lights and other lights.~~
- ~~(4) Any use that produces smoke, dust, steam or any other substance that would impair visibility in the vicinity of the airport.~~
- ~~(5) Any use which creates electrical interference with navigational signals or radio communications between the airport and aircraft.~~
- ~~(6) Any use which would create a bird strike hazard.~~
- ~~(7) Any other use that would endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.~~

SECTION 10. Section 10.354 of the Medford Code is hereby repealed:

~~10.354- Height Regulations:~~

~~No structure, construction equipment, vegetation, electrical transmission lines or any other object shall be allowed to be constructed so as to penetrate the airport approach slopes defined in the Federal Aviation Regulations, Part 77.~~

SECTION 11. Section 10.355 of the Medford Code is amended to read as follows:

~~10.355- Airport Radar Overlay- Airport Area of Concern Overlay District, A-C.~~

~~The purpose of this district is to ensure that development within close proximity to the radar facility does not interfere with the performance of the radar and thus affect airport operations. The boundary of the overlay area is defined on the official zoning map of the City of Medford.~~

~~(1)- Height Restriction:~~

~~No structure, construction equipment, vegetation, electrical transmission lines or any other object~~

~~///~~

~~///~~

~~///~~

~~///~~

~~shall be allowed to exceed forty (40) feet in height.~~

~~(2) FAA Review:~~

~~All construction within this area shall be reviewed and approved by the FAA prior to development.~~

A. Purpose of the A-C: The Airport Area of Concern is intended to reduce risks to aircraft operations and land uses within close proximity to the airport. This is accomplished by forwarding land use applications located within the A-C to the Federal Aviation Administration (FAA), Oregon Department of Aviation (ODA) and/or the airport for review as referral agencies. These agencies shall submit comments to the Planning Department if further action is necessary regarding the proposed land use.

B. Location of the A-C: The Area of Concern is a Zoning Overlay shown on the official zoning map of the City of Medford, and is defined by Federal Aviation Regulations (FAR, Part 77, OAR 660-013, and OAR 738-070) as being lands, waters and airspace, or portions thereof comprising the civil airport imaginary surfaces.

SECTION 12. Section 10.358 of the Medford Code is amended to read as follows:

10.358 Central Business District, C-B.

SECTION 13. Section 10.360 of the Medford Code is amended to read as follows:

10.360 Exclusive Agricultural Overlay District, E-A.

SECTION 14. Section 10.365 of the Medford Code is amended to read as follows:

10.365 Freeway Overlay District.

SECTION 15. Section 10.410 of the Medford Code is amended to read as follows:

10.410 Downtown Parking Administrative Mapping Category.

SECTION 16. Section 10.411 of the Medford Code is amended to read as follows:

10.411 Limited Service Administrative Mapping Category.

SECTION 17. Section 10.414 of the Medford Code is added to read as follows:

10.414 Airport Fence Line.

A. Purpose: For mapping of airport property that is not intended for public use.

B. Applicability: Airport accessory structures to be located within the secured fence area

shall be exempt from development permit per Section 10.031(C)(11).

PASSED by the Council and signed by me in authentication of its passage this 3 day of March, 2016.

ATTEST: Karen M. Speers
City Recorder

APPROVED March 3, 2016

[Signature]
Mayor
[Signature]
Mayor

NOTE: Matter in bold 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.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No:

www.ci.medford.or.us

DEPARTMENT:	Planning Department	AGENDA SECTION:	[City Recorder will complete]
PHONE:	(541) 774-2380	MEETING DATE:	March 3, 2016
STAFF CONTACT:	James E. Huber, AICP, Planning Director		

COUNCIL BILL 2016-[]

[City Recorder will enter ordinance or resolution header written by Legal]

SUMMARY AND BACKGROUND

Zoning Map and Code amendments to align with the Airport's Master Plan Update. Both the Planning Commission and the Site Plan and Architectural Commission voted to recommend approval.
(ZC-13-079 / DCA-13-080)

PREVIOUS COUNCIL ACTIONS

Council adopted the Airport Master Plan Update on February 4, 2016.

ANALYSIS

These amendments serve to update Medford's Zoning Map and Land Development Code to reflect the airport's 2013 Master Plan Update, including the addition of a new notification area called the Airport Area of Concern, changes to the Airport Approach Overlay boundary, as well as the removal of site plan review for structures within the airport's fenced area.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

STRATEGIC PLAN

Theme: Quality Public Services

Goal 9: Provide a safe, multi-modal, efficient and well-planned transportation system.

Objective 9.4: Efficient, safe, and competitive movement of people and goods to and from the Rogue Valley International-Medford Airport.

Action 9.4a: Amend the Comprehensive Plan and Land Development Code to support the Airport Master Plan.

COUNCIL OPTIONS

Approve, modify or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance amending the Zoning Map and Code to reflect the airport's 2013 Master Plan Update.

EXHIBITS

Ordinance

Commission Report dated February 9, 2016



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

COMMISSION REPORT

to City Council for a Class-A legislative decision: Zoning Map and Development Code Amendments

Project Updating Zoning Map and Development Code Based on Airport's Master Plan Update

File no. ZC-13-079 / DCA-13-080

To Mayor and City Council *for 3/3/2016 hearing*

From Praline McCormack, Planner II, Long-Range Planning

Reviewer John Adam, Principal Planner, Long-Range Planning

Date February 9, 2016

BACKGROUND

Proposal

A legislative amendment to Medford's Zoning Map and Land Development Code updating the boundaries of the Airport Approach Overlay, adding the Airport's fence line, adding a new zoning overlay, a notification area called the Airport Area of Concern, and removal of the requirement for site plan review for structures within the airport's fenced area.

History

Completed in February 2013, the Update received approval from the Federal Aviation Administration (FAA) in March 2013. The 2014–2019 City of Medford Strategic Plan directs Planning "to amend the Comprehensive Plan and Land Development Code to support the Airport Master Plan" (Goal 9, Objective 9.4, Action 9.4a). The proposed amendments will meet this directive.

The Planning Commission reviewed these amendments during a study session in March 2015. There was a delay to obtain necessary map data before proceeding. The Planning Commission held a hearing on January 14, 2016 and voted 8-0 to recommend adoption of the amendments as proposed.

