



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/05/2011

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 015-11

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: Wednesday, December 14, 2011

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: Praline McCormack, City of Medford
Angela Lazarean, DLCD Urban Planning Specialist

Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA



FORM 2

DLCD

Notice of Adoption

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

☐ In person ☐ electronic ☐ mailed

DEPT OF

NOV 28 2011

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Medford**

Local file number: **DCA-11-098**

Date of Adoption: **11/17/11**

Date Mailed: **11/23/11**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 8/12/11

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Consideration of a proposed Class "A" legislative amendment of the Medford Land Development Code to revise Section 10.1810 in Article VI to allow the control tower at the Rogue Valley International – Medford Airport to have additional special signage.

Does the Adoption differ from proposal? Yes, Please explain below:

Goal 12 is also applicable.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☐	☐	☐	☐	☒	☐	☐	☒	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 015-11 (18931) [16851]

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

Rogue Valley International – Medford Airport

Local Contact: **Praline McCormack, Planner II**

Phone: (541) 774-2380

Extension: 2397

Address: 200 S. Ivy Street, 2nd Floor
City: Medford Zip: Oregon
praline.mccormack@cityofmedford.org

Fax Number: 541-774-2564
E-mail Address:

ADOPTION SUBMITTAL REQUIREMENTS

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

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

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

Updated April 22, 2011

ORDINANCE NO. 2011-231

AN ORDINANCE deeming initiated and amending Section 10.1810 of the Medford Code pertaining to additional signage at the Rogue Valley International - Medford Airport.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.1810 of the Medford Code is amended to read as follows:

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

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

* * *

(5) Medford Air Traffic Control Tower Wall Signs: The Rogue Valley International – Medford Airport is permitted to have 675 square feet of signage on all four (4) sides of the Air Traffic Control Tower. If illuminated, these signs must be shielded in order to prevent glare. Electronic Message Signs are prohibited.

Findings

In support of this action, the Council finds this Code Amendment is deemed initiated and amended as set forth in the staff report of November 4, 2011 pages 3-6 and as further set forth in the testimony in favor of the action presented at the duly noticed Public Hearing of November 17, 2011. The Council considers the Planning Commission's vote not to initiate either as a negative recommendation or a non-recommendation.

PASSED by the Council and signed by me in authentication of its passage this 17 day of November, 2011.

ATTEST: Glenda Wilson
City Recorder

APPROVED November 18, 2011.

[Signature]
Mayor
[Signature]
Mayor

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

Councilmember Corcoran questioned the impact of the repayment of the funds to the Oregon Department of Transportation and Cory Crebbin, Public Works Director noted that the funds to be repaid will not affect the operational budget of the department and will simply come from the contingency.

Public hearing opened.

None

Public hearing closed.

Motion: Adopt the resolution.

Moved by: Bob Strosser

Seconded by: John Michaels

Roll Call: Councilmembers Bob Strosser, John Michaels, James Kuntz, Greg Jones, Dick Gordon, Al Densmore, Karen Blair and Chris Corcoran voting yes.

Resolution 2011-228 was duly adopted.

- 120.2 COUNCIL BILL 2011-229 An ordinance authorizing exemption from competitive bidding and awarding a contract in the amount of \$57,800 to Centric Elevator Corporation of Oregon to upgrade the City Hall north elevator.

Brian Sjothun, Parks & Recreation Director addressed the council and noted that this exemption will allow Centric Elevator to complete the work. The exemption is necessary due to the annual contract for service for the City of Medford elevators is with Centric Elevator and if another firm was authorized to do the upgrade work it would invalidate the existing maintenance contract.

Public hearing opened.

None

Public hearing closed.

Motion: Adopt the ordinance.

Moved by: John Michaels

Seconded by: Bob Strosser

Roll Call: Councilmembers John Michaels, Bob Strosser, Karen Blair, Chris Corcoran, Al Densmore, Dick Gordon, Greg Jones and James Kuntz voting yes.

Ordinance 2011-229 was duly approved.

- 120.3 COUNCIL BILL 2011-230 An ordinance authorizing exemption from competitive bidding and awarding a contract in the amount of \$62,192 to Johnson Controls for installation of an energy management control network at the Santo Community Center.

Brian Sjothun, Parks & Recreation Director addressed the council and provided a staff report. He noted that this exemption is requested due to the potential warranty violations by having another firm do the work.

Public hearing opened.

None

Public hearing closed.

Motion: Adopt the ordinance.

Moved by: Greg Jones

Seconded by: James Kuntz

Roll Call: Councilmembers Greg Jones, James Kuntz, John Michaels, Bob Strosser, Chris Corcoran, Karen Blair, Dick Gordon and Al Densmore voting yes.

Ordinance 2011-230 was duly adopted.



- 120.4 COUNCIL BILL 2011-231 An ordinance amending Section 10.1810 of the Medford Code pertaining to additional signage at the Rogue Valley International-Medford Airport. (DCA-11-098) (Land Use, Legislative)

Jim Huber, Planning Director addressed the council and provided a staff report. He noted that this is a text amendment of the Medford Code that would allow for additional signage at the Airport. He provided information regarding the approval criteria and noted that the Citizen's

Planning Advisory Committee unanimously voted to deny the amendment and the Planning Commission unanimously voted to not initiate the text amendment. He noted that staff is not forwarding a recommendation as this is a policy issue versus a land use decision.

Public hearing opened.

1. Bern Case, Airport Director, addressed the council and provided an overview of the request. He spoke to the work done by the staff to work through this issue and appreciation of the staff efforts. He noted the airport is an enterprise fund and has to be self sustaining. Funds raised are put back into the airport. He noted that the funds raised could help offset charges to make the Medford competitive to bring more flights and airline services to the region.

Councilmember Gordon questioned if the Airport Advisory Board was in favor of the issue and Mr. Case noted he has spoken with the County Commissioners individually regarding this idea and they appear to be supportive. Councilmember Gordon questioned if there were any issues with the Federal Aviation Authority and Mr. Case noted the concern would be the lighting and it has been designed to not distract from the air traffic controllers or incoming airplanes. Councilmember Michaels questioned if other airports have pursued this and Mr. Case noted not with branding but anticipates that this will happen more in the future.

2. Brad Martinovich, 1542 Kenyon St., Medford addressed the council in opposition of the standard for profit, but would support this if it was for a public purpose. Feels it will set a precedent.
3. Michael Quilty, 942 Forest Glen Drive, Central Point, addressed the council and spoke to the need to leverage funds and use of public private partnerships to benefit the public. He spoke to the potential benefit that this will provide to assist the airport in continuing to attract more services to the region.

Public hearing closed.

Motion: Adopt the ordinance including staff recommendations 1-3.

Moved by: John Michaels

Seconded by: Dick Gordon

Councilmember Michaels spoke to his motion and that he does not feel this is an issue. Councilmember Gordon spoke to the arguments made by Mr. Case and Mr. Quilty and that he is in favor of the motion.

Public hearing reopened.

