



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

October 4, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment
DLCD File Number 004-06

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: October 16, 2006

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Suzanne Myers, City of Medford

<paa> ya



FORM

2 Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

SEP 27 2006
LAND CONSERVATION
AND DEVELOPMENT

D A T E S T A M P	DEPT OF
	SEP 27 2006
	LAND CONSERVATION AND DEVELOPMENT
	For DLCD Use Only

Jurisdiction: Medford Local file number: CP-06-118
Date of Adoption: 9/21/2006 Date Mailed: 9/22/2006
Date original Notice of Proposed Amendment was mailed to DLCD: 7/17/2006

- | | |
|--|--|
| ☐ 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".

Minor General Land Use Plan map amendment, changing the designation from Urban Residential to Service Commercial on one parcel of .89 acres, in an SFR-4 zoning district, located east of Corona Avenue, and approximately 283' north of East McAndrews.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

SAME

Plan Map Changed from: UR to: SC

Zone Map Changed from: NA to: NA

Location: 371W19ab1900, in central Medford Acres Involved: .89

Specify Density: Previous: SFR-4 New: NA

Applicable Statewide Planning Goals: 1, 9, 11, 12

Was and Exception Adopted? ☐ YES ☒ NO

DLCD File No.: 004-06 (15391)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (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

Affected State or Federal Agencies, Local Governments or Special Districts:

Medford Water Commission, Rogue Valley Transit District, Medford Irrigation District, ODOT, Jackson County Planning Dept.

Local Contact: **Suzanne Myers** Phone: **(541) 774-2387** Extension: **0**

Address: **200 S. Ivy Street** City: **Medford, OR**

Zip Code + 4: **97501-3188**

Email Address: **Suzanne.Myers@cityofMedford.org**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.



City of Medford
Agenda Item Commentary

Item No.:
Meeting Date: September 7, 2006
Page: 1 of 1

SUBJECT:

Consideration of a request for a minor amendment to the General Land Use Plan Map of the Medford *Comprehensive Plan* changing the designation from Urban Residential to Service Commercial on one parcel totaling .89 acres, in an SFR-4 zoning district, located east of Corona Avenue, and approximately 283' north of East McAndrews Road.

INITIATOR:

R.A. Murphy Construction, Inc. (Craig A. Stone and Associates, Agent)

STAFF INFO. SOURCE:

Robert O. Scott, Planning Director
File No. CP-06-118

FISCAL IMPACT:

N/A

RECOMMENDATION:

The Planning Commission is forwarding a favorable recommendation to the City Council for CP-06-118, per the Staff Report dated June 27, 2006.

BACKGROUND & KEY ISSUES:

The requested change would increase the traffic load on the transportation system, but that increase would not be substantial, as determined by the Traffic Impact Analysis. No public facility deficiencies have been identified. Changing the designation of this site from Urban Residential (UR) to Service Commercial (SC) will have no significant impact on the supply of developable UR land and will provide more Service Commercial land to meet the City's need for this type of land in central portions of the City. If designated as Service Commercial, the subject site will create additional employment opportunities in a central sector of the City, thus enhancing the efficient use of urban services.

EXHIBITS:

Staff Report date June 27, 2006
Minutes of the July 13, 2006 Meeting of the Planning Commission

City of Medford

June 27, 2006

STAFF REPORT

File No: CP-06-118 General Land Use Plan Map Amendment
(Minor, Class "B" Quasi-judicial)

Applicant: R.A. Murphy Construction, Inc. (Craig A. Stone and Associates, Agent)

Request: Consideration of a request for a minor amendment to the General Land Use Plan Map of the Medford *Comprehensive Plan* changing the designation from Urban Residential to Service Commercial on one parcel totaling .89 acres, in an SFR-4 zoning district, located east of Corona Avenue, and approximately 283' north of East McAndrews Road.

Background

The subject property abuts a broad area with a General Land Use Plan designation of Service Commercial (SC) which borders both sides of East McAndrews Avenue from Crater Lake Avenue on the east to Poplar Avenue on the west Exhibits B and C). With respect to zoning, this section of East McAndrews is sandwiched between Community Commercial (C-C) zoning to the east and west and abuts the Commercial, Service and Professional (C-S/P) zoning surrounding Providence Medford Medical Center on the south (Exhibit G). Providence Medford Medical Center is currently undergoing an expansion on the south side of East McAndrews. The hospital represents a major employment node in Medford. Private medical and surgical offices have been built in recent years on the northern side of East McAndrews to take advantage of proximity to the hospital. Apart from the medical industry, there has been significant development and investment along East McAndrews, a recent example being the construction of the McAndrews Market Place. In general, there has been a trend towards high value commercial uses along East McAndrews. The Amerititle and Bank of the Cascades buildings, on the two properties immediately south of the subject site, provide additional evidence of that trend.

Approval Criteria for Minor *Comprehensive Plan* Amendments

Medford Land Development Code Section 10.191 requires findings that address the following:

- (1) *Consistency with applicable Statewide Planning Goals*
- (2) *Consistency with the goals and policies of the Comprehensive Plan*
- (3) *Consistency with the applicable provisions of the Land Development Code*

Section 10.192, Minor Comprehensive Plan Amendment Criteria refers one to the Review and Amendment Section of the *Comprehensive Plan* text. The *Comprehensive Plan* text under "Map Designations" states that amendments shall be based on seven factors, three of which are essentially

CP-06-118

June 27, 2006

the same as those above from Section 10.191.

1. *A significant change in one or more Goal, Policy, or Implementation Strategy.*
2. *Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*
3. *The orderly and economic provision of key facilities.*
4. *Maximum efficiency of land uses within the current urbanizable area.*
5. *Environment, energy, economic and social consequences.*
6. *Compatibility of the proposed change with other elements of the Comprehensive Plan.*
7. *All applicable Statewide Planning Goals.*

Compliance with the Oregon Transportation Planning Rule is also required in addition to the above criteria, as per OAR 660-12-060(1) Oregon Transportation Planning Rule:

Amendments to ... acknowledged comprehensive plans, ... which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.

Findings

The applicant's Findings of Fact and Conclusions of Law received May 8, 2006(Exhibit A), are, by this reference, incorporated as a part of this report. The applicant included a thorough and detailed discussion of the proposal relative to each of the above cited factors. Rather than repeat those here, some related comments are offered in the Project Review section below.

Project Review

Apart from meeting the requisite criteria, there are three important issues to consider in determining whether or not to approve this General Land Use Plan Map Amendment. They are: 1) the effect the amendment will have on public facilities, particularly transportation facilities; 2) the effect it will have on the supply of Service Commercial and Urban Residential land, and 3) the appropriateness of the site for a Service Commercial designation.

1) How will this change affect public facilities, particularly transportation facilities?

The City of Medford Engineering Division requires that a Traffic Impact Analysis (TIA) be prepared when a change in a *Comprehensive Plan* map designation creates the potential for more than 250 additional average daily trips (ADT) to be generated as a result of the proposed change.

CP-06-118

June 27, 2006

The Public Works Department determined that the proposed change would result in 360 additional ADTs. The applicant submitted a TIA (Exhibit F), as well as additional analyses, upon request of the Public Works Department. The traffic study showed that all intersections within the study area would operate acceptably, with no substantial impacts to the transportation system due to the change from UR to SC. Based on the TIA and supplemental analyses, Public Works recommended approval without mitigation requirements.

Oregon Department of Transportation has determined that the proposed amendment is not likely to create a significant effect on State highway facilities.