The Site Plan and Architectural Commission reviewed these amendments at a public hearing on February 5, 2016. After a thorough discussion regarding the proposal to exempt buildings inside the security fence from Site Plan review, they voted 7-0 to recommend their support for the code amendment.

Authority

These proposed land use actions are Class A legislative amendments of the Zoning Map and Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the Zoning Map and Chapter 10 under Medford Municipal Code Sections 10.102–122, 10.164, and 10.184.

ANALYSIS

Following is a summary of the substantive changes proposed in this amendment:

1. Revising the Airport Approach Overlay's boundaries. The east and west extensions of the Overlay have been modified to reflect the recent decommissioning of the eastwest runway (see Exhibit B).
2. Exempting airport accessory structures from the development permit requirement. The exempt structures would be located within the secured fence area and would not be intended for public use. In order to administer this new provision, this amendment includes the addition of the airport fence line to the Zoning Map as an administrative mapping category (see Exhibit C).
3. Creating a new Zoning Overlay called the Airport Area of Concern (see Exhibit D). Within this area, which encompasses most of the City, a request for comment will be sent to airport authorities (Federal Aviation Administration and Oregon Department of Aviation) for all code amendments, conditional use permits, exceptions, PUDs, land divisions/partitions, site plan review and transportation facilities proposed within or abutting the Area of Concern. Airport authorities will review the proposal to determine if it constitutes a hazard or obstruction to air space. Airport authorities may recommend, if warranted, an aviation easement, deed declaration, noise abatement strategies, and/or hazard mitigation measures such as lighting.
4. Revising the Airport Approach and Airport Radar Overlays. Language has been updated per OAR 660-013.

Note: To further clarify the justification for exempting airport accessory structures from land use review/development permit requirements, it is staff's opinion that the circumstances of these structures warrant the exemption. For example, they are not visible from public rights-of-way, and they do not include landscaping, parking, streets or circulation. Therefore, the land use review/development permit requirement adds an unnecessary regulation for structures within the airport's fenced area.

RECOMMENDATION

The Planning Commission recommends adopting the proposed amendments based on the analyses, findings, and conclusions in the Commission Report dated February 9, 2016, including Exhibits A through H.

EXHIBITS

- A Findings and Conclusions
- B Proposed amendment
- C Map: Airport Approach (AA) & Runway Protection Zone
- D Map: Airport Fence
- E Map: Area of Concern (A-C) – Airport Notify Area
- F Minutes, Planning Commission Study Session, March 23, 2015
- G Minutes, Planning Commission Hearing, January 14, 2016
- H Draft Minutes, Site Plan and Architectural Commission Hearing, February 5, 2016

CITY COUNCIL AGENDA:

FEBRUARY 4, 2016

Exhibit A

Findings and Conclusions

The criteria that apply to Major Zoning Map and Land Development Code amendments can be found in Medford Municipal Code Section 10.184(2). The criteria are rendered in italics; findings and conclusions in roman type.

Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

10.184 (2) (a). Explanation of the public benefit of the amendment.

Findings

The proposed amendments to the airport overlay zoning districts and the standards associated with them serve to reduce risks to both aircraft and persons/property. The mapping amendments update the City's Zoning Map to reflect current airport-related boundaries.

Conclusions

The proposed amendments update Medford's Code and mapping to match the airport's Master Plan Update and the Oregon Administrative Rules (OARs).

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

1. *Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.*

Findings

The following goal is from the Environmental Element.

Goal 12: To protect the citizens of Medford from the potential damage caused by hazards such as flooding, earthquakes, noise, wildfires, and airport hazards.

The following implementation strategies are from the Transportation System Plan Element, Air Transportation.

Implementation 6-A(1): Encourage the Jackson County Airport Authority to coordinate implementation of the Rogue Valley International-Medford Airport Master Plan, and any updates, with the City.

Implementation 6-A(4): Prepare for consideration by the City Council, amendments to the Medford Comprehensive Plan that include the maps and information required by OAR 660-013 "Airport Planning". If the airport sponsor does

not provide the economic and use forecast information required by the OAR, the City may limit the airport boundary to areas currently devoted to the airport uses described in the OAR.

Implementation 6-A(5): Prepare for consideration by the City Council ordinances to carry out the requirements of OAR 660-013 "Airport Planning", which require an Airport Safety Overlay Zone to promote aviation safety, if the currently adopted Airport Approach (A-A) and Airport Road (A-R) Overlay Zoning Districts are not in compliance.

Implementation 6-A(6): Prepare for consideration by the City Council ordinances to carry out the requirements of OAR 660-013 "Airport Planning" regarding airport compatibility, consistent with applicable statewide planning requirements.

Conclusions

The proposed amendments satisfy the environmental element goal and the air transportation implementation strategies.

2. *Comments from applicable referral agencies regarding applicable statutes or regulations.*

Findings

No comments were received.

Conclusions

This criterion does not apply.

3. *Public comments.*

Findings

No comments were received.

Conclusions

This criterion does not apply.

4. *Applicable governmental agreements*

Findings

None.

Conclusions

This criterion does not apply.

Exhibit B

Proposed amendment

Deleted text is ~~struck through~~; added text is **bold**.

Chapter 10, Table of Contents

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OVERLAY DISTRICTS (10.345 - 10.407)

10.345	Purpose of Overlay Districts
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10.350	Application of Airport Approach Provisions
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• • •

ADMINISTRATIVE MAPPING CATEGORIES (10.409 – 10.413)

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10.413	Restricted Zoning Administrative Mapping Category
10.414	Airport Fence Line

* • •

ARTICLE I

* * *

10.031 Exemptions from the Development Permit Requirement.

A. An exemption from the development permit requirement does not exempt the use or development from compliance with the applicable standards of this chapter, including but not limited to access, parking, riparian protection, and landscaping.

* * *

C. The following uses or developments do not require a development permit.

* * *

(11) Airport accessory structure(s) including hangars, aircraft storage, maintenance facilities, warehouse storage, and office buildings to be located on airport property within the secured fence area (as shown on the Medford Zoning Map) not intended for public use.