Councilmember Strosser questioned Mr. Case regarding if the County Commissioners have approved this item. Mr. Case noted that they had and that the Airport Advisory Committee also discussed and supports this issue.

1. Shannon Widboom, 2630 Wilkshire Dr., addressed the council in support of the amendment. She noted she feels this could help the community during this economic situation.

Public hearing closed.

Roll Call: Councilmembers John Michaels, Dick Gordon, Chris Corcoran, Al Densmore, James Kuntz, Bob Strosser and Greg Jones voting yes. Councilmember Blair voting no. Ordinance 2011-231 was duly adopted.

130. Ordinances and resolutions

None

Jim King, Occupy Oregon, PO Box 557, St. Benedict, Oregon addressed the council and expressed appreciation to Jackson County and the City of Medford regarding services provided for child abuse. He noted that Occupy Oregon is a different group than the Occupy Salem group and they are in the area lobbying with young folks.

140. Further reports from the City Manager and staff

- 140.1 Mr. Hoke addressed the council and noted that the large map of the City of Medford has been posted in chambers for council review and feedback.



City of Medford
Agenda Item Commentary

Item No.:
Meeting Date: November 17, 2011
Page: 1 of 2

SUBJECT:

An ordinance amending Article VI in Chapter 10 of the *Medford Municipal Code*, Section 10.1810 to allow the Air Traffic Control Tower at the Rogue Valley International – Medford Airport to have additional signage. (Land Use, Legislative)

INITIATOR:

City of Medford

STAFF INFO. SOURCE:

James E. Huber, AICP, Planning Director
Praline McCormack, Planner II

File No. DCA-11-098

FISCAL IMPACT/SOURCE:

N/A

RECOMMENDATION:

No recommendation.

VISION STATEMENT/COUNCIL GOAL:

Economic Development and Telecommunications, Element 1: Economic success is due in large part to regional public-private and cross-institutional partnerships. Economic Development and Telecommunications, Element 5: City policies and incentives support its ability to nurture existing businesses and attract those new businesses the community favors. Transportation, Element 7: Medford has convenient and affordable air service in and out of the valley, Action 7.1, Support the efforts of Jackson County to establish more convenient and less expensive air service at the Jackson County airport.

BACKGROUND & KEY ISSUES:

At the City Council meeting on August 4, 2011, Bern Case, Director of the Rogue Valley International – Medford Airport (“Airport”), addressed the Council and asked for special consideration regarding signage on the Air Traffic Control Tower (“Control Tower”). The Control Tower is 100 feet tall, and 34.8 feet wide. Currently, wall signage size is calculated based upon the horizontal linear feet of business frontage. Give its width, the permitted size of a wall sign on the Control Tower is 69.6 square feet.

His request is to allow 675 square feet of signage on each of the four sides of the Control Tower in order to allow the airport the flexibility to enter into a sponsorship agreement, possibly with an aviation-related business, and raise additional revenue for the Airport. Signage height is not being amended. Signage is permitted at any height, as long as it does not exceed building height, which in this case is 100 feet.

Agenda Item Commentary (cont)

Item No.:

Meeting Date: November 17, 2011

Page: 2 of 2

The Medford Planning Commission considered the proposal at a public hearing on October 13, 2011, and voted 8 to 0 not to initiate this revision of the Code. The Planning Commission did not support the proposal because they were concerned about giving preferential treatment to a public entity, concerned about setting a precedent, and because they did not find any public or economic benefits associated with the amendment.

EXHIBITS:

Staff Report to City Council dated November 4, 2011, including Exhibits A – I



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT – LAND DEVELOPMENT CODE AMENDMENT

Date: November 4, 2011
To: City Council for November 17, 2011 Hearing
From: Praline McCormack, Planner II *pm*
Reviewer: *sm* Suzanne Myers, A.I.C.P., Principal Planner
Subject: Airport Air Traffic Control Tower Sign Code Amendment – DCA-11-098

BACKGROUND

Proposal: A Class 'A' legislative amendment to Article VI in Chapter 10 of the *Medford Municipal Code*, amending Section 10.1810 to allow the Air Traffic Control Tower at the Rogue Valley International – Medford Airport to have additional signage. (See Exhibit A.)

History: At the City Council meeting on August 4, 2011 Bern Case, Director of the Rogue Valley International – Medford Airport addressed the Council and asked for special consideration regarding signage on the Air Traffic Control Tower ("Control Tower"). (See Exhibit C.)

The Control Tower is 100 feet tall, and 34.8 feet wide. The permitted size of a wall sign is based upon the horizontal linear feet of business frontage. Based upon this, a sign is permitted that is 69.6 square feet in area on each side of the Control Tower. The sign is permitted to be at the requested height, as long as the height of the sign does not exceed building height, which in this case is 100-feet. A ground sign is also permitted in this zone, one per street frontage, and it can be a maximum of 24 feet tall and 200 square feet in area.

Mr. Case would like to sell sponsorship of signage on the Control Tower in order to raise revenue for the airport. The airport has provided nothing in writing to explain or justify this amendment.

"Working with the Community to Shape a Vibrant and Exceptional City"

Lausmann Annex • 200 South Ivy Street • Medford OR 97501
Phone (541)774-2380 • fax (541)618-1708
www.ci.medford.or.us

Staff and the City Attorney met with Mr. Case on August 4, 2011 to review the issue. The result is the proposed amendment to allow 675 square feet of signage on all four sides of the Control Tower. Bill Hoke, City Manager Pro Tem, sent a letter to Mr. Case dated August 5, 2011 indicating that Staff would prepare a code amendment (see Exhibit I). Staff discussed the amendment with the Planning Commission at a Study Session on September 26, 2011 (see Exhibit D).

On October 13, 2011 the Planning Commission held a public hearing and the Commission voted 8 to 0 not to initiate the amendment (see Exhibit F) for the following reasons:

- Reluctant to amend the City Code for a single instance;
- Concerned it could set a precedent for other modifications to the Code, or other government agencies to place similar signs on their buildings;
- Not comfortable with displaying logos and supporting corporate interests on government buildings as it is not an appropriate use on government buildings;
- Because a public agency has budget issues does not mean that they should be allowed exceptions to the Code;
- Have to hold the government to the same standards as everybody else;
- Signage is a commodity. There is nothing more anti-business than regulating a commodity and then saying the government can sell it and no one else can;
- Does not believe there is a public benefit if branding signage were placed on the Control Tower;
- Does not believe that there is an economic benefit associated with this amendment, and that is not needed to comply with Statewide Planning Goal 9; and
- Since we have no control over content, if we approve this sign it can say anything.

Authority: The Planning Commission and City Council are authorized to initiate amendments to Chapter 10 of the *Municipal Code* under Section 10.181. The Planning Commission is authorized to recommend, and the City Council to approve amendments to Chapter 10 of the *Municipal Code* under Sections 10.102, 10.110, 10.111, and 10.122.

Approval Criteria: *Medford Municipal Code* Section 10.184(2).