2) How will this amendment affect the supply of Service Commercial and Urban Residential Land?

The City last inventoried and reported on vacant Service Commercial land in 2003 in "The 2001 and 2002 Year-End Report on Economic Development" published in August 2003. According to that report, there were 11.9 acres of vacant Service Commercial properties in parcels larger than 0.99 acre.

It is instructive to review some of the information provided by the agent regarding the availability of commercial lands as of 2006. The scarcity of vacant commercial lands in central sections of the city is demonstrated by the Commercial Lands Analysis Map (Exhibit D). This exhibit places a General Land Use Plan map of commercially designated lands next to a map of vacant commercial lands, highlighting the scarcity of vacant commercial lands in central commercial areas. This Comprehensive Plan Amendment provides needed Service Commercial land in an area where it is scarce and along a major arterial that serves a major employment center, Providence Hospital.

The applicant's "Urban Land Analysis" (Exhibit E) offers additional justification for the amendment by referring to the 2003 study, "Medford Economic Market Analysis" by E.D. Hovee & Company, which predicts a large deficit of commercial land through the year 2020. The same Hovee report also identifies 25 target economic opportunity sectors, eight of which demand office spaces.

(Please note: The applicant submitted several professional, detailed reports, maps and analyses with this application; these have not been attached, but they are available for review in the Planning Department if further background is desired.)

Contrast this relative scarcity in commercial lands with the City's most recent residential land inventory, "2000 Year-End Report on Residential Development Activities" published in September 2001. This report estimated that there was a total of 2666 vacant and/or underutilized acres of Urban Residential land within the Urban Growth Boundary in 2001. That report also stated that there was a total of 3023 acres of residential land within the Urban Growth Boundary, "...adequate for at least the next 20 years of growth based on the goals stated in the Medford Comprehensive Plan." The effect of this proposed amendment on the supply of Urban Residential land is minimal.

3) Is this site appropriate for the Service Commercial designation?

CP-06-118

June 27, 2006

This site is appropriate for the Service Commercial designation for several reasons. Taking a broad view, this application represents a proposal to extend an existing and extensive Service Commercial designation that supports the medical employment hub of Providence Medford Medical Center, as well as other commercial uses in the area.

The designation is most appropriate for this site because it borders an area of residential uses to the north; and is intended to limit the types of commercial activities that adjoin residential uses.

In addition, the site may be readily served with a full range of public facilities and services. It is less than a block away from an arterial and bus route and located across from an existing health care employment center, thus maximizing the efficient use of facilities in the city. Health care is a major employer and growing industry in the valley.

The proposal, if approved, will support Goal 2 of the Economic Element of Medford's Comprehensive Plan:

Assure an adequate commercial and industrial land base to accommodate the types and amount of economic development and growth anticipated in the future, while encouraging efficient use of land and public facilities within the city.

On page 13 of the Findings of Fact and Conclusions of Law (Exhibit A), the applicant has developed a strong case for how this change to Service Commercial is needed in order to assure adequate employment opportunities, a component of Criterion 2 of the seven criteria used to assess GLUP Map Amendment proposals.

If this application is approved, it will support the transition of the surrounding residential neighborhood to further commercial uses. The parcel directly north of the subject site has a legal non-conforming use, namely, a company that contracts paving, cement and road oiling. This company parks construction trucks in the drive and extensive yard behind the house. There is, nonetheless, a single-family home on the property, blending in with the overall appearance of the residential neighborhood. The west side of Corona Avenue has a dentist's office on the corner with East McAndrews. To the north on Corona are single family homes and one SFR-10 development. In staff's opinion, the transition of this neighborhood to further commercial uses can be justified by its proximity to Providence Medford Medical Center and the employment nexus that that represents.

Conclusion

The requested change would increase the traffic load on the transportation system, but that increase would not be substantial, as determined by the Traffic Impact Analysis. No public facility deficiencies have been identified. Changing the designation of this site from Urban Residential (UR) to Service Commercial (SC) will have no significant impact on the supply of developable UR land

CP-06-118

June 27, 2006

and will provide more Service Commercial land to meet the City's need for this type of land in central portions of the City. If designated as Service Commercial, the subject site will create additional employment opportunities in a central sector of the City, thus enhancing the efficient use of urban services.

Recommended Action

Forward a favorable recommendation to the City Council for CP-06-118 per the Staff Report dated June 27, 2006, including:

Exhibit A – Applicant's Findings of Fact and Conclusions of Law, received May 8, 2006

Exhibit B – Applicant's General Land Use Plan Map

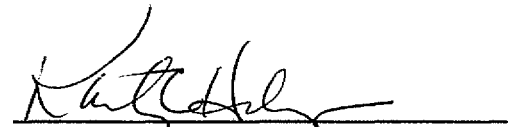
Exhibit C – Assessor's Map

Exhibit D – Commercial Lands Analysis Map

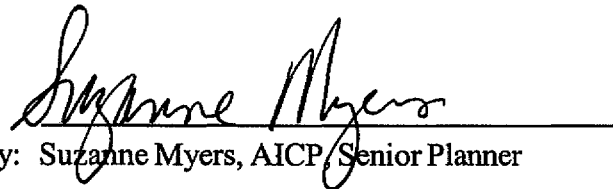
Exhibit E – Urban Land Analysis

Exhibit F --"Corona Avenue Comprehensive Plan Amendment & Zone Change, Traffic Impact Analysis", JRH Transportation Engineering, 12/31/06

Exhibit G – Vicinity Map



Kathy Helmer, Planner IV



Reviewed by: Suzanne Myers, AICP, Senior Planner

PLANNING COMMISSION AGENDA: July 13, 2006

BEFORE THE CITY COUNCIL
FOR THE CITY OF MEDFORD
JACKSON COUNTY, OREGON

IN THE MATTER OF A COMPREHENSIVE)
PLAN MAP AMENDMENT TO CHANGE)
THE MAP (GLUP) DESIGNATION FOR .89)
ACRES OF LAND FROM URBAN)
RESIDENTIAL TO SERVICE)
COMMERCIAL FOR LAND SITUATED OFF)
CORONA AVENUE WITHIN THE)
CORPORATE LIMITS OF THE CITY OF)
MEDFORD IN JACKSON COUNTY,)
OREGON)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Applicant's Exhibit 1

Applicant: R.A. Murphy Construction, Inc)

SCOPE AND NATURE OF THE APPLICATION

Applicant, R.A. Murphy Construction Inc., seeks a minor amendment to the City of Medford Comprehensive Plan, General Land Use Plan Map (GLUP) to change a .89 acre parcel from its present *Urban Residential* designation to *Service Commercial*. The subject property is located east of Corona Avenue in a transitional area between office uses designated *Service Commercial* along McAndrews Road and single family residential lands to the north. If this application is approved, applicant intends to file a zone change application with the City of Medford to rezone the property to Commercial-Service/Professional Office (C-S/P), consistent with the amended GLUP Map designation. Thereafter, applicant intends to construct professional offices similar to those that exist immediately to the south of the subject property.

RECEIVED

CITY OF MEDFORD
EXHIBIT # A
File # CP-06-118

MAY 08 2006

PLANNING DEPT.