* * *

ARTICLE II

10.146 Referral Agencies, Distribution.

This Chapter employs the use of referral agencies for the review of those plan authorizations indicated below, as shown on the Schedule which follows:

- A. Major Comprehensive Plan Amendment
- B. Land Development Code Amendment
- C. Minor Comprehensive Plan Amendment
- D. Annexation, except as provided in Section 10.199
- E. Vacation
- F. Zone Change, Major and Minor
- G. Conditional Use Permit
- H. Exception
- I. Planned Unit Development
- J. Land Division
- K. Site Plan and Architectural Review
- L. Transportation Facility Development
- M. Historic Review
- N. Administrative (Class D) Plan Authorizations

Numerical references in the Schedule refer to the following:

- 1. When the proposal is within, abutting, or affecting the referral agency's jurisdiction.
- 2. When the proposal is within, or abutting the Airport Approach or Airport Radar Overlay Districts Area of Concern.

3. When the proposal includes new buildings or building additions that are within the referral agency's jurisdiction.
4. When the proposal is within the Southeast Overlay District and in a Parks or Schools land use category on the Southeast Plan Map.
5. When the proposal is within or abutting a Greenway General Land Use Plan Map designation.

Referral agencies may be asked to review certain proposals not indicated on the Schedule if, in the judgment of the Planning Director, the agency may have an interest in the proposal. Additional referral agencies may be notified at the discretion of the Planning Director.

SCHEDULE OF REFERRAL AGENCY DISTRIBUTION

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
CITY DEPTS.														
Building Safety	X	X	X	X	X	X	X	X	X	X	X		X	X
City Attorney	X	X	X	X	X	X	X	X	X	X	X	X	X	
City Manager	X	X	X	X										
Engineering Division	X	X	X	X	X	X	3		X	X	X	X	X	
Fire	X	X	X	X	X	X	3		X	X	X		X	X
Parks & Recreation	X	X	X	X	X	X	3		X	X	X		X	
Parks Director	4	4	4	4	4	4	4	4	4	4	4	4	4	
Planning	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Police	X		X	X	X	X			X	X	X		X	X
Public Works	X	X	X	X	X	X	3		X	X	X		X	X
AGENCIES														
Water Commission	X	X	X	X	X	X	3		X	X	X	X	X	
Army Corps of Engineers							5	5	5	5	5	5		
Landmarks & Historic Preservation Commission	1	1	1		1	1	1	1	1	1	1	1		
Cable Television Co.			X	X	X	X	3		X	X	X		X	
City of Central Point	1	1	1	1	1	1	1	1	1	1	1	1		
City of Phoenix	1	1	1	1	1	1	1	1	1	1	1	1		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
Dept. of Land Conservation & Development	X	X	X											
Dept. of State Lands							5	5	5	5	5	5		
Federal Aviation Administration		2					2	2	2	2	2	2		2
Garbage Company				X	X									
Jackson Co. Health Dept				X						X				
Jackson Co. Planning	X	X	X					1	1		1			
Medford Irrigation District	1		1	1	1		3		1	1				
Natural Gas Company			X	X	X	X	3		X	X	X	X	X	
Oregon Dept. of Aviation		2					2	2	2	2	2	2		2
Oregon Dept. of Fish & Wildlife							5	5	5	5	5	5		
Oregon Dept. of Transportation	X		1	1		1	3		1	1	1	1		
Power Company			X	X	X	X	3		X	X	X	X	X	
Rogue River Valley Irrigation District	1		1	1	1		3		1	1				
Rogue ValleyV-- Medford Airport	1	1	1			1	2	2	2	2	2	2		2
Rogue Valley Sewer Services	1		1	1	1	1	3		1	1	1		1	
Rogue Valley Transportation District	X		1	1	1	X	3		1	1	X	X	X	
Medford 549C Schools Superintendent	1		1	1		1	3		1	1				
Phoenix-Talent Schools Superintendent	4	4	4	4	4	4	4	4	4	4	4	4		
Telephone Company			X	X	X	X	3		X	X	X	X	X	
U. S. Post Office									X	X	X	X	X	
Urban Renewal Agency			1		1	1	1	1	1	1	1	1	1	
Water Districts	1		1	1		1			1	1				

* * *

ARTICLE III

10.300 Establishment of Zoning Districts.

This Code separates the city into three ~~(3)~~ basic use classifications, ~~sixteen (16)~~ zoning districts, ~~eight (8)~~ overlay districts, and ~~four (4)~~ administrative mapping categories as follows:

IA. RESIDENTIAL

(a) SFR-00	Single-Family Residential	-	(1 dwelling unit per existing lot)
(b) SFR-2	Single-Family Residential	-	(2 dwelling units per gross acre)
(c) SFR-4	Single-Family Residential	-	(4 dwelling units per gross acre)
(d) SFR-6	Single-Family Residential	-	(6 dwelling units per gross acre)
(e) SFR-10	Single-Family Residential	-	(10 dwelling units per gross acre)
(f) MFR-15	Multiple-Family Residential	-	(15 dwelling units per gross acre)
(g) MFR-20	Multiple-Family Residential	-	(20 dwelling units per gross acre)
(h) MFR-30	Multiple-Family Residential	-	(30 dwelling units per gross acre)

II.B. COMMERCIAL

(a) C-S/P	Commercial, Service and Professional Office
(b) C-N	Commercial, Neighborhood
(c) C-C	Commercial, Community
(d) C-R	Commercial, Regional
(e) C-H	Commercial, Heavy

IIIC. INDUSTRIAL

(a) I-L	Industrial, Light
(b) I-G	Industrial, General
(c) I-H	Industrial, Heavy

IV.D. OVERLAY DISTRICTS

(a) I-00	Limited Industrial
(b) A-A	Airport Approach
(c) A-R	Airport Radar
(d) A-C	Airport Area of Concern
(e) C-B	Central Business
(f) E-A	Exclusive Agriculture
(g) F	Freeway
(h) S-E	Southeast
(i) H	Historic
(j) F-Freeway	
(k) A-R-Airport Radar	
(l) S-E-Southeast	

VE. ADMINISTRATIVE MAPPING CATEGORIES

- ~~(a) Downtown Parking~~
- ~~(b) Limited Service~~
- ~~(c) P-D Planned Unit Development~~
- ~~(d) R-Z Restricted Zoning~~
- ~~(e) Airport Fence Line~~

* * *

10.349 Airport Approach Overlay District, A-A.

A. Purpose of the A-A Overlay. The purpose of this overlay district is to minimize the nuisance effects of the airport on its surroundings, to minimize the restrictions placed upon the airport operations by surrounding development, to reduce or eliminate incompatible land use development which may jeopardize the present and future operations of the airport functions. It is also the purpose of this district to recognize that the continued residential development adjacent to the airport reduces the livability of the area and adversely impacts the health, safety, and welfare of the residents. It is further recognized that certain categories of land use development are most appropriate and compatible with the airport development, reduce risks to aircraft operations as well as risks of damage or injury to persons or property on the ground near the airport. This is accomplished by limiting land uses that could create hazardous conditions, and limiting building height and density of development. A use in the A-A Overlay is considered compatible if the use does not create a bird attractant, distracting light, glare, smoke, or electrical interference. Impact from airport noise is another factor to consider in terms of compatible uses. The A-A Overlay includes an area called the Runway Protection Zone (RPZ).