ANALYSIS OF PROPOSED AMENDMENT

1. Section 10.1810

The revision being proposed to this section adds an Airport Air Traffic Control Tower Wall Sign as an additional permitted special sign.

This amendment would permit a sign that is up to 675 square feet, placed on all four sides of the Control Tower. A rendering (to scale) of the proposed signage is attached as Exhibit B. If illuminated, the lights must be shielded in order to prevent glare to those working in the Control Tower. The top of the sign would be approximately 65 feet above the ground.

There have been three other instances where the City has permitted special signage pertaining to specific businesses or uses. The first instance involved the Rogue Valley Medical Center ("RVMC"). In 2005 RVMC requested a larger sign. At that time the Code permitted a sign 12 feet in height, and 60 square feet in area. They requested a sign 15 feet in height, and 100 square feet in area. The amendment was approved, and the sign code now permits this special sign for regional hospitals subject to a Conditional Use Permit. The second instance involved Lithia Motors. In 2007 Lithia requested an electronic message sign as their ground sign. At that time the Code prohibited such signs, so the Planning Department denied the sign permit. That decision was appealed to City Council and they overturned the denial. Since then, the sign code has been amended to permit electronic message signs. The third instance involves Miles Field/Professional Baseball Parks where a code amendment was approved, allowing special signage such as scoreboard signs, etc.

APPROVAL CRITERIA COMPLIANCE

The Planning Commission considered the proposed text amendment and the criteria, however, based on the reasons outlined in Background above, they declined to initiate it.

An amendment such as this involves discretion on the part of City Council. Staff has provided some minimal findings related to adoption below.

10.184 Class 'A' Amendment Criteria.

2. Land Development Code Amendment.

The Planning Commission shall base its recommendation, and the City Council its decision on the following criteria:

Criterion 10.184 (2)(a). Public Benefit.

Explanation of the public benefit of the amendment.

Findings: One could argue that the economic benefit to the public airport is a public benefit.

Conclusion: Both Oregon's Statewide Planning Goals and Medford's Comprehensive Plan link airports to the vitality of the local economy. By permitting this signage and giving the airport the ability to raise revenue through sponsorship, this amendment may contribute to the airport's economic stability, and thus the local economy and the public.

10.184 (2)(b). Justification.

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, including participation in the revision of Chapter 10 of the *Municipal Code*. Goal 1 requires providing an opportunity to review proposed amendments prior to the public hearing, and any recommendations must be retained and receive a response from policy-makers. The rationale used to reach land use policy decisions must be available in the written record. The City of Medford has an established citizen involvement program consistent with Goal 1 that includes review of proposed amendments to Chapter 10 of the *Municipal Code* by the Citizens' Planning Advisory Committee, the Planning Commission, and the City Council. Affected agencies and interested persons 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 document was made available for review on the City of Medford website and at the Planning Department. It was considered by the Planning Commission and the City Council during televised public hearings.

2. Land Use Planning:

Goal 2 requires the City to adopt a comprehensive plan, which must include identification of issues and problems, inventories, and other factual information for each applicable Statewide Planning Goal, and evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. Comprehensive plans must state how the Statewide Planning Goals are to be achieved. The plan must contain specific implementation strategies that are consistent with and adequate to carry out the plan, and which are coordinated with the plans of other affected governmental units. Implementation strategies can be management strategies such as ordinances, regulations and project plans, and/or site or area-specific strategies such as construction permits, public facility construction, or provision of services. Comprehensive plans and implementation ordinances must be reviewed and revised on a periodic cycle to take into account changing public policies and circumstances. This proposal is a result of such a review.

3. Agricultural Lands: Does not apply.

4. Forest Lands: Does not apply.

5. Open Spaces, Scenic and Historic Areas, and Natural Resources: Does not apply.

6. Air, Water, and Land Resources Quality: Does not apply.

7. Areas Subject to Natural Disasters and Hazards: Does not apply.

8. Recreational Needs: Does not apply.

9. Economic Development:

Goal 9 calls for diversification and improvement of the economy. Land use ordinances are an implementation method for economic development policies. By allowing larger signage on the Airport Control Tower that will be available for sponsorship, the amendment may contribute to the regional airport's economic stability.

10. Housing: Does not apply.

11. Public Facilities and Services: Does not apply.

12. Transportation:

Goal 12 aims to provide a safe, convenient and economic transportation system. ORS 660-013 implements Statewide Planning Goal 12, and states "the policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon's airports." These state rules are "intended to promote a convenient and economic system of airports..." and "ensuring the vitality and continued operation of Oregon's system of airports is linked to the vitality of the local economy where the airports are located."

By permitting the airport to have this special signage, this amendment may contribute positively to the airport's economy by giving them an additional revenue stream through sponsorship. By positively contributing to the airport's economy, this amendment may also contribute positively to the local economy.

13. Energy Conservation: Does not apply.

14. Urbanization: Does not apply.

Note: Goals 15-19 apply only to other regions of the State.

Conclusion: Criterion 18.184 (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: The findings below demonstrate conformity with the Goals and Policies of the *Comprehensive Plan* considered relevant to the decision:

Economic Element: Economic Opportunities – Goals, Policies and Implementation Measures, Goal: To actively stimulate economic development and growth that will provide opportunities to diversify and strengthen the mix of economic activity in the City of Medford.

This code amendment permits the airport to place sponsorship signage on the Control Tower, thereby creating an opportunity for a new revenue stream.

Transportation System Plan Element: Air Transportation System – Goals, Policies, and Implementation Measures, Goal 6: To facilitate the provision of efficient, safe, and competitive movement of people and goods to and from the Rogue Valley International-Medford Airport, recognizing the value of the Rogue Valley International-Medford Airport as a regional resource.

This code amendment takes into account the value of the airport, and gives the airport the opportunity to create an additional revenue stream through sponsorship of the signage on the Control Tower.

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.

The findings below respond to comments from applicable referral agencies regarding applicable Statutes or regulations:

Findings: No comments have been received.

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

Criterion 10.184 (2)(b)(4). Public Comments.

The findings below respond to public comments:

Finding: The City has received one letter, and two emails expressing opposition to the proposed amendment. (See Exhibit G.) The City has also received a Resolution signed by nine (9) volunteers from the Retired and Senior Volunteer Program (RSVP) expressing their support of the proposed amendment. (See Exhibit H.)

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

Criterion 10. 184 (2)(b)(5). Applicable governmental agreements.

The findings below demonstrate conformity with applicable government agreements:

Finding: No governmental agreements apply to the proposed code amendment.

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

CITIZENS PLANNING ADVISORY COMMITTEE (CPAC) REVIEW:

At their September 13, 2011 meeting, CPAC voted 8-0 to recommend denial for the following reasons: the airport is already permitted signs on each street frontage; special treatment ought not be given one property owner over another; the code provides no control over content; the airport is the gateway to the City, and this size sign on the tower would diminish the aesthetic value of the gateway; this allowance would be inconsistent with the rest of the sign ordinance; this sign is much larger than any other sign permitted for any other use or zone; the proposed size is too large; and public buildings ought not to serve as billboards. (See Exhibit E.)