CP-06-118

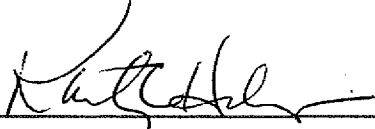
June 27, 2006

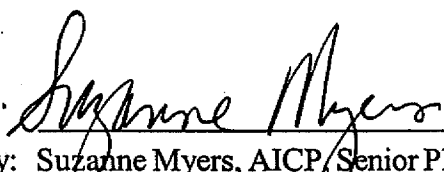
and will provide more Service Commercial land to meet the City's need for this type of land in central portions of the City. If designated as Service Commercial, the subject site will create additional employment opportunities in a central sector of the City, thus enhancing the efficient use of urban services.

Recommended Action

Forward a favorable recommendation to the City Council for CP-06-118 per the Staff Report dated June 27, 2006, including:

- Exhibit A – Applicant's Findings of Fact and Conclusions of Law, received May 8, 2006
- Exhibit B – Applicant's General Land Use Plan Map
- Exhibit C – Assessor's Map
- Exhibit D – Commercial Lands Analysis Map
- Exhibit E – Urban Land Analysis
- Exhibit F -- "Corona Avenue Comprehensive Plan Amendment & Zone Change, Traffic Impact Analysis", JRH Transportation Engineering, 12/31/06
- Exhibit G – Vicinity Map


Kathy Helmer, Planner IV


Reviewed by: Suzanne Myers, AICP, Senior Planner

PLANNING COMMISSION AGENDA: July 13, 2006

II

EVIDENCE SUBMITTED WITH APPLICATION

The following evidence was submitted with the application:

- Exhibit 1.** The proposed findings of fact and conclusions of law, demonstrating how the map amendment application complies with the applicable substantive criteria
- Exhibit 2.** Urban Land Analysis
- Exhibit 3.** Current Comprehensive Plan Map depicting the subject property
- Exhibit 4.** Current City zoning map depicting the subject property
- Exhibit 5.** Commercial Lands Analysis Map
- Exhibit 6.** Industrial Lands Analysis Map
- Exhibit 7.** Site Photos and Photo Key Map
- Exhibit 8.** Assessor plat map (37-1W-19AB) which map contains and depicts the subject property
- Exhibit 9.** Aerial Photo Map
- Exhibit 10.** Medford Economic Opportunities Analysis (Hovee 2003)
- Exhibit 11.** Goal 9 Supplement – (Hovee 2004)
- Exhibit 12.** Regional Profile Industry Employment in Region 8, Oregon Employment Department
- Exhibit 13.** Medford Water Commission Map
- Exhibit 14.** Storm Drainage Master Plan for this area (City of Medford 1996)
- Exhibit 15.** Sewage Collection Master Plan for this area (City of Medford 2005)
- Exhibit 16.** Traffic Impact Analysis, JRH Transportation Engineering
- Exhibit 17.** Completed application form and power of attorney

III

APPLICABLE SUBSTANTIVE CRITERIA

The applicable substantive approval criteria of the City of Medford and State of Oregon which governs the amendment of comprehensive plan map designations, is contained in the Medford Land Development Ordinance (MLDC), the Review and Amendments section of the Medford Comprehensive Plan and in Oregon Administrative Rules at Chapter 660, Division 012, Section 0060 — OAR 660-012-0060. The same are set forth below and in Section V, herein, where each is followed by the conclusions of law and ultimate conclusions of the City Council ("Council").

MEDFORD LAND DEVELOPMENT CODE (MLDC)
Section 10.191(2)

- (2) Written findings which address the following:
- (a) Consistency with applicable Statewide Planning Goals.
 - (b) Consistency with the goals and policies of the Comprehensive Plan.
 - (c) Consistency with the applicable provisions of the Land Development Code."

MEDFORD COMPREHENSIVE PLAN
Review and Amendments Section¹

- (1) A significant change in one or more Goal, Policy, or Implementation Strategy.
- (2) A Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.
- (3) The orderly and economic provision of key public facilities
- (4) The Maximum efficiency of land uses within the current urbanizable area.
- (5) The Environmental, energy, economic and social (ESEE) consequences.
- (6) The Compatibility of the proposed change with other elements of the Comprehensive Plan.
- (7) All applicable Statewide Planning Goals.

¹ Provisions in the comprehensive plan Review and Amendments section sets forth additional criteria for amending comprehensive plan map designations. The Review and Amendments section of the plan prefaces the seven amendment criteria with the following language:

"While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not."

Findings of Fact and Conclusions of Law

Comprehensive Plan Map Amendment Application: R. A. Murphy Construction Inc, Applicant

20.10, Page 9

OREGON TRANSPORTATION PLANNING RULE
Oregon Administrative Rules Chapter 660, Division 12

OAR 660-12-060: Plan and Land Use Regulation Amendments

- (1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:
 - (a) Limiting allowed land uses to be consistent with the planned function, capacity and performance standards of the transportation facility;
 - (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or,
 - (d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.
- (2) A plan or land use regulation amendment significantly affects a transportation facility if it:
 - (a) Changes the functional classification of an existing or planned transportation facility;
 - (b) Changes standards implementing functional classification system;
 - (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
 - (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

IV

FINDINGS OF FACT

The City Council reaches the following findings of fact and finds them to be true with respect to this matter:

1. **Existing Land Use:** Presently the subject property is developed with a personal residence and detached garage. The remainder of the property is vacant and unused.
2. **Description, Size, and Ownership of the Subject Properties:** The subject property consists of .89 acres and is owned by Carole A. Walters
3. **Proposed Land Use:** Proposed uses would be consistent with the Commercial – Service Professional Office (C-S/P) zoning designation. The property is intended as a site for professional offices.
4. **Service Commercial Land Demand and Supply:** The analysis and findings contained in the Hovee Market Analysis, Hovee Goal 9 Supplement, and the Urban Land Analysis are herewith incorporated and adopted as facts sufficient to demonstrate a shortage of land suitable for uses that support target employment opportunities permitted in the Service Commercial district and that this shortage is especially acute in the centrally located portions of the City.
5. **Existing and Proposed Zoning and Plan Map Designation:** The subject property is presently covered by an *Urban Residential* GLUP Map designation. The current *Urban Residential* GLUP Map designation was applied, and has persisted, at the time of the City's original GLUP Map and Comprehensive Plan acknowledgement by the State of Oregon in the 1970's. The property is zoned Single Family Residential – 4 Dwelling Units per acre (SFR-4). The SFR-4 zone corresponds to the *Urban Residential* map designation. Applicant proposes a *Commercial – Service/Professional Office* GLUP Map designation. Applicant hereby testifies to his intention to seek a change of zone from SFR-4 to Commercial – Service/Professional Office (C-S/P) upon approval of this comprehensive plan map amendment.
6. **Surrounding Land Uses:** The zoning map accurately depicts the pattern of land partitioning and development in the surrounding area. See, Exhibit 4. Existing land uses which presently surround the properties are:
 - A. **North:** Lands to the north are zoned SFR-4 and are predominantly developed with single-family residences. The two parcels immediately to the north are Tax Lots 1700 and 1800. These parcels are potentially redevelopable because they are under common ownership and they have a ratio of improvements to assessed value of .30.

Immediately to the northeast is a vacant 1.17 acre parcel. These parcels contain some sort of non-conforming pre-existing use on a portion of the site that appears industrial in nature.