B. Location of A-A Overlay. The Airport Approach is shown on the official zoning map of the City of Medford, and is defined by Federal Aviation Regulations (FAR, Part 77, OAR 660-013, and OAR 738-070). The Airport Approach District shall be described as follows:

~~1) Main Runway: an area extending 5000 feet beyond each end of the primary surface and 1250 feet laterally from the centerline of the main runway.~~

C. 10.350 Application of Airport Approach A-A Provisions. The A-A designation shall overlay a basic zoning district. If any conflict in the regulation or procedure occurs with between the basic zoning district and the A-A Overlay, the provisions of the Airport Approach A-A Overlay District shall govern.

~~Other required conditions:~~

~~(1) The Site Plan and Architectural Commission shall consider the purpose and objectives of the A-A District when reviewing projects located wholly or partially within the A-A District and otherwise subject to their review and approval.~~

- D. **Noise Impacts and Compatible Land Uses in the A-A Overlay.** The airport's "severe" noise impact area (70 DNL¹ and above), as illustrated in the Airport Master Plan Update, is intended to be airport property only. The "substantial" noise impact area (65-70 DNL) is an area where residential development is incompatible due to noise impacts. If public institutions are built within the substantial noise impact area, measures should be taken to reduce noise levels. Most land uses are compatible in areas impacted by noise levels less than 65 DNL.
- E. **~~10.351~~ Permitted Uses in the A-A Overlay.** Uses in the A-A Overlay are limited in order to prevent hazardous conditions as described in subsection (A) above. The following uses are permitted within the A-A Overlay District:
- (1) Uses Permitted in the underlying zoning district.
 - (2) Open land uses such as cemeteries, ~~reservoirs~~, sod farming, truck farming, other vegetable and plant crop cultivation, landscape nursery, golf ~~courses~~, riding academies, picnic area, botanical gardens, paths or recreation areas.
 - (3) Roadways, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, or result in glare or in any other way impair visibility in the vicinity of the landing approach.
 - (4) Customary and usual aviation- and emergency-related activities including but not limited to takeoffs, landings, aircraft hangars, tie-downs, construction and maintenance of airport facilities, fixed-base operator facilities, flight instruction, law enforcement, emergency medical flights, firefighting activities and other activities incidental to the normal operation of an airport.
 - ~~(4) Uses consistent with the Master Airport Plan adopted by the city.~~
- F. **~~10.352~~ Conditional Uses in the A-A Overlay.** Any use listed as conditional in the underlying ~~zoning district~~ zone.
- G. **~~10.353~~ Prohibited Uses in the A-A Overlay.** The following uses are prohibited within the A-A Overlay District:
- (1) Places of public assembly such as churches, ~~and~~ schools, conference/convention centers, employment/shopping centers, arenas, athletic fields, stadiums, club houses, or museums.
 - (2) High-density residential development.
 - (3) New residential development within the Runway Protection Zone.
 - (4) Water treatment plants, mining, water impoundments or wetland mitigation.
 - (5) Golf courses (unless the applicant can demonstrate that management techniques will be used to reduce existing wild fowl attractants and avoid the creation of new wildlife attractants).

¹ DNL = Day-night average sound level.

- (62) Any use or building material that results in glare in the eyes of the pilots using the airport (such as flat roofs that retain water, reflecting ponds, sloped glazing, use of glass on roofs, skylights, parking lots not shielded with trees, high rib metal roofing with high gloss finish, east/west facing storefronts).
- (73) Any use which makes it difficult for the pilots to distinguish between airport lights and other lights.
- (84) Any use that produces smoke, dust, steam or any other substance that would impair visibility in the vicinity of the airport would cause emissions of smoke, dust or steam that would obscure visibility within the airport approach corridor (unless the applicant can demonstrate that mitigation measures will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level).
- (95) Any use which creates electrical interference with navigational signals or radio communications between the airport and aircraft.
- (106) Any use which would create a bird strike hazard (such as water treatment plants, golf courses, sanitary landfills, water impoundments, sewage lagoons, sewage sludge disposal facilities) if within 10,000 feet from any airport runway.
- (11) Flashing, blinking signs or any lighting projected upward. Lighting shall incorporate shielding in their designs to reflect light away from airport surfaces.
- (712) Any other use that would endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

~~10.354~~ H. Height Regulations in the A-A Overlay.

Building height is limited in the A-A Overlay in order to protect airspace, and instrument approach altitudes. No structure, construction equipment, vegetation, electrical transmission lines or any other object shall be allowed to be constructed so as to penetrate the airport Approach Slopes defined Surface as defined in the Federal Aviation Regulations, Part 77.19.

~~10.3525~~ Airport Radar Overlay District, A-R.

- A. Purpose of the A-R Overlay. The purpose of ~~this~~ the A-R Overlay district is to ensure that development within close proximity to the radar facility does not interfere with the performance of the radar and thus affect airport operations.
- B. Location of the A-R Overlay. The Airport Radar Overlay is shown on the official zoning map of the City of Medford. ~~The boundary of the overlay area is defined on the official zoning map of the City of Medford.~~
- ~~(2)C.~~ Height Restriction in the A-R Overlay. No structure, construction equipment, vegetation, electrical transmission lines or any other object shall be allowed to exceed ~~forty (40)~~ feet in height.
- ~~(2) FAA Review~~ All construction within this area shall be reviewed and approved by the FAA prior to development.