RECOMMENDED ACTION

No recommendation. If the City Council finds that all of the approval criteria are either met or are not applicable, then initiate the amendment and adopt DCA-11-098 per the Staff Report dated November 4, 2011, including Exhibits A through I.

EXHIBITS

- A** Proposed Code Amendment
- B** Rendering of Proposed Signage
- C** Minutes from City Council Meeting August 4, 2011
- D** Minutes from Planning Commission Study Session September 26, 2011
- E** Minutes from CPAC Meeting September 13, 2011
- F** Minutes from Planning Commission Hearing October 13, 2011
- G** Letters from Public in Opposition
- H** Resolution in Support
- I** Letter from Bill Hoke to Bern Case dated August 5, 2011

PLANNING COMMISSION AGENDA: **October 13, 2011**
CITY COUNCIL AGENDA: **November 17, 2011**

**Airport Signage Code Amendment
DCA-11-098**

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

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

(5) Medford Air Traffic Control Tower Wall Signs: The Rogue Valley International – Medford Airport is permitted to have 675 square feet of signage on all four (4) sides of the Air Traffic Control Tower. If illuminated these signs must be shielded in order to prevent glare. Electronic Message Signs are prohibited.

A
DCA-11-098

GENERIC
AVIATION

CITY OF MICHIGAN
E
B
PCA-11-098

City of Medford Oregon / Mayor & Council

When available, the full agenda packet may be viewed as a pdf file by scrolling to the bottom of the page and clicking on the icon.

Thursday, August 04, 2011

MINUTES OF THE MEDFORD CITY COUNCIL MEETING

The meeting was called to order at 12:00 in Council Chambers at Medford City Hall, 411 W. 8th Street, Medford, with the following members and staff present.

Mayor Gary Wheeler; Councilmembers Chris Corcoran, Karen Blair, Al Densmore, Dick Gordon, Greg Jones, James Kuntz, John Michaels (*left and returned as noted) and Bob Strosser.

City Manager Pro Tem Bill Hoke; City Attorney John Huttli; City Recorder Glenda Wilson

20. Approval or correction of the minutes of the July 21, 2011 regular meeting

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

30. Oral requests and communications from the audience

30.1 Medford Arts Commission

Eli Matthews, Chair of the Medford Arts Commission addressed the council and provided an update on the Commission activities. He noted that the Commission has acquired the "Triple Daisy" sculpture from the Art in Bloom event and the sculpture will be displayed in the council chambers. Artist Mike Smith addressed the council and expressed appreciation for their support of local artists.

30.2 Gary Vanderhoff, 1532 Kings Hwy., Medford addressed the council regarding the city noise ordinance and barking dogs. He felt that the ordinance is vague and that it should be modified to be more definitive and not abused.

Motion: Direct staff to look at the code section and bring forward a recommendation.

Moved by: James Kuntz

Seconded by: Bob Strosser

Roll Call: James Kuntz, Bob Strosser, Chris Corcoran, Karen Blair, Al Densmore, Dick Gordon, Greg Jones and John Michael voted yes.

Motion carried and so ordered.

30.3 April Smith, Artist Mike Smith's daughter, addressed the council and expressed her appreciation of their support of local artists such as her father.

30.4 Bern Case, Director of the Medford/Jackson County International Airport addressed the council regarding an issue with the Planning Department's interpretation of the sign code. There is an issue with the Planning Department and their calculations for the allowable sign size for sponsor ship display of a sign on the airport tower. He noted that the Planning Dept. based their calculation on linear size of the building however the department only applies "linear" horizontally. As the tower is not a wide building but is very tall, the sign would not show up on that building. He gave examples of definitions of "linear" which do not relate to horizontal. He requested that the council allow for linear to be calculated on the height of the tower.

Kelly Akin, Senior Planner addressed the council and noted that linear is in the Municipal Code Article 6 definitions. John Huttli, City Attorney noted that he would meet with staff and Mr. Case to review the interpretation of the code language and bring back the issue to council if necessary.

40. Consent calendar

40.1 REMOVED By Councilmember Michaels.

40.2 COUNCIL BILL 2011-139 An ordinance authorizing exemption from competitive bidding and awarding a contract to Dr. Paul Rostykus in the amount of \$13,488 to provide EMT supervising physician services to June 30, 2012.

40.3 COUNCIL BILL 2011-140 An ordinance authorizing a two-year extension of a contract with Asante Work Health to perform physical examinations for City of Medford firefighters and management employees



MINUTES
PLANNING COMMISSION STUDY SESSION
September 26, 2011

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: Norm Nelson, Tim Jackle, Jerry Shean, Daniel Bunn, Robert Tull, and David McFadden.

Staff: Jim Huber, Bianca Petrou, Praline McCormack, Desmond McGeough, Kelly Akin, Suzanne Myers and Lori Cooper.

Subject: Update and Discussion of Proposed Land Development Code Amendments (Planning Commission Hearings in October and November 2011)

- 1) Airport Tower Signs
- 2) Freeway Overlay (Freeway Signs)
- 3) Block Length Maximums



1) Airport Tower Signs

Suzanne Myers, Principal Planner, stated that staff will be reviewing three code amendments that will be presented during the Planning Commission hearings in October and November 2011.

Praline McCormack, Planner II, reported that the Airport Tower Sign Code Amendment will be presented at the October 13, 2011, Planning Commission public hearing. Mr. Bern Case, Director of the Rogue Valley International Medford Airport, addressed City Council requesting special consideration regarding signage on the airport control tower. Signage is calculated based on the horizontal linear size of the building. However, this calculation would result in a very small sign on the control tower since it is taller than wider. Mr. Case would like to sell sponsorship of signage on the control tower as it would raise needed funds for the airport. The proposed amendment is to allow six hundred seventy five square feet of special signage on each side of the airport control tower. Mr. Case would like to illuminate the signs, so language has been added that the lights must be shielded in order to prevent glare to tower personnel.

Commissioner McFadden stated that he cannot find one person in favor of this proposal.

Chair Nelson asked what kind of lighting would be required. Chair Nelson stated that the problem he has with this amendment is that it is written generically. It does not specify whether they are to have Lithia like signs or how they are going to illuminate the signs. Chair Nelson inquired whether the Planning Commission had the authority to say "no?" Jim Huber, Planning Director, replied that the Planning Commission is the recommending body so yes they could.

Commissioner McFadden inquired whether staff saw a problem with the definition of control tower. They have several towers and the example shows only one tower. Could any tower that they use for control purposes, manned or unmanned, be applicable? Ms. McCormack replied that she was not aware that there were several towers. Ms. Myers inquired whether there was a more exact term. Chair Nelson commented he believed it was termed FAA Control Tower. Commissioner McFadden stated he believed that term would suffice.