- B. South:** Land to the south is owned by applicant, zoned C-S/P and is developed with a multi story structure which is designed and used as professional offices. This area fronts on McAndrews Road
 - C. East:** Land to the east is zoned SFR-4. Tax Lot 2100 is developed with a single-family residence. This parcel has redevelopment potential based upon the fact that the assessed land value is almost 3 times the assessed improvement value. Tax Lot 2100 is adjacent to the Service Commercial GLUP Map designation to the south. Lands to the northeast are developed with single-family dwellings.
 - D. West:** Land to the west is zoned SFR-4 and developed with single-family residences. Immediately across Corona is Tax Lot 2300 which is potentially redevelopable and abuts Service Commercial lands on two sides. Lands to the northwest contain single family residences.
- 7. Topography:** The subject property is generally flat and drains the property from east to west with less than a one percent slope.
- 8. Wetlands:** The City of Medford's Wetland Inventory does not indicate the existence of any jurisdictional wetlands on the subject property.
- 9. Essential (Category A) Public Facilities:** The comprehensive plan defines Category A public facilities as follows: (1) Sanitary sewage collection and treatment; (2) Storm Drainage; (3) Water Service; (4) Transportation Facilities. The following Category A public facilities are available to the subject property:
- A. Sanitary Sewer Service (Collection):** The subject property is presently served by an existing 8-inch sewer line in the right-of-way on the east side of Corona Avenue, which is directed to 8-inch lines within the right-of-way of East McAndrews Road and Grand Avenue. These lines channel sewerage from east to west and connect to an existing 18-inch line within the right-of-way of Biddle Road. Sewerage waste from the Biddle Road line flows north, with eventual discharge into the Bear Creek Interceptor sewer. The City of Medford recently completed the engineering for a storm drainage master plan, but this plan has not yet been incorporated into the City's Comprehensive Plan. The subject property is located on the boundary of two collection drainage areas. The plan does not identify any sanitary sewage system deficiencies for the subject drainage system now or in the future for the collection system immediately to the south of the subject property. Applicant will stipulate to a condition of approval requiring redevelopment of the site to connect to the sanitary sewer collection system to the south of the subject property if this is recommended by the Public Works Department.

Sanitary Sewer Service (Treatment): According to Jim Hill of the Medford Engineering Department, sewage wastewater collected and transported by the Bear Creek Interceptor is treated at the Medford Regional Water Reclamation Plant. Mr. Hill serves as the principal staff person in charge of operations at the regional plant, which is located near Bybee Bridge where Table Rock Road crosses the Rogue River. The plant serves the Bear Creek Valley Sanitary Authority (BCVSA) and the cities of Central Point, Jacksonville, Medford, Phoenix and Eagle Point. A portion of the service charges levied on customers is allocated to treatment costs. The Regional Rate Committee as established in the September 23, 1985 Regional Sewer Agreement is authorized to set treatment charges and rates for the regional system. The Regional Rate Committee reviews the charges and rate structures annually, and rate adjustments are made as necessary. Systems development charges are allocated to plant expansion. Monthly service charges levied on customers are allocated to treatment costs, equipment repair and replacement, and plant upgrades to meet changing regulations.

The Vern Thorpe Regional Water Reclamation Facility, more commonly known as the Medford Regional Water Reclamation Facility (RWRF), was built in 1970 by the City of Medford as a regional facility to treat sewage from the cities of Central Point, Jacksonville, Medford, Phoenix, Talent and rural areas of Jackson County served by Rogue Valley Sewer Service (RVSS). The original RWRF capacity was 10 million gallons per day (MGD) average dry weather flow

RWRF capacity was doubled between 1980 and 1990 through several incremental expansions. In 1992 the RWRF was permitted for a 20 MGD average dry weather flow, and 60 MGD wet weather flow. Subsequent to 1992 several more projects have been constructed to improve plant operating reliability, energy efficiency, and bio-solids handling capabilities, as well as increase the reliable wet weather flow handling capacity to 80 MGD.

The average daily influent flow for 2004 was 15.7 mgd, an increase from 13.2 mgd in 1988 and 14.1 mgd in 1994. Based upon population forecasting information received from member agencies, RWRF consultant West Yost & Associates projected in its November, 2000 RWRF Facilities Plan that the ultimate population to be served by the regional plant is estimated to be 190,000.

- B. Water Distribution Lines:** There is an existing 6-inch water line in the right-of-way Corona Avenue which extends north off a 20-inch water line in the East McAndrews Road right-of-way. The existing single-family dwelling is presently connected to and is receiving service from the public water system. Representatives of the Medford Water Utility have advised applicants' representatives the low level pressure system provides fair water pressure at 66 PSI which is sufficient for the proposed plan map designation and that the use, size and design of the water system in the area is sufficient to provide service to the subject property commensurate with the proposed plan map designation. Water service to the subject property is consistent with the

City of Medford Water System Plan as set forth in Table B of the Public Facilities Element.

Water Supply: According to Medford Water Commission's System Operations Report for 2004, the MWC water system supplied a population of ±117,000. Peak demands reach 50 million gallons per day (MGD) during the summer months. The present source and distribution system has an existing capacity of 71.4 MGD. There is an additional water source capability of 15 MGD available. Plans for providing adequate water treatment capacity for the subject property and community as a whole is in the City of Medford Water System Plan as set forth in Table B of the Public Facilities Element.

- C. **Storm Drainage:** Figure 4.3.1 of the Drainage Master Plan indicates that the subject property is situated in an area that ultimate site design and grading will allow the site to drain to one of two drainage systems within the Bear Creek East drainage basin. One of the drainage systems runs through the McAndrews Road right-of-way and the other is located along Grand Avenue and utilizes the Morrow Road right-of-way. The Master Plan indicates downstream facilities are adequate for the McAndrews system, denoted on the plan as the BE7 series system. The Master Plan indicates downstream facilities for the Grand-Morrow system are inadequate, denoted on the plan as the BE3 series system. For this reason, Applicant will stipulate to site design and grading that will collect and discharge all storm drainage discharge emanating from the site to the BE3 series drainage system located in McAndrews Road right-of-way. Representatives of the Medford Public Works Department have advised agents of the applicant that the storm drainage system, which will serve the subject property is adequate in condition and capacity to accommodate the proposed GLUP map designation, but that the facility adequacy test applied at the time of future zone change may require on-site detention. At the time of zone change, applicant will accept reasonable conditions requiring on-site stormwater detention and compliance with NPDES Phase II discharge requirements applicable to the site. The *Comprehensive Medford Area Drainage Master Plan* (1996) has been adopted by the City as a part of the comprehensive plan. The direct discharge of storm waters to Bear Creek is consistent with the *Comprehensive Medford Area Drainage Master Plan*, (1996).

- D. **Streets:** The Council reaches the following findings of fact with respect to streets and traffic:

Access: The subject property will gain access along the 83.31 feet of frontage on Corona Avenue. As a matter of site planning code, cross access to the existing office uses to the south will likely be required. Applicant controls both parcels and has no objection to such cross-access easements.

Street Classification: East McAndrews is classified by the Medford Comprehensive Plan as major arterial street. Corona Avenue is classified by the Medford

Comprehensive Plan as a local street and is constructed to the Commercial Street standard along the Commercial portions of Corona. See, Medford Transportation System Plan (Functional Classifications Map).

Roadway Improvements: McAndrews Road is a five-lane city arterial street with four travel lanes and a center turn lane. There are concrete curbs, gutters and sidewalks along both sides of McAndrews Road. Corona Avenue is a paved residential street, with curb, gutter and sidewalks along the portions improved with commercial uses. The portions of Corona Avenue developed with residential uses have open ditch drainage and no curbs or sidewalks. From its intersection with East McAndrews Road and north 150 feet, Corona Avenue has been widened, and with re-stripping, will have three lanes that will include two travel lanes and a turn lane.