* * *

10.355 Airport Area of Concern Overlay District, A-C.

- A. Purpose of the A-C:** The Airport Area of Concern is intended to reduce risks to aircraft operations and land uses within close proximity to the airport. This is accomplished by forwarding land use applications located within the A-C to the Federal Aviation Administration (FAA), Oregon Department of Aviation (ODA) and/or the airport for review as referral agencies. These agencies shall submit comments to the Planning Department if further action is necessary regarding the proposed land use.
- B. Location of the A-C:** The Area of Concern is a Zoning Overlay shown on the official zoning map of the City of Medford, and is defined by Federal Aviation Regulations (FAR, Part 77, OAR 660-013, and OAR 738-070) as being lands, waters and airspace, or portions thereof comprising the civil airport imaginary surfaces.

* * *

10.414 Airport Fence Line.

- A. Purpose:** For mapping of airport property that is not intended for public use.
- B. Applicability:** Airport accessory structures to be located within the secured fence area shall be exempt from development permit per Section 10.031(C)(11).

Exhibit C

Map: Airport Approach Overlay and Runway Protection Zone Overlay

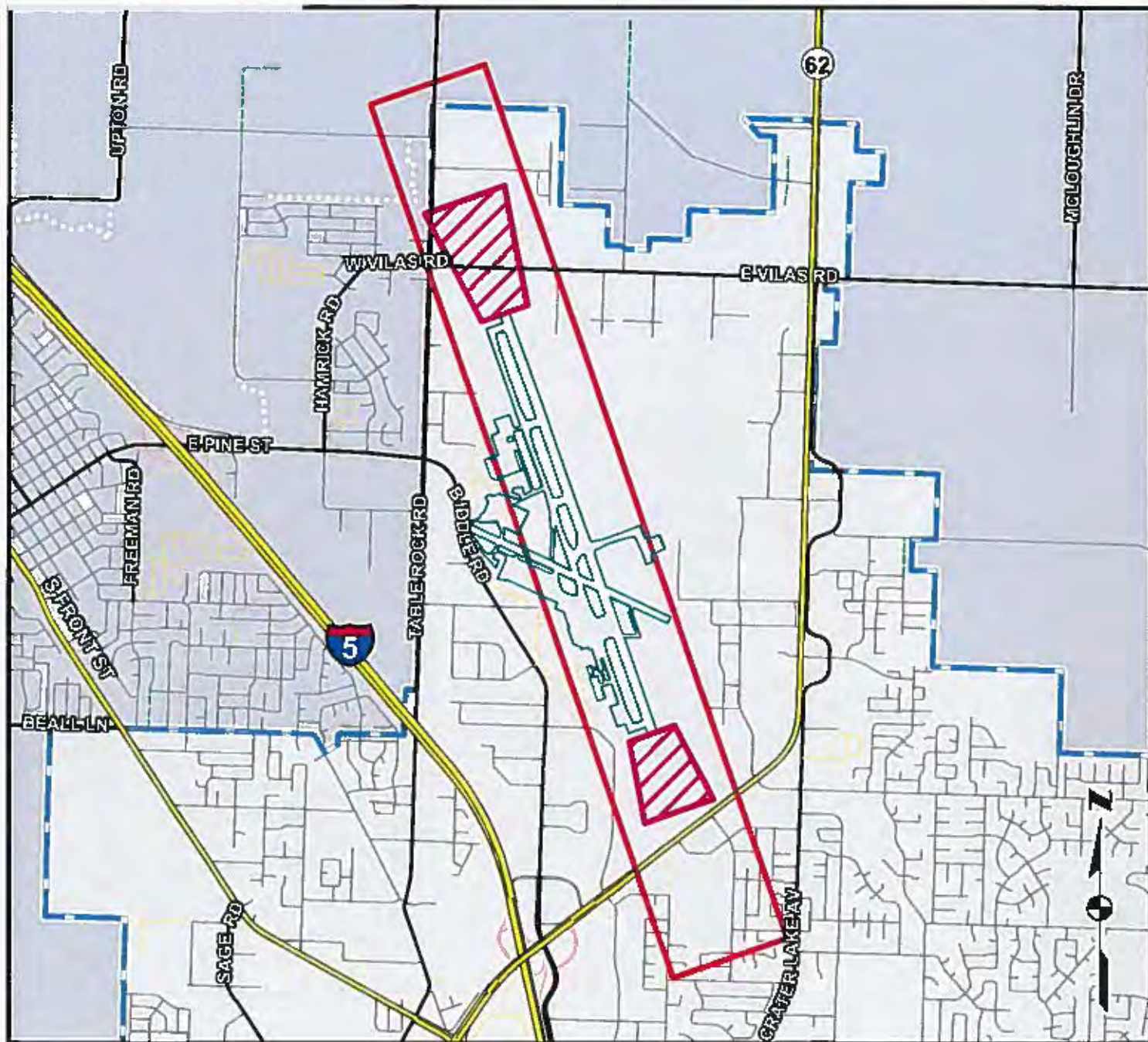
[cover sheet]



Airport Master Plan Update

Airport Approach (AA) & Runway Protection Zone (RPZ)

ZC-13-079



LEGEND

- Airport Approach (AA)
- Runway Protection Zone (RPZ)
- Airport Runways
- Medford UGB
- Central Point UGB