D
DCA-11-098

Chair Nelson asked whether the airport wanted signs on all four sides. Ms. McCormack replied that she thought they wanted signs on two sides. Commissioner McFadden stated that the report states each side. Bianca Petrou, Assistant Planning Director, stated that she thought the airport wanted all four sides. Chair Nelson commented that the proposed Code states each side.

Commissioner McFadden asked, since when do government buildings have to have advertising on them?

Commissioner Tull asked, what is in it for the City? Ms. McCormack responded to allow the airport to raise additional revenue. Commissioner Tull commented that something that is going to be that prominent and visible to people coming and going from our City really needs to have some tangible benefit to the City if the Commission is going to make special provisions in the Code. He is not yet persuaded that this is something that the City can take pride in and benefit from.

Commissioner McFadden asked whether the airport has complied with the current sign code. His understanding is that several of the directional signs on Biddle Road directing delivery trucks in and out of the site were installed without complying with the City's sign code.

Commissioner Tull inquired whether staff is looking for thumbs up or thumbs down on a recommendation to the City Council from the Commission at this point. Ms. Petrou replied that the Planning Commission will make a recommendation when staff brings it to their public hearing. Lori Cooper, Deputy City Attorney, commented that for now this is a discussion of the language for the public hearing.

Chair Nelson suggested not allowing electronic signs in that general location. He also suggested not allowing signage on all four sides of the tower. Commissioner Shean asked Chair Nelson why he did not want the Lithia type signs. Chair Nelson responded that they are aesthetically not pleasing.

Commissioner Jackle stated there may be a safety issue. Commissioner Jackle asked whether there were studies showing Lithia type signs were more dangerous for drivers because they were more tempted to look at them. Ms. Akin inquired whether a smaller size would be less offensive. Chair Nelson replied that he had a problem with the sign period. Yes, the sign is too big and yes, the sign is too high. Mr. Huber confirmed with Ms. Akin that the airport had an alternative of a detached free standing pylon sign. Ms. Akin agreed. Mr. Huber asked how tall would the alternative sign be? Ms. Akin responded 25-feet and 200 square feet. Ms. Petrou responded that is according to the existing Code. Mr. Huber asked whether the height is important to the airport. Ms. Akin responded yes.

Commissioner Tull commented that at this point the control tower is not a prominent landmark in the valley. It is not that obvious. Commissioner McFadden replied but when you drive down Biddle Road it certainly is. Commissioner Tull responded that you can see it there and so on but your eye is not drawn to it. It is not a landmark kind of a thing. If we have lighted advertising on any of the surfaces, let alone three or four, that is going to become a major landmark visually in our City. Chair Nelson asked whether that was a good or bad thing. Commissioner Tull responded that he thinks it is not what the Commission is looking for.

Commissioner Bunn stated from a general point of view the proposal is saying that the City has sign codes but we are going to give an exception to the government. It runs afoul of the freeway sign code amendment that this Commission supported and also against City Council's position of being pro-business. He takes exception to the argument that they need the signs because they are low on money. What government agency doesn't need help with their budget right now. He thinks it is terrible to say that there are rules for private citizens and special rules for the government when we need money.



MINUTES
Citizens Planning Advisory Committee Meeting
September 13, 2011

The regular meeting of the Medford Citizens Planning Advisory Committee was called to order at 5:30 p.m. in the Alba Room of City Hall on the above date with the following members and staff in attendance:

10. Roll Call

Members Present

Bruce Spence, Chair
Dan Bell, Vice Chair
Gerald Anderson, Secretary
Christine Lachner
Christopher Chadwick

Curtis Folsom
Elwin Fordyce
Jim Howe
Joel Marks

Members Not Present

Barbara Borgman, David McFadden,
Hugh Hohe, and Karen Blair

Guest

Harold Hougan

Staff Present: Carly Guillory, Planner II

20. Minutes

20.1 Minutes of the August 23, 2011 meeting were approved with one correction: Christopher Chadwick, not Chadwich.

30. Upcoming Study Sessions and Public Hearing Topics

30.1 City Council: Hearing, September 15, 2011: CP-09-098/DCA-10-075, Addition of Riparian Corridor Regulations. No discussion.

30.2 Committees and Subcommittees. No report.

40. Old Business

40.1 CPAC Survey: Purpose Statement. Chair Spence explains he sent the letter to the Interim City Manager, Bill Hoke. No response has been received on the date of this meeting.

50. New Business

50.1 Community Groups and Liability Insurance. Staff explains that CPAC's request has been sent to the City Attorney's office. No response has been received on the date of this meeting. The city attorney charged with responsibility of CPAC is Kevin McConnell. CPAC postpones discussion until questions are answered by city attorney.

60. Applications and Referrals

60.1 DCA-11-012/ZC-11-013: Freeway Overlay Code Amendment. Discussion includes various questions and suggestions, including: do freeway signs favor big chains rather than small, local businesses? Will these larger signs bring people to Medford? What happens to existing freeway signs outside proposed overlay? Ultimately, CPAC makes motion to suggest the following: the freeway overlay ought to be 500-feet from the center of the interstate right-of-way, for the length of Interstate 5 from the northern city limit boundary, to the southerly city limit boundary for commercially zoned properties only. CPAC makes this motion based on the following reasons: this definition will be easier to define than the definition suggested by staff; larger signs for the length of the interstate will ensure travelers see business before the interchange; allowing large signs along the corridor will ensure equitable treatment of all businesses along the interstate; and the location of the overlay will not have to be changed in the future should the location of the interchanges or right-of-way pavement change.

60.2 DCA-11-099 Block Length Ordinance. No discussion. Christine Lachner makes motion to send favorable recommendation to Planning Commission and City Council. Christopher Chadwick seconds the motion, stating the ordinance is well written and clarifies the existing related sections. Vote: 7 Yes, 1 No, 0 Abstentions.

* 60.3 DCA-11-098 Airport Tower Wall Sign Code Amendment. Discussion includes the following topics and comments: Who asked for the code amendment? Content, some members are concerned that inappropriate content could be placed on the signs. Suggest allowing only 200 square feet, the same size as freeway overlay signs. Gerald Anderson makes motion to forward a recommendation for denial of the proposal. Joel Marks seconds the motion. Discussion: The motion is based on the following items: the airport is already permitted signs on each street frontage; special treatment ought not be given one

E
DCA-11-098

MINUTES – Citizens Planning Advisory Committee Meeting

September 13, 2011

property owner over another; the code provides no control over content; the airport is the gateway to the city, and this size sign on the tower would diminish the aesthetic value of the gateway; this allowance would be inconsistent with the rest of the sign ordinance, this sign is much larger than any other sign permitted for any other use or zone; the proposed size is too large; and public buildings ought not serve as billboards. Staff asks what the difference is between this airport tower sign, and the freeway overlay signs CPAC just voted to approve. Size and location were the response. Vote: 8 Yes, 0 No, 0 Abstentions.