Existing Traffic Loading: Figure 2 of the Transportation Impact Analysis depicts the existing traffic loading in the area by turning movement. These traffic volumes were based on Counts provided by the City of Medford Public Works Department to Applicant's traffic engineer. These Counts were seasonally adjusted to reflect typical weekday pm peak hour flows during the peak travel demand times of the year.

Trip Generation: The standard reference used by Medford to estimate traffic in connection with different types of potential land uses is the *Trip Generation* (Institute of Transportation Engineers, 5th edition) publication. Under a Commercial GLUP map designation, the maximum lot coverage is 15,507 square feet, based on 20% developed as parking and 40% developed with structures². The source reference, *Trip Generation*, classifies General Office Buildings—ITE Category 710—and estimates vehicle trips based on the size of the office building. Office buildings having 10,000 square feet of leasable area produce traffic at the rate of 24.60 ADT per each 1,000 square feet. The actual size of a potential office building that would occupy the subject property is to be 12,000 square feet of leasable floor area.

If built to the maximum allowable build out of 15,507 square foot, the trip generation rate of 24.60 ADT per each 1,000 square feet would produce approximately 381 ADT. The proposed 12,000 square foot office building will produce approximately 295 ADT.

The City of Medford applies a per acre trip generation rate for *Service Commercial* land uses that is roughly based on ITE estimates for purposes of evaluating worst-case transportation impacts associated with a proposed land use change. The City's trip generation rate is substantially greater than that discussed in the above paragraphs and

² MLDC 10.706 Maximum lot coverage calculation. "The maximum lot coverage shall be determined by multiplying the lot area by the zoning district coverage factor (the percent of the lot area that may be covered by structures): Formula $MC = LA(cf)$ where: MC = Maximum coverage (in sq. ft.), LA = Lot area (in sq. ft.) cf = coverage factor."

it was this higher and more conservative rate that was used by Applicant's expert traffic engineer Kim Parducci in her evaluation of potential transportation impacts.

Transportation Impact Analysis: Applicant engaged expert traffic engineer Kim Parducci to evaluate transportation impacts of the proposed land use change. Even when employing the City's conservative trip generation rates, the analysis found that the City's LOS D standard will not be exceeded for any City intersection within the study area identified pursuant to MLDC 10.461, See Exhibit 16.

Police and Fire Protection: The property is served by the Medford Police Department and Medford City Fire Department. Emergency response to the property for fire is estimated at approximately five (5) minutes.

Schools: The property is served by Medford School District 549-C. A change in the property from Urban Residential to Commercial will not negatively impacts Medford schools because as Commercial land, no additional school age children will result from the amendment. Ultimate Commercial development of the property will produce additional property tax revenue, which will be used in part, to support local public schools.

V

CONCLUSIONS OF LAW

The City Council reaches the following conclusions of law with respect to this matter:

Procedural Review Type; Nature of the Amendment

The comprehensive plan Review and Amendments section characterizes major and minor amendments as follows:

"Major Amendments are those land use changes that have widespread and significant impact beyond the immediate area such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships."

"Minor Amendments are those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established."

Moreover, MLDC 10.190 provides:

"A minor revision to the Comprehensive Plan is one typically focused on specific individual properties and therefore considered quasi-judicial."

Based upon the evidence and the below conclusions of law, the Medford City Council ("Council") concludes that the GLUP map change will not result in the production of any additional traffic nor impacts which are beyond the immediate area of the change. As such, the Council concludes that the impacts will *not* be either widespread or significant, nor (amounting to less than one acre under a single ownership) will the change affect either a large area or many different ownerships. Therefore, the Council concludes that the change is *not a major* amendment. Instead, the Council concludes that the change is *minor* because it will *not* produce significant effects beyond the immediate area. Moreover, the change is supported by and based upon the findings of fact and conclusions of law herein, which the Council concludes is information that serves as the factual basis, which supports a public need and justification for the change. More specifically, the change is supported by the inventory of commercial lands which the Council also concludes, will serve as the factual basis in support of the proposed change. Moreover, the Council concludes that the change is minor because, consistent with MLDC 10.190, the subject change is focused on a specific property and, therefore, is considered *quasi-judicial*. Therefore, the Council ultimately concludes that the proposal is a *Minor Amendment* and has considered the change on that basis and upon the approval criteria appertaining to Minor Map Amendments.

As earlier noted, the seven criteria within the Review and Amendments section of the comprehensive plan are prefaced with the following language, which clearly establish alternative tests prerequisite to an affirmative decision:

"While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not."

The Council interprets the above language to mean that not all criteria may apply to any given application, but all must be considered. The Council further understands that if it finds that some of the criteria do not apply it must explain why. The criteria listed in the Comprehensive Plan *Review and Amendments* section which pertain to changes in map designations are:

Criterion 1

and

Criterion 2

- 1) A significant change in one or more Goal, Policy, or Implementation Strategy.
- 2) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.

Conclusions of Law (Criterion 1): The Council concludes that both criteria are applicable. As to Criterion 1, in 1994, Medford adopted a new Comprehensive Plan Economic Element that sets forth the following goal, which the Council deems to be significant:

Goal 2: Assure an adequate commercial and industrial land base to accommodate the types and amount of economic development and growth anticipated in the future, while encouraging efficient use of land and public facilities within the city.

Above Goal 2 requires an adequate commercial land base to accommodate the future (various) types and amount of anticipated economic growth and development. Based upon the evidence and analyses in Exhibits 2-6 and 10-12, the Council concludes that there does not presently exist, an adequate supply of well situated service commercial land to accommodate the community's current and future needs. Based upon the evidence, the Council concludes that the following exist as characteristics of the existing service commercial land supply and limitations thereof:

- There is a constrained supply of vacant lands under current designations available for service commercial development in centrally located portions of the City³.

³ Urban Land Analysis Table 2 indicates the consumption of approximately 40 acres of commercial and service commercial lands in centrally located MATS cells 1,3,6 and 17 from 1993 to the present. Urban Land Analysis Table 7 indicates there are less than 11 acres of vacant commercial and service commercial designations for parcels one acre or larger that are located at least a mile from the UGB.

- Land Values for vacant and developable service commercial lands are high when compared to other employment land categories, indicating a constrained supply⁴.
- The subject parcel is located in a central portion of the City that is presently served by urban public facilities and is well situated to serve demands for office space for several employment categories for which Medford is expected to have a comparative advantage over the planning horizon.

Based upon the findings of fact in Section IV and foregoing conclusions of law, the Council concludes that supply of additional land planned *Service Commercial* on the GLUP map in a central portion of the City will serve the Cities' Plan Economic Element Goal 2.

Conclusions of Law (Criterion 2): Based on the evidence presented in Exhibits 2-6 and 10-12, the Council concludes there is demonstrated need for the change to assure adequate employment opportunities as follows:

1. City's *Service Commercial and Commercial* land base serves as the foundation for the production of retail, financial and professional employment and employment opportunities within the community
2. The City's non-manufacturing trade and service sectors have increased in employment market share, as evidenced by the Hovee Market Analysis. This analysis indicates that this trend is expected to continue over a twenty-year planning horizon⁵.
3. The subject parcel is located in a central portion of the City that is well situated to serve demands for office space for several employment categories for which Medford is expected to have a comparative advantage over the planning horizon⁶.
4. The site is adjacent to an existing office park that has been developed over the last five years and will extend this efficient development pattern.
5. While the proposal will not satisfy urban housing needs, based on the findings of fact, the Council concludes that the subject property is sufficiently small that it will also not be detrimental to the supply of land for housing opportunities within the community.