0 0.25 0.5
Miles

Medford UGB with Wards



CITY OF MEDFORD

EXHIBIT # C

File # ZC-13-079 / DCA-13-080

12/30/2015

Exhibit D

Map: Airport Fence

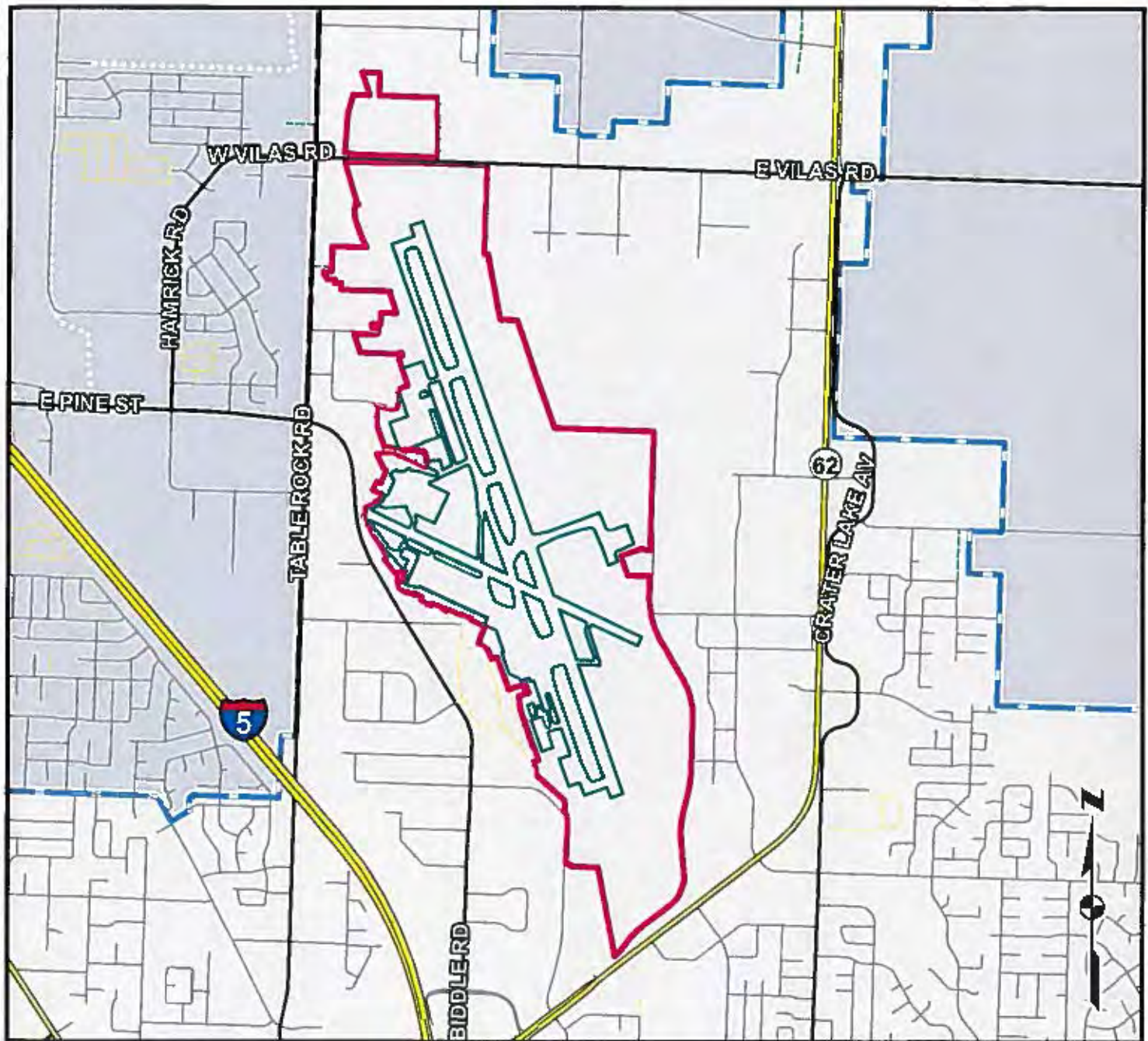
[cover sheet]



Airport Master Plan Update

Airport Fence

ZC-13-079



LEGEND

- Airport Fence
- Airport Runways
- Medford UGB
- Central Point UGB

0 0.25 0.5
Mile

12/31/2015

Medford UGB with Wards



CITY OF MEDFORD

EXHIBIT # D

File # ZC-13-079/DCA-13-080

Exhibit E

Map: Area of Concern (airport notification area)

[cover sheet]

File # 2C-13-079/LDCA 13-080

Exhibit F

Minutes, Planning Commission study session, 3-23-2015

[excerpt]

1. DCA-13-080/ZC-13-079 – A-A/A-R Overlays Code Amendment
2. CP-13-076/CP-13-077/CP-13-078 – Airport Master Plan Adoption

John Adam, Senior Planner, reported that the airport has developed a new master plan and typically the City adopts the master plan and elements into the Comprehensive Plan by reference. The other item for discussion is beekeeping. A citizen petitioned beekeeping to the City Council for the Planning Department for a Code amendment.

Carla Paladino, Planner III, stated that the City will adopt the airports new master plan by reference into the City's Comprehensive Plan. Also, making adjustments to the development code related to the overlays (i.e. airport approach, airport radar and a new mapping category called the airport area of concern). In addition there will be zone map amendments. The General Land Use Plan Map shows the majority of the airport under the "Airport" map designation. There is outlying property owned by the County with different General Land Use Plan Map designations that will be changed from the current designation to the Airport designation. The Airport Master Plan's focus is the aviation facility and its surroundings along with meeting future demand needs.

There are three elements that will be amended in the Comprehensive Plan to incorporate the new airport update: 1) Environmental Element (aviation easements, deed restrictions and noise abatement); 2) Transportation Element; and Transportation System Plan.

The Development Code amendments would affect sections:

- 10.031 – Exemptions
- 10.146 – Referral Agencies
- 10.300 – Zoning Districts
- 10.349 – Airport Approach (application requirements)
- 10.350 – Airport Radar Overlay
- 10.414 – Airport Area of Concern (NEW) (application requirements)

Chair McFadden asked if developments outside the airports fence would still come before the City? Ms. Paladino replied yes.

Chair McFadden asked if has reviewed the tall sign ordinance such as freeway signs, etc. that there are no existing conflicts with the airport master plan update?

The City's text changes were provided to the airport. Maps were not included. Staff received positive feedback from Bern Case, Airport Director. He agrees with the changes including aviation easements and the noise abatement changes.

Staff's next step is to update the maps and make sure the airport concurs with those changes. There is a scheduled hearing before the Planning Commission on Thursday, April 23, 2015. It will be presented to the City Council in June.

Exhibit G

Minutes, Planning Commission hearing, 1-14-2016

[excerpt]

50. Public Hearings – New Business

50.1 CP-13-076 / CP-13-077 Consideration of a Class A legislative amendment to revise the Transportation System Plan, the Environmental Element, and the Transportation Element of the Comprehensive Plan and incorporate and adopt by reference the 2013 Rogue Valley International-Medford Airport Master Plan. (City of Medford, Applicant)

Carla Paladino, Planner IV, reviewed the proposal, read criteria 10.184 (1), presented background information and gave a staff report.

The public hearing was opened.