70. General Discussion

70.1 Cherry Creek Apartments Appeal. Members discuss whether or not the development is Section 8 Housing. Chair Spence describes testimony given at the appeal hearing, and comments that council asked this citizen what he thought compatibility means in this case. Staff suggests CPAC evaluate this question, offering suggestions on ways to improve the site design approval criteria of the code. Members suggest the following: stepping of zoning districts to filter intensity of uses and development; or allowing the free market to determine what is built and where. Chair Spence hands out a draft invitation, and suggests inviting those citizens who spoke at the appeal to attend CPAC meetings. Staff suggests that if this is the method of finding involved citizens, then CPAC ought to invite all citizens who have testified at all hearing, not just those who testified at the Cherry Creek Apartments appeal hearing. Another member suggests inviting those citizens who applied for, but were not selected for, a city board or commission. Chair Spence suggests he invite citizens during agenda item 30.3 at all future Council hearings.

80. Adjournment

70.1 The meeting was adjourned at 7:00 PM. Submitted by: Carly Guillory, Planner

MINUTES - Planning Commission Meeting

October 13, 2011

The public hearing was opened and there being no testimony, the public hearing was closed.

Motion: Continue ZC-11-053/LDP-11-054 to the November 10, 2011, meeting.

Moved by: Commissioner McFadden Seconded by: Commissioner Tull

Voice Vote: Motion passed, 8-0

New Business

- * 50.2 **DCA-11-098** Consideration of a proposed Class "A" legislative amendment of the Medford Land Development Code to revise Section 10.1810 in Article VI to allow the control tower at the Rogue Valley International – Medford Airport to have additional signage. **Affected Section:** Section 10.1810. City of Medford, Applicant.

Praline McCormack, Planner II, presented background information, discussed the proposal in detail, the amendment process to date, approval criteria and final comments. Staff recommends to initiate the amendment and if the Planning Commission finds that there is a public benefit, and that all of the approval criteria are either met or are not applicable, forward a recommendation for adoption of DCA-11-098 to the City Council per the Staff Report dated October 4, 2011, including Exhibits A through E, and adding Exhibits F and G.

Chair Nelson asked whether or not the maximum height currently listed in the Code for a sign is fifty-feet. Ms. McCormack replied yes. Chair Nelson said the applicant is requesting sixty-five feet. Ms. McCormack replied yes. Chair Nelson asked what is the maximum square footage? Ms. McCormack responded two hundred square feet per side for a total of four hundred square feet. Chair Nelson stated that under the current code the applicant would be allowed a total of approximately six hundred and twenty four square feet of signage on the control tower at a lower level. The applicant is requesting to increase the total signage square footage from six hundred and twenty four to approximately twenty seven hundred square feet at a height of sixty-five feet. Ms. McCormack agreed with Chair Nelson.

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

- a) Bern Case, Rogue Valley International-Medford Airport Manager, 1000 Terminal Loop Parkway, Medford, Oregon, 97504. Mr. Case explained what they want to do. If the City had an ordinance for branding he would be here under those auspices but they do not. After Counsel with the City Attorney and Planning Department staff they felt this was the best way for the applicant to proceed. The term "advertising" keeps coming up and they really are not looking at advertising. They are looking at a corporate sponsor who feels strongly about the support of the community by simply putting their logo on the tower. The airport's support for the community is tremendous. The airport is an enterprise fund meaning that they do not receive tax dollars. They are required to operate on the revenues generated at the airport. The Federal Aviation Administration requires the airport to be self-sustaining. They are interested in revenues. The airport does own the tower. It was a new arrangement with the FAA where they pay a community to build the tower. It speeds up the process and the money by a number of years, probably a decade in their case. Because of that, when the tower was completed, they are the operators of it. They are required to maintain it without a revenue source. It is theirs and there is not a question that they can install a sign on it. The only question that concerns the FAA is the lighting. In branding, they plan it to be tasteful. They are not requesting neon signage. It would be very subtle.

Mr. Case read a sentence from the letter that he received from City Manager Pro Tem, Bill Hoke. It reads "The Code change will not be final unless, and until, action is taken by City Council." Mr. Case also read from the letter "In hearing your case, the Medford City Council expressed no apparent opposition to your request. Therefore, I directed staff to review the current Code to determine the best way to address and meet your concerns."

Commissioner Tull asked Mr. Case that he had stated that the FAA provided the funds but the building is ours. Mr. Case replied that is correct. Commissioner Tull asked who is "ours"? Mr. Case replied Jackson County.

Commissioner Shean stated that Mr. Case had mentioned that the branding would lower fees. How much does Mr. Case think this would lower the typical flight ticket? Mr. Case responded that he does not apply it to the ticket but to the landing fees. With landing fees, it would lower incrementally approximately thirty cents per one thousand pounds. On a regional jet, that could be thirty or forty dollars for that particular flight.

Commissioner Christie asked Mr. Case what is the lease period on the sign? Mr. Case said they are looking at a ten-year agreement with the airport making approximately three thousand dollars a month.

Commissioner Bunn stated that he follows Mr. Case's argument for a bigger sign but the way the amendment is written it is also asking for a variance on the maximum height of displaying the sign. Does he have a particular argument for why the airport sign should be placed higher than everybody else in Medford? Mr. Case stated that looking at the profile of the tower and where it is situated in the community, a sign near the bottom of the tower has very little exposure, and that is what the sponsor is paying for. They are looking at approximately center of the tower. Ms. McCormack clarified that the current sign code allows signs on walls but cannot exceed building height.

Commissioner Christie asked Mr. Case whether all four sides of the tower were going to be the same sign. Mr. Case replied that is his understanding with the company he is negotiating with at this time. Mr. Christie inquired as to what kind of lighting is going to be on the sign. Mr. Case responded that they have not worked that out yet. They are discussing a vinyl, breathable material for the sign that will be set out from the building and the sign will go on that but it will blend with the building so there will be no structural damage to the building. All he knows at this time regarding the lighting is that they may do it from the catwalk that is above because that is automatically shielded from the tower cab but they are not set on that. Whatever they do, the light will be shielded so that it goes on the sign only because of FAA regulations. Mr. Christie stated that it is going to illuminate the sign and not be inside of the sign shining out. Mr. Case stated that it is not going to be back light.

The public hearing was closed.

Motion: Under the assumption that the Planning Commission will discuss at some length the information that was presented to the Commissioners, in order to provide some focus to that discussion, that the Planning Commission decline the opportunity to initiate the revision of the Code in this regard.

Moved by: Commissioner Tull Seconded by: Commissioner Shean

Commissioner Tull stated that he is reluctant to propose an amendment to the City Code that is addressed to a single instance that secondly could provide a precedent for other exceptions to the Code or modifications of the Code. He is not comfortable with the City agreeing to the display of logos and support signage on government buildings within the community. It seems to him that is not an appropriate way to use the spaces on government buildings. He is aware of a taller than usual building across the street from City Hall that has been the central post office and is not anymore; if he is not mistaken, it has been acquired by the County. It has substantial wall spaces that could support branding and provide revenue to the County if it needs funds to support the purchase and maintenance of that building. He does not like the idea that we look upon our government buildings, though the control tower is owned by the county, he is a county resident, so he is part owner and he is not ready to agree that our government buildings should be used for signage that would represent the very good will and support of corporate interests.