⁴ See Table 6 in the Urban Land Analysis. This table indicates that value per acre, for vacant service commercial lands .25 acres or larger, is over \$100,000 per acre more expensive when compared to the Commercial, General Industrial, and Heavy Industrial GLUP Map designations.

⁵ See Figures 22 and 23 where many of the identified target industry opportunities are non-manufacturing trade and service sectors.

⁶ See Urban Land Analysis site suitability and amenities Table 1 for Target Industry Opportunities.

Criterion 3

- 3) The orderly and economic provision of key public facilities.

Conclusions of Law: The City Council concludes that Criterion 3 applies to this proposed GLUP amendment but in a somewhat limited way. This GLUP amendment does not have as its purpose or objective the provision of public facilities, although it will result in the delivery of key public facilities improvements. Based upon the findings of fact in Section IV above and analyses of public facilities in Exhibits 13-16, the City Council concludes as follows:

1. The subject property is located in an older area of Medford which is already supplied with a full range of key public facilities which include: public sanitary sewer and water, urban storm drainage, state and municipal streets and highways. The evidence shows that all key public facilities either now exist or will be assured in sufficient condition and capacity to serve the subject property at the time of development.
2. Regarding streets and transportation, the Council concludes that the Transportation Impact analysis in Exhibit 16 demonstrates that adequate transportation facilities exist and that the proposed land use change can be accommodated in accordance with Medford's LOS D standard.
3. Overall, the Council finds and concludes that this property is located in a portion of Medford where key public facilities exist or can be provided in an orderly and economic manner.

Criterion 4

- 4) Maximum efficiency of land uses within the current urbanizable area.

Conclusions of Law: The Council concludes that Criterion 4 is applicable. Based on the findings and facts, the Council finds that if the GLUP Map designation is changed as proposed and the subject property redevelops for professional office uses, the Council concludes this change will support the highest, best and most appropriate use for the subject property. Additionally redevelopment of the subject property will maximize the use of existing public facilities and services by intensifying urbanization within a central portion of the community, rather than forcing the same to the community's periphery. Therefore, the Council concludes that the change is consistent with the requirements of Criterion 4.

Criterion 5

5) Environmental, energy, economic and social consequences.

Discussion; Conclusions of Law: The Council concludes that the plan amendment, in itself, will not produce consequences of any kind. Potential consequences will be realized at the time of new development. For new development to occur the property, commensurate with a *Service Commercial* GLUP Map designation, the property must first be rezoned to C-S/P and an application for Site Plan and Architectural Review must be approved by and through the City of Medford. Through the zone change and Site Plan and Architectural Review processes, applicant's property will be made to comply with provisions of the comprehensive plan and MLDC, which deal with issues connected with the potential for environmental, social, economic and energy (ESEE) consequences. The Council considers below the anticipated ESEE consequences, which will result from the map amendment and concludes as follows:

Environmental Consequences: The environmental consequences expected to occur with the proposed GLUP map amendment are associated with automobile traffic related airborne pollutants. While additional traffic will be generated at this site beyond that which would be possible under the prevailing GLUP Map designation and zoning district, the land use change will support increased employment densities in a central portion of the City. Increasing employment densities in a central portion of the City has the potential to make alternative transportation options viable and support higher density residential areas that can be expected to reduce Vehicle Miles Traveled (VMT) and corresponding emissions levels. The Council also concludes that other environmental consequences, including water pollution, will likewise be equivalent and unchanged in comparison to the existing *Urban Residential* GLUP Map designation because the same storm water quality discharge requirements apply. Therefore, the Council concludes that the environmental consequences expected from the approval of this application, has been assessed and will be minimal.

Social Consequences: There exists many commercial developments in the immediate vicinity of the subject property and the Council anticipates and concludes there will be limited or no adverse social consequences from the proposed amendment. Moreover, the Council concludes that increased land supply for employment in this central location support the Medford's social goals for a gainfully employed citizenry.

Economic Consequences: The proposed change will contribute to the economic vitality of the community by providing the opportunity for land to be developed with uses for which there is demand. Moreover, based upon the evidence, the proposed change will provide land to accommodate some of the fastest growing segments of the local and regional economies. Medford is the regional trade and service center, and thus adding *Service Commercial* land in this location will support opportunities for employment and

economic expansion commensurate with the Comprehensive Plan. In all ways, the Council concludes that the economic consequences that result from this change will be positive.

Energy Consequences: The energy consequences are virtually the same as those listed above under environmental consequences, but instead of air contaminant discharges the energy consequences relate to energy consumption. The Council concludes that the energy consequences are likely to be reduced by increasing employment densities in a central portion of the City that can support alternative transportation and VMT reductions.

Summary Conclusions: The Council concludes that Criterion 5 is applicable. Based on the foregoing findings of fact and conclusions of law, the Council also concludes that it has appropriately considered the environmental, social, economic and energy consequences connected with the proposed GLUP map amendment and has found net consequences to be positive.

Criteria 6A and 6B

6)(A) Compatibility of the proposed change with other elements of the City Comprehensive Plan.

and

6)(B) Consistency with the goals and policies of the Comprehensive Plan. MLDC 10.191(2)(b)

Discussion; Conclusions: The Council concludes that the criteria are applicable and that the term, "other elements of the Comprehensive Plan," as used in Criterion 6(A), are the Plan's goals and policies.

The fact that the Review and Amendments section of the comprehensive plan requires map amendments to comply with the Comprehensive Plan does not serve to make all goals and policies decisional criteria. *See, Bennett v. City of Dallas*, 17 Or LUBA 450, *aff'd* 96 Or App 645 (1989). In that case the court held that approval criteria requiring compliance with a comprehensive plan does not automatically transform all comprehensive plan goals and policies into decisional criteria. The court further held that a determination of whether particular plan policies are approval criteria must be based on the language used in the policies and the context in which the policies appear. The Council believes, and we conclude, that only the goals and policies of the comprehensive plan listed below may be properly construed as independent approval criteria under *Bennett v. City of Dallas*. The Council concludes that all other plan goals and policies do not operate as approval criteria and, therefore, they are not.

Findings of Fact and Conclusions of Law

Comprehensive Plan Map Amendment Application: R. A. Murphy Construction Inc, Applicant

20.10, Page 22

Environmental Element

Natural Resources – Water Quality, Wetlands, and Wildlife Habitat

[Goal 5] Policy 5 B (3): Require the use of natural waterways for storm drainage wherever possible, to decrease flow speed and increase filtering prior to runoff entering a primary waterway.

Conclusions of Law: Based upon the evidence, the Council concludes that no natural waterways exist within the boundaries of the subject property that could be used for storm drainage.⁷ Storm waters emanating on the property will be collected, detained and discharged into one of the two existing storm drain facilities available in the area based upon recommendations of the Public Works Department.

Economic Element

[Goal 2] Policy 1: Maintain at least a five-year supply of commercial land within the city that is currently served or readily serviceable with a full range of urban public facilities and services.

Conclusions of Law: Based upon the Urban Land Analysis in Exhibit 2, the City Council concludes:

1. There are multiple indicators that the supply of vacant service commercial land in central portions of Medford and in areas well suited for office development patterns (as explained in the Urban Land Analysis) is highly constrained⁸.
2. The Council concludes that Economic Element Goal 2, Policy 1 requires the City to, "maintain *at least* a five-year supply of commercial land within the City that is currently served or readily serviceable with a full range of urban public facilities and services." (emphasis added) While the Council does not know precisely what quantitatively constitutes a five-year supply of commercial land, it also concludes that Economic Element Goal 2, Policy 1 does not say or imply that no more than a five-year supply can be provided. Based upon the evidence that the commercial supply is constrained, the Council concludes that it is necessary and appropriate to make additional service commercial land available and the same is accomplished by the GLUP Map amendment here proposed.