Chair McFadden congratulated Mr. Bern Case for reaching a new service high.

a. Bern Case, Rogue Valley International-Medford Airport, 1000 Terminal Loop Parkway, Medford, Oregon, 97504. Mr. Case reported that it has been a tremendous year. Mr. Case reported that master plans are very important to an airport. Mr. Case expressed his appreciation for the work that City staff has done.

The public hearing was closed.

Motion: Based on the findings and conclusions that all of the applicable criteria are either satisfied or not applicable, the Planning Commission forwards a favorable recommendation for approval of CP-13-076 and CP-13-077 to the City Council per the staff report dated January 7, 2016, including Exhibits A through F.

Moved by: Vice Chair Miranda

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 8-0.

50.2 ZC-13-079 / DCA-13-080 An ordinance amending the Medford Zoning Map to update the Airport Approach boundary, add the airport fence line, and create a new Overlay District called the Airport Area of Concern. (City of Medford, Applicant)

Praline McCormack, Planner II, reviewed the proposal, history, read the approval criteria reviewed the findings and gave a staff report.

Commissioner Fincher asked why is the the Area of Concern overlay such a large area? Ms. McCormack replied that is what the airport has created. Their concern would be with tall structures within the overlay.

Commissioner Fincher asked what are some of the things the airport is looking for in the review process? Ms. McCormack stated that it mainly has to do with height of structures, glass or other reflective surfaces. They will not request changes in the structure but require a noise or avigation easement or some kind of mitigation such as red lights on the structure where airplanes can see the structure.

Chair McFadden asked does staff feel that the City is protected from structures within the properties that may affect properties outside the airport? Is it strictly building and structure, signage and lights or noise? Ms. McCormack replied that it is building structures that would normally go through Site Plan and Architectural review. They usually do not have landscaping or parking requirements inside the fence line. It is a limited review.

The public hearing was opened.

a. Bern Case, Rogue Valley International-Medford Airport, 1000 Terminal Loop Parkway, Medford, Oregon, 97504. Mr. Case reported that there were concerns regarding the tower with signage a few years back. They do not look at this as a way to bypass the signage ordinance. He would not object to tweaking a word here or there if the Planning Commission wanted to do that. Very few buildings of consequence go inside the fence. There are some that are usually equipment buildings. The new Fire Station will probably be in between the two runways. The tower is inside the fence. The impact area is very big. The airport gets concerned with cell towers, glare and things that can create glare. They are more interested in areas at the end of the runways. They take a closer look if a structure is tall they like the ability to be able to refer them to the FAA to ask questions and usually it is to add a beacon unless there is something really out of place.

Mr. Huttl stated that he was not sure he understood Chair McFadden's question earlier regarding the review of buildings by the Site Plan and Architectural Commission within the airport overlay.

Chair McFadden reported that Mr. Case saw where he was going with the question such as what happens if a building gets a large sign or the height of a structure inside the security fence. It is amazing how many items can be looked at sometimes have to be mitigated in terms of their effects on surrounding areas. If there was something on the airport property that affects something off the airport property, unless the airport brings it before the City there would be no other way to handle it.

Mr. Huttl asked staff if these changes to the airport overlay intend to relieve all airport construction from Site Plan and Architectural review? Ms. McCormack reported that on

pages 129 and 130 of the January 5, 2016, staff report Section 10.031 Exemptions from the Development Permit Requirement item (11) language has been added that addresses this issue.

Mr. HuttI asked what policy this is carrying out for the City? Ms. McCormack reported that the structures that will be exempt from site plan review are structures not intended for public use, they do not include landscaping circulation, or streets. It is staff's opinion that they do not require a review. Mr. HuttI asked if they would be viewable by the public? Ms. McCormack stated they will not be used by the public. They are basic standard buildings. They will still have to get building permits.

The public hearing was closed.

Motion: The Planning Commission adopts the amendments and recommends approval to the City Council per the staff report dated January 5, 2016, including Exhibits A through D.

Moved by: Vice Chair Miranda

Seconded by: Commissioner Mansfield

Roll Call Vote: Motion passed, 8-0.

Exhibit H

Minutes, Site Plan and Architectural Commission hearing, 2-5-2016

[excerpt]

80. New Business.

80.1 DCA-13-080 Airport Revisions – §10.031

John Adam, Principal Planner, gave a staff report and slideshow presentation on the proposed exemption from the development permit requirement for buildings inside the airport security fence, saying this item had already gone through the Planning Commission for recommendation to City Council.

Commissioner Whitlock asked if staff was comfortable with the “public use” reference in the proposal. He said he struggled at the last meeting with a reference to an “office building” in the list of structures and said it’s hard to imagine there isn’t some public use of an office building.

Mr. Adam responded that he didn’t know what nature of office building might go in there but it would seem that somebody who wanted regular visitors, that didn’t need to go through TSA screening, would probably not locate there.

Commissioner Whitlock stated he wasn’t sure what the term “public use” really meant and said he couldn’t find a definition for it in City code. Mr. Adam replied that in this case they would be relying on native wisdom to interpret that. He noted they could change the term to “general public use” which might be more illustrative. He said he could work with the legal department on an appropriate term.

Commissioner Whitlock stated he wanted to make certain that City Council is aware of ambiguities and other potential issues that might be related to those ambiguities. He commented it would be a good idea to make sure staff and the City Attorney’s office are comfortable with that reference and make sure it’s specific enough to provide effective notice to the airport about what types of structures do, or don’t, need to be reviewed.

Commissioner Whitlock wanted to know what entity or public official would have decision-making authority for architectural issues at the airport. Mr. Adam replied that in most cases it would probably be the airport director. He added if there was ever a building that had a high public profile, then the Board of Commissioners would probably weigh in. He added in that case the building would be outside the exemption and not exempt. He noted that anything within is going to

be subject to FAA regulations and also whatever aesthetic bearing they can bring to a warehouse or new hangar.

Commissioner Catt asked for clarification that anybody who used an office building for general public use would have to be screened by TSA. Mr. Adam answered if someone goes through the security fence then yes, they would have to be screened.

Chair Bender commented it seemed in almost all cases there's little doubt that those buildings within the security line could be easily exempted. He said buildings that have both a public and an airport presence would be the buildings that might bear some scrutiny. Mr. Adam responded if a building was built across the line, and the security was within the building itself, they would probably have a deliberate public entrance for general use and fall outside the exemption.

Commissioner Catt stated he felt if a building had both a public use and an airport presence then this Commission should be involved in the review.