Chair Nelson asked Lori Cooper, Deputy City Attorney, the motion is to not initiate this project; can the Commission do that without the recommendation? Ms. Cooper replied yes, the Commission can because they are recommending not initiating the project. Chair Nelson inquired whether they could still address the issues they have. Ms. Cooper replied that is correct. Commissioner Tull responded that the Commission needs to provide findings for the action they take. Chair Nelson responded that he agreed.

Commissioner Shean asked that if the Commission does not initiate this does it even go to City Council or does it just die here? Chair Nelson stated that he does not think it dies here. The City Council can initiate the Ordinance. Commissioner Shean asked what was the difference between not initiating it and recommending denial? Commissioner Tull responded that it seems to him that the Commission has been asked by the City Council to initiate a revision to the City Code. If it is our best judgment that it should not happen then the Commission simply states they will not take advantage of this opportunity to initiate something. He would assume then that staff goes to City Council and reports that the Planning Commission did not initiate so they are on their own. Chair Nelson stated that he hoped that if staff did, they would give City Council reason as to why the Commission refused. Commissioner Tull stated that he would assume City Council would want to know on what basis the Commission made their decision.

Commissioner Bunn stated that he understands Mr. Case's argument for branding, but to be fair, he does not need the Commission's approval to brand. That is a wonderful economic decision for the airport to make. They are requesting a special exception and he does not see how the Commission, in good conscience, could approve that. There are a couple of things that bother him about this: 1) He would hate to see the Commission give in to the logic that because a public agency has a budget issue that the Commission should allow exceptions to the Code. Everybody is hurting right now, every department of the government, every private business. If the Commission goes down that road they might as well not have planning; and 2) If there is a set of laws, they have to be for everyone, and he cannot find a way of saying we have laws for everybody except the government. When the government is in trouble we can waive the laws. We need to at least hold ourselves (the government) to the same standard as we hold everybody else. In that vein, it is also against the precedent the City Council sent down to the Commission when we were dealing with other aspects of the sign Code to be pro-business. There is nothing more anti-business than regulating a commodity and then saying the government can sell it and no one else can. That is what signage is. It is a commodity. He does believe the airport has the best intentions with their branding strategy but at the end of the day we have to recognize there are businesses that all they do is sell advertising space. We are allowing a part of the

government to go in competition with them and we are giving the government a leg up. He has difficulty reconciling that with how the government should conduct itself.

Commissioner McFadden stated that the speakers so far have done a fair representation of his thoughts on this issue.

Commissioner Entenmann stated that she agrees with Commissioner Bunn.

Commissioner Tull commented that he is very concerned that the Commission not begin to tailor the Code to such specific instances. He is not persuaded that if that branding signage were placed upon the County's control tower it is of significant benefit to the City of Medford that it is being asked to revise its Code.

Chair Nelson reported that he agrees with Commissioner Tull that it is best for the Commission to not initiate this modification to the Code. However, in doing so he feels that the Commission is also saying that if they were making a recommendation, they would recommend that it be denied. It seems like the crux of staff's argument relative to justifying this application is Statewide Planning Goal 9 which is the economic development planning goal for the state of Oregon. He has a hard time stretching his imagination to say that this kind of application fits within the scope and intent of Planning Goal 9. He thinks it is way outside of that scope. He does not agree with staff's analysis that this provides any form of economic growth and that is the crux or intent of Statewide Planning Goal 9; so therefore, he rejects any argument that states this application complies with that goal. Chair Nelson repeated some of the other Commissioner's concerns and one was that by opening this door, the Commission is opening up to other governmental agencies to make similar requests that he would not look upon favorably either. The other problem is that he believes they are opening the door for anyone who has a large building to request being allowed to put large signs on their buildings. If it is made available to only government agencies then they are perpetuating a double standard; one for private businesses and one for the government. Chair Nelson added his endorsement to the comments that were made by the Citizens' Planning Advisory Committee (CPAC) that the Code provides no control over content. The Commission has no authority to control content of signs. Once a sign is approved, it can say anything. Chair Nelson wanted to make sure that message gets back to CPAC and also in the Planning Commission's findings, that phrase is left out of any findings that is sent to City Council.

Suzanne Myers, Principal Planner, asked Ms. Cooper that if the Planning Commission does not initiate this and the City Council initiates, would they then have to refer it back to the Planning Commission for a recommendation? Ms. Cooper replied that she would have to explore that question but the Code does state that but this could perhaps substitute for that. The proper process is that it might come back to the Planning Commission.

Roll Call Vote: Motion passed, 8 – 0

- 50.3 **LDP-11-097** Consideration of a request for tentative plat approval of 2 lots on a 5.96 acre parcel located on the northeast corner of Spring Street and North Berkeley Way within the MFR-20 (Multi-Family Residential – 20 units per acre) zoning district. Jackson County Housing Authority, Applicant (Richard Steven & Associates, Agent).

Sarah Sousa, Planner III, read the land division criteria and gave a staff report. She pointed out public comment letters stamped Exhibit I and a letter from the applicant's

October 11, 2011

City of Medford
Planning Division

Attn:
Planning Commission
and Medford City Council

RE: Airport Signage Code Amendment
DCA-11-098

RECEIVED
OCT 11 2011
PLANNING DEPT.

Dear Commission and Council,

Please do not permit the Rogue Valley International Airport, Medford Air Traffic Control Tower to have wall signs which are visible off of airport property and from the public right-of-way.

Medford is actually located in a beautiful county, a nice place and the last thing anyone wants to see as they fly into our absolutely gorgeous county is that they can shop at Wal-Mart or eat at the Olive Garden. It's a grand idea of a way to make money for the county – we've got house payments... But it is absolutely inappropriate to put 675 square feet – an area larger than a school bus on each side of the Control Tower.

The proposed height exceeds that allowed in the commercial sector (24 feet max for a ground sign), the area exceeds that allowed in the commercial sector by more than three times on each side or nearly 14 times larger for all of the area on each side (200 sq. feet max) also, the number of signs exceeds that allowed in the commercial sector. Jackson County International Airport should be held to the same standards as the many businesses in the valley and not to a "government" standard. The proposal seems to be a Variance request and not a Code Amendment. Could Holiday Inn or Lithia Motors apply for a Code Amendment to permit their businesses to have additional sign area or would they be required to apply for a Variance that would likely be handily denied as the criteria could never be met?

Signage is not economic development. Signs do not make a business, there are sign businesses and businesses have signs. Signage supports the business which is the economic engine. It seems very unreasonable to allow a Government Agency to advertise for a private business. Especially since the content of the sign cannot be reviewed the airport could advertise whatever they want. Additionally, determining whether a structure is a landmark by allowing it to become plastered with advertising is a misuse of architecture and a misuse of the county dollars that went into constructing the tower.