⁷ Within the meaning of this policy, the Council does not construe natural waterways to include irrigation canals, because irrigation canals are man-made and engineered for a specific purpose that is not storm water conveyance and/or management.

⁸ See Urban Land Analysis Table 2 that indicates the consumption of approximately 40 acres of commercial and service commercial lands in centrally located MATS cells 1,3,6 and 17 from 1993 to the present. Urban Land Analysis Table 7 indicates there are less than 11 acres of vacant commercial and service commercial designations for parcels one acre or larger and located at least a mile from the UGB. See Table 6 in the Urban Land Analysis indicates that value per acre, for vacant service commercial lands .25 acres or larger, is over \$100,000 per acre more expensive when compared to the Commercial, General Industrial, and Heavy Industrial GLUP Map designations.

Findings of Fact and Conclusions of Law

Comprehensive Plan Map Amendment Application: R. A. Murphy Construction Inc., Applicant

20.10, Page 23

Based upon the foregoing findings of fact and conclusions of law, the City Council concludes that approval of this application will help to ensure the maintenance of at least a five-year supply of service commercial land. The Council also concludes, based upon Exhibits 13-16 and the findings of fact in Section IV that portions of the subject property intended to have a Service Commercial GLUP Map designation are currently served or readily serviceable with a full range of urban public facilities and services. Therefore, the Council concludes that this GLUP Map amendment is consistent with the requirements of Economic Element Goal 2, Policy 1.

Public Facilities Element

General Section

Goal 2: To assure that land use plan designations and the development approval process remain consistent with the ability to provide adequate levels of essential public facilities and services.

Policy 2-A: [Limited Service Area Language Omitted] "Timely provision of essential urban facilities and services" shall mean that such services can be provided in adequate condition and capacity prior to or concurrent with development of the subject area. "Essential urban facilities and services" shall mean sanitary sewers, water systems, stormwater management facilities, and transportation facilities. A determination of minimum adequate service levels for essential urban facilities and services shall be based on the following:

Sanitary Sewers: Sufficient to serve any proposed development consistent with the General Land Use Plan (GLUP) map designation. Sanitary sewer facilities shall be considered adequate if they are consistent with the adopted sewer plan document, as interpreted by the City Engineer.

Domestic Water: Sufficient to serve any proposed development with a permanent urban domestic water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with the General Land Use Plan (GLUP) designation. Water facilities shall be considered adequate if they are consistent with the adopted water system plan document as determined by the Water Commission Manager.

Storm Drainage Facilities: Sufficient to serve any proposed development consistent with the General Land Use Plan GLUP Map designation. Stormwater management facilities shall be considered adequate if they are consistent with the adopted drainage plan document, as interpreted by the City Engineer.

Conclusions of Law: The City Council herewith incorporates and adopts as evidence Exhibits 13-16 hereinabove and the written testimony of the Medford Public Works Department and based upon this substantial evidence the Council concludes:

1. **Sanitary Sewers:** Sanitary sewer service to the property can and will be supplied at adequate levels and in a timely way to serve this proposed development consistent with the proposed GLUP Map designations. The Council further finds that the delivery of sanitary sewer service to the property can be provided consistent with Medford's recently completed sanitary sewer master plan.
2. **Domestic Water:** Domestic water service to the property can and will be supplied to the property at levels and in a timely way that are adequate, sufficient and timely and will supply minimum pressure and volume for projected domestic and fire control needs consistent with the General Land Use Plan (GLUP) designation and consistent with the most current adopted water system plan document and the same has been determined by

Findings of Fact and Conclusions of Law

Comprehensive Plan Map Amendment Application: R. A. Murphy Construction Inc., Applicant

20.10, Page 24.

Medford Water Commission Engineer, Eric Johnson, as designee of the Medford Water Commission Manager.

3. **Storm Drainage Facilities:** Storm drainage facilities can and will be supplied at adequate levels and in a timely way to serve this proposed development consistent with the proposed GLUP Map designations and consistent with the most current adopted storm drainage facility plan document (the City of Medford Stormwater Management Plan) as interpreted by the City Engineer.

Based upon the foregoing findings of fact and conclusions of law, the City Council concludes that the application is consistent with the requirements of plan Public Facilities and Services Element Goal 2, Policy 2-A.

General Land Use Plan Element

GLUP Map Designations

Service Commercial. This designation permits offices, medical facilities, and other limited service oriented businesses as well as residential development under certain circumstances. This designation may be located adjacent to residential designations. The corresponding zoning district permitted in this designation is the C-S/P (Service Commercial and Professional Office) zone which is intended to be customer oriented, while limiting the number of retail uses.

Conclusions of Law: Based upon the Urban Land Analysis in Exhibit 2, The Council concludes the subject property is well situated for offices, small medical facilities and other limited service oriented businesses. The Council further concludes that the requested land use is not *spot zoning* as that term has been developed through case law because the change will extend an adjacent and existing *Service Commercial* area and based thereupon that the express language of the Comprehensive Plan provides that this designation may be located adjacent to residential areas.

Criteria 7A and 7B

7)(A) All applicable Statewide Planning Goals.

and

7)(B) Consistency with applicable Statewide Planning Goals. MLDC 10.191(2)(a)

Conclusions of Law: The Council concludes that criterion 7(A) is applicable. Criterion 7(B) is concluded to be mandatory because it is not prefaced in a way that makes it an alternative criterion.

There are fourteen Statewide Planning Goals applicable in Medford and southern Oregon. The scope and nature of the change does not suggest the applicability of goals other than Goal 1 (Citizen Involvement), Goal 9 (Economic Development), Goal 11 (Public Facilities

and Services), and Goal 12 (Transportation Planning) the Council concludes that conclusions of law directed at the other goals is not necessary and demonstration of compliance with the acknowledged Comprehensive Plan is sufficient to demonstrate consistency with the Statewide Planning Goals:

Regarding Goal 1, the Council concludes that citizen involvement consistent with the goal is assured through methods used by the City to notify affected parties of public hearings during which the application is considered and by opportunities afforded parties to present evidence and argument. The notification and hearing procedures are in the MLDC and these are found to be consistent with Goal 1 and the requirements of Oregon Revised Statutes (ORS) 197.763.

Goal 9, (Economic Development) is implemented by OAR 660-09. This rule contains express analysis provisions for land use changes to or from employment land categories two acres or larger. Because this amendment affects only a .89 acre parcel, the Council concludes the threshold language contained in the implementing rule provides clear direction that land use changes of this size represent a *de minimus* change to employment land supplies and is thereby considered *de facto* consistent with Goal 9.

Goal 11, (Public Facilities and Services), requires cities:

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

The GLUP map amendment which affects .89 acres does not raise issues or require findings of fact or conclusions of law different from those presented for related goals and policies of the Comprehensive Plan under Criteria 6A and 6B which the Council herewith incorporates and adopts herein. The Council concludes that the proposed amendment is consistent with Goal 11.

Goal 12, (Transportation) is more precisely addressed through its implementing administrative rule OAR 660-12-060, addressed herein below as Criterion 9.