Motion: This Commission recommends that City Council approve the proposed addition of sub-paragraph (11) to City Code §10.031 sub-section C.

Moved by: Commissioner Whitlock Seconded by: Commissioner Chmelir

Discussion: Commissioner Whitlock reiterated his concerns about a large structure such as an airport maintenance facility that may not be intended for public use but simply used as a structure to house some sort of aviation-type activity and the aesthetic impact it could have. He said there seems to be a potential for some adverse impact. He added it might accomplish most of what the Planning Department wants to accomplish by simply having this Commission maintain jurisdiction and responsibility to review aesthetics and not the other issues. He noted there's going to be very little staff comment or much that staff can do about it.

Chair Bender stated he felt the language, as it's written, covers most all of the bases.

Commissioner D'Alessandro said he had passed along this Commission's comments from the last meeting to the Planning Commission. He said there had been some agreement from a few Planning Commissioner's to Commissioner Whitlock's concern with the ambiguity of the language.

Commissioner D'Alessandro commented that a larger safety area would be set up at the airport and most of the eastern area cannot be built upon with maybe the exception of the northeast area. He said there is obviously some risk but it's

very minimal if talking about existing structures versus building new structures inside the fence and what the exposure would be to potentials outside the fence. He clarified that the airport wanted to buy additional buffer property on the northeast portion.

Commissioner Whitlock asked if the airport were to change the fence boundary as a result of future expansion and additional purchases, would this proposed language remain effective to within the fence as it might be established in the future as opposed to as it exists currently. Mr. Adam answered yes; it's anything within the security fence so if the fence were to move, the language would follow it.

Commissioner Whitlock said he would like to amend his motion.

Proposed amendment to the original motion: This Commission further recommends that City Council modify the language of sub-paragraph (11) with text approved by the City Attorney's office providing that this Commission retain its authority and responsibility to review the aesthetic adequacy of development within the secured fence area at the airport.

Moved by: Commissioner Whitlock Seconded by: Commissioner Catt

Discussion: Commissioner Whitlock commented that if Bern Case were to live forever and make decisions at the airport, or even the current administration at the county, he wouldn't have any concerns, but it seemed to him that what's really being talked about is potentially moving goal posts if that fence area can be expanded and it's an airport and/or county decision. He added if we can minimize the impact on staff and simply have this Commission looking at architectural issues and aesthetic issues within the fence; if it's a small hanger he thought it would be a relatively simple approval this Commission could make; if it's a huge aircraft maintenance facility that could impact the neighboring properties to the west he could see fairly minimal impact in terms of staff work and this Commission, and a great benefit to those property owners to the west.

Commissioner Whitlock stated he felt it's appropriate to at least make City Council aware that this Commission has concerns about the expansion of that fence line at some point and the potential adverse impacts that may occur as a result of that expansion.

Chair Bender said that a great deal of the effort for these applications, even if it is merely talking about aesthetics, is the noticing requirements and everything else that happens to facilitate the public hearing and the time that is injected into the process was the bulk of staff's concern. Being able to take that off the ta-

ble was one of the many reasons from staff's perspective to put this language forth.

Kelly Akin, Principal Planner, confirmed that part of the intent of the proposed exemption is to reduce some of the processing time that's required.

Commissioner D'Alessandro stated he's not so concerned with what's inside the existing fence line but instead looking at a language change regarding how the fence sits now versus what it could potentially go out to in the future and having this Commission be able to weigh in at the point the fence line expands out.

Mr. Adam stated they might be able to put in some sort of trigger if there's a significant change.

Ms. Akin pointed out the language actually notes that the fence would be located on the City's zoning map which would require an action to amend that boundary. She said it would be like a zoning overlay.

Commissioner Whitlock commented that from his perspective the zone change would need to occur and the question would be whether someone would be attuned to the fact that it would impact effectively this Commission's jurisdiction to review. He said it seemed to him to be a fairly tenuous connection and likely to be missed by staff or the decision makers.

Commissioner Whitlock asked if the proposed amendment, which retains some jurisdiction for architectural review, would be of any assistance to staff in reducing workload or would it just leave it pretty much status quo even though some of the required review by this Commission would be removed. Mr. Adam answered the workload would remain the same with respect to noticing, setting up the times, and getting the meetings ready. He reiterated what Ms. Akin had said about the fence being located on the City's zoning map and if the airport expanded the fence in the future they would have to come back to the City. He said at that point it might open things up for the City to revisit the whole topic. Mr. Adam noted that staff thought a fellow public entity that has minimal impact could be saved some time as well with the exemption.

Commissioner Whitlock asked about the staff time that goes into providing articulate and excellent reports, and would the exception save staff time. Mr. Adam responded that in the grand scheme of things when it's all taken in collectively together, the time that's devoted to looking at circulation and interaction with the public right-of-way, that component of it is probably minimal. He stated if you separate out the circulation component and just retain the aesthetic component, then you've probably not saved anything at the end of the day.

After Commissioner Whitlock clarified both his motions, Commissioner Catt withdrew his second of the proposed amendment to the original motion. Mr. Catt stated that after hearing staff's report and not relieving them of any more duties, he felt if there were to be a re-zoning of the fence area, the application would automatically come back to this Commission. He said that solved his issue of aesthetics.

Vice Chair Quinn then seconded Commissioner Whitlock's proposed amendment to his original motion.

Proposed amendment to the original motion: This Commission further recommends that City Council modify the language of sub-paragraph (11) with text approved by the City Attorney's office providing that this Commission retain its authority and responsibility to review the aesthetic adequacy of development within the secured fence area at the airport.

Moved by: Commissioner Whitlock Seconded by: Vice Chair Quinn

Roll Call Vote: Motion failed, 2-5, with Commissioners Bender, Catt, Chmelir, D'Alessandro and Turner voting "no".

Original Motion: This Commission recommends that City Council approve the proposed addition of sub-paragraph (11) to City Code §10.031 sub-section C.

Moved by: Commissioner Whitlock Seconded by: Commissioner Chmelir

Commissioner D'Alessandro thanked Commissioner Whitlock for his thoughtfulness in this process and really looking at the future of the airport. He stated he felt the proposed language was enough to mitigate further risk for the most part. Chair Bender concurred with Commissioner D'Alessandro.

Roll Call Vote: Motion passed 7-0.