Please preserve the scenic beauty of our valley by allowing the abundant beauty we have, Mt. McLaughlin, Table Rocks, the Rogue River, Bear Creek, Mt. Ashland, Roxy Ann, the orchards, the vineyards, the trees and the open spaces be our landmarks, not signs on the airport tower.

You are tasked with many difficult decisions as a citizen volunteer group, probably some of the most impactful on our landscape; this should be a very easy decision.

Respectfully Yours,


Amy Gunter

1424 South Ivy Street, Medford 97501

G
DCA-11-098

Praline M. McCormack

From: Debbie L. Strigle
Sent: Thursday, October 13, 2011 9:26 AM
To: Praline M. McCormack
Cc: Suzanne K. Myers
Subject: FW: Airport tower

RECEIVED
OCT 13 2011
PLANNING DEPT.

From: John W. Hamlin [mailto:jwh@hamlininc.com]
Posted At: Thursday, October 13, 2011 6:33 AM
Posted To: Department Email
Conversation: Airport tower
Subject: Airport tower

Members of the Planning Commission

Please deny the application for a sign variance on the Airport tower. The approval of this exception would set a very bad precedent and I do not feel the applicant has satisfied the criteria that approval would be a public benefit. To the contrary, I think it would be a public detriment.

Thank you for your service:

John W. Hamlin
PO Box 147 (24 Crater Lake Avenue, suite 3)
Medford, Oregon 97501

jwh@hamlininc.com
541 773 4961 (home office)

Praline M. McCormack

From: Suzanne K. Myers
Sent: Monday, October 17, 2011 1:49 PM
To: Praline M. McCormack
Subject: FW: Airport Sign - City of Medford Oregon Contact Us Reply Form

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

From: Jim E. Huber
Sent: Monday, October 17, 2011 10:55 AM
To: Bianca L. Petrou; Suzanne K. Myers; Kelly A. Akin; Cheryl A. Adams
Subject: FW: City of Medford Oregon Contact Us Reply Form

Interesting e-mail re the airport signage text amendment.

Jim

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

From: Heidi H. Hill
Sent: Monday, October 17, 2011 9:48 AM
To: Jim E. Huber; Bill W. Hoke
Subject: FW: City of Medford Oregon Contact Us Reply Form

Heidi H. Hill
Mayor and City Manager's Office
wk: 541.774.2004
cell: 541.778.6917
heidi.hill@ci.medford.or.us

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

From: robtaylorsailor@charter.net [mailto:robtaylorsailor@charter.net]
Posted At: Saturday, October 15, 2011 10:32 PM
Posted To: Department Email
Conversation: City of Medford Oregon Contact Us Reply Form
Subject: City of Medford Oregon Contact Us Reply Form

Contact Us Reply Form

From: Robert Taylor
EmailAddress: robtaylorsailor@charter.net
Phone: 541 672-0346
Subject: Advertising on control tower
Nature of Suggestion: Information
I would like an email response: yes

Message:

As a retired commercial pilot and former Army Air Traffic Controller, I offer the following for your consideration. Control towers list their height AGL (above ground level). Besides obstruction considerations, the tower structure functions as an airport identifier. Pilots utilize the tower to determine direction and even range from their aircraft. Advertising on the structure would impede these functions. Controllers also use the tower structure as a "landmark" when issuing directions. i.e. "Your traffic is on the downwind leg, abeam the tower." From a liability standpoint, the city could be held liable for incidents caused by pilot inability to identify the tower or by impairment of visual aids. Since haze and fog is an issue in the valley, airport identification is especially important.

RECEIVED

OCT 13 2011

PLANNING DEPT.

RSVP
QUARTERLY AIRPORT MEETING
THURSDAY, OCTOBER 13, 2011
10:00-11:00 A.M.

Resolution

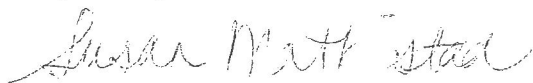
The RSVP Airport volunteers in attendance at the quarterly meeting today voted unanimously to support the request for a variance in the City of Medford's sign ordinance (logo "branding") of the RVI-Medford Air Traffic Control Tower.

Edna Larson
Marcele Perry
Stephen Javna
Mary Bertrand
W.R. Kishpaugh
Scot Vandenberg
Keith Wilkinson
Bob Fries
Helga Wood

Not in attendance but requesting to add their names to the list:

Daryl Proett
Mary Lou Proett

Respectfully Submitted,



Susan Mathistad, Recording Secretary

H
DCA-11-098

Quarterly Airport Meeting
Sign In October 13, 2011

- | | |
|---------------------------|-----------|
| 1. <u>Edna Larson</u> | 19. _____ |
| 2. <u>Marcelle Perez</u> | 20. _____ |
| 3. <u>Hilma Janna</u> | 21. _____ |
| 4. <u>Mary Buehl</u> | 22. _____ |
| 5. <u>W. R. Kishpaugh</u> | 23. _____ |
| 6. <u>Pat Vandenberg</u> | 24. _____ |
| 7. <u>Kurt Weckesser</u> | 25. _____ |
| 8. <u>Bob Fries</u> | 26. _____ |
| 9. <u>Helga Wood</u> | 27. _____ |
| 10. _____ | 28. _____ |
| 11. _____ | 29. _____ |
| 12. _____ | 30. _____ |
| 13. _____ | 31. _____ |
| 14. _____ | 32. _____ |
| 15. _____ | 33. _____ |
| 16. _____ | 34. _____ |
| 17. _____ | 35. _____ |
| 18. _____ | 36. _____ |



REC'D AUG 08 2011

OFFICE OF
THE CITY MANAGER
E-mail: citymanager@ci.medford.or.us

CITY OF MEDFORD
411 WEST 8TH STREET
MEDFORD, OREGON 97501

TELEPHONE (541) 774-2000
FAX: (541) 618-1700
www.ci.medford.or.us

August 5, 2011

Mr. Bern Case
Airport Manager
RVI-Medford Airport
1000 Terminal Loop Parkway
Medford, OR 97504

RECEIVED
OCT 13 2011
PLANNING DEPT.

Mr. Case,

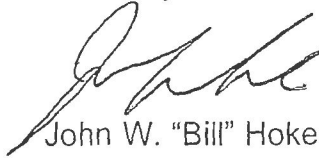
This letter is in reference to your presentation requesting relief from the sign code provisions to be allowed to brand your tower.

In hearing your case, the Medford City Council expressed no apparent opposition to your request. Therefore, I directed staff to review the current code to determine the best way to address and meet your concerns.

Staff will be crafting language for a code change that will take 4-6 months to complete the process. It entails the language be completed, notices and hearings to be held and for Council to take action. The intent of the change, in your case, would allow you to place signage of approximately 676 sq ft per each side of the tower. The code change will not be final unless, and until, action is taken by Council.

Thank you for your patience in this matter. We will be moving forward with your request beginning today.

Sincerely,


John W. "Bill" Hoke
City Manager Pro Tem

I
DCA-11-098