Ultimate Conclusions for Criteria 7A and 7B: Based upon the foregoing findings of fact and conclusions of law, the Council concludes that the proposed GLUP map amendment is consistent with all applicable Statewide Planning Goals.

Criterion 8

7)(C) Consistency with the applicable provisions of the Land Development Code. MLDC 10.191(2)(c)

Discussion; Conclusions of Law: The only provisions of the MLDC which apply to GLUP Map amendments, are the criteria set forth in MLDC 10.192 — the Review and Amendments section of the comprehensive plan. The ordinance and Comprehensive Plan criteria for GLUP Map amendments have been addressed above as Criteria 1 through 7 which are herewith cited by reference, adopted and incorporated herein. The Council concludes that it has adequately considered all applicable provisions of the Land Development Code (the MLDC) and has concluded in each instance that the criteria have been duly considered and compliance demonstrated.

Criterion 9

COMPLIANCE WITH THE OREGON TRANSPORTATION PLANNING RULE

OAR 660-12-060: Plan and Land Use Regulation Amendments

SECTION 660-012-0060 (1)

- (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Continued Discussion; Conclusions of Law: Based upon the foregoing findings of fact and the Transportation Impact Analysis prepared by JRH Transportation Engineering, the Council concludes as follows:

Findings of Fact and Conclusions of Law

Comprehensive Plan Map Amendment Application: R. A. Murphy Construction Inc, Applicant

20.10, Page 27

1. The requested GLUP Map amendment does not request nor does it require the change of a functional classification of any transportation facility nor will it change standards implementing the functional classification system.
2. The requested GLUP Map amendment will result in levels of travel and access that are similar to those that occur on existing facilities with comparable functional classifications in the study area and thus will not allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with any existing or planned transportation facility.
3. Based upon the Transportation Impact Analysis in Exhibit 16, the requested land use change will not reduce the performance of an existing or planned transportation facility below the City's adopted standard of LOS D.

VI

STIPULATIONS OFFERED BY APPLICANTS

If reasonably worded as conditions attached to the approval of this land use application, applicants herewith agree to stipulate:

1. **Sanitary Sewer:** Applicant will accept a condition requiring the engineering of sanitary sewer collection systems from the site to connect with that system located in McAndrews Road.
2. **Storm Drainage.** Applicant will engineer storm drainage collection systems from the site to connect with that system located in McAndrews Road.

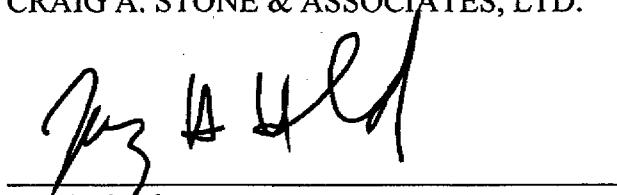
VII

ULTIMATE CONCLUSIONS

In overall summary conclusion, it is found that the comprehensive plan map amendment can and has been substantiated under each of the relevant local and state approval criteria as the same have been enumerated and discussed above as Criteria 1 through 9.

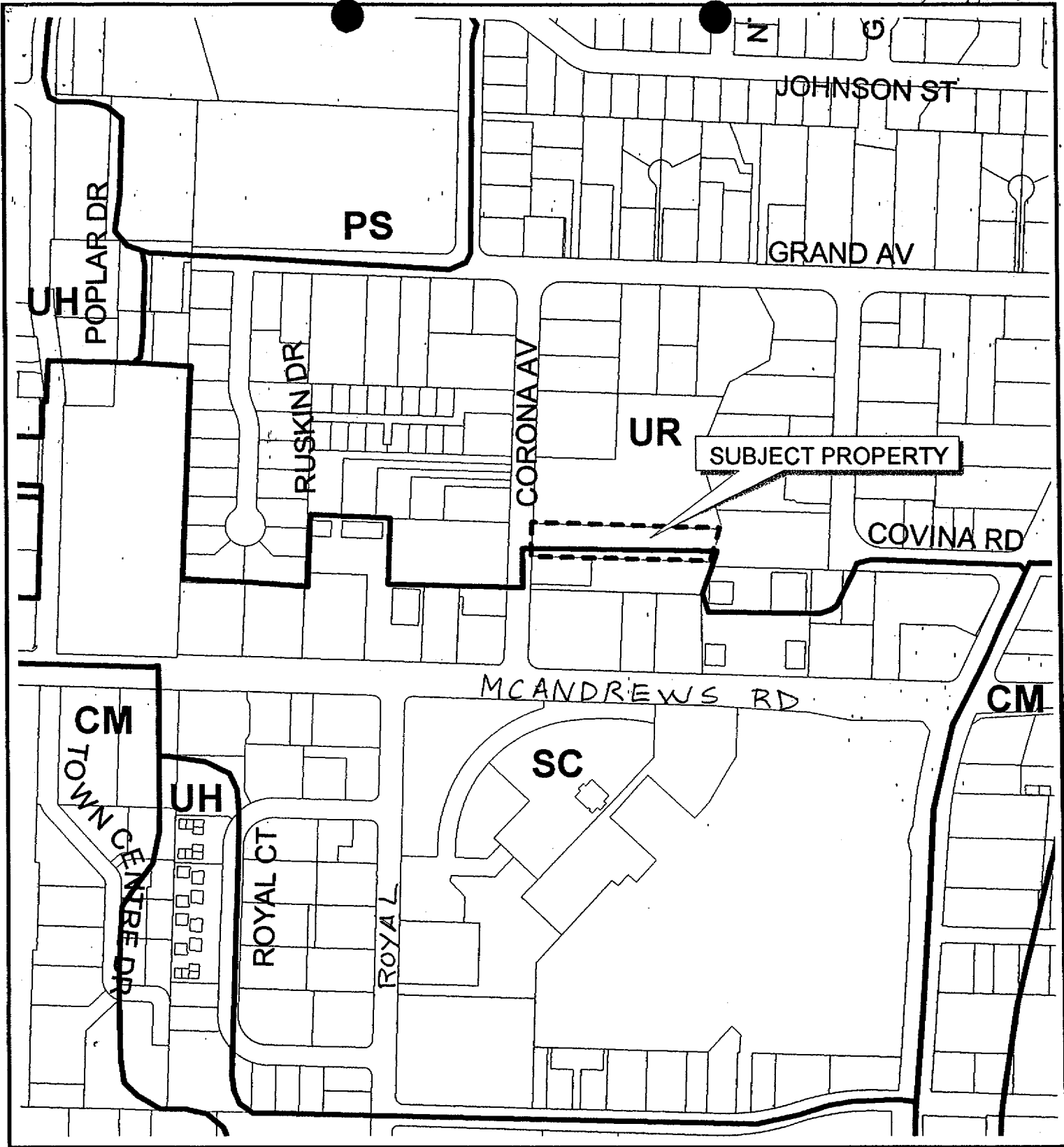
Respectfully submitted,

CRAIG A. STONE & ASSOCIATES, LTD.



Jay Harland
Consulting Planner

Dated: March 31, 2006



☐ Tax Lots
☐ GLUP
 UH-Urban High Density Residential
 UR-Urban Residential
 SC-Service Commercial
 CM-Commercial
 PS-Parks and Schools

Exhibit 3

General Land Use Plan Map

Source: Jackson County GIS Services

R.A. Murphy Construction Inc., Applicant

March 16, 2006

Craig A. Stone & Associates, Inc.
Medford, Oregon



200 **RECEIVED** 200 Feet

EXHIBIT # 8
File # CD-06-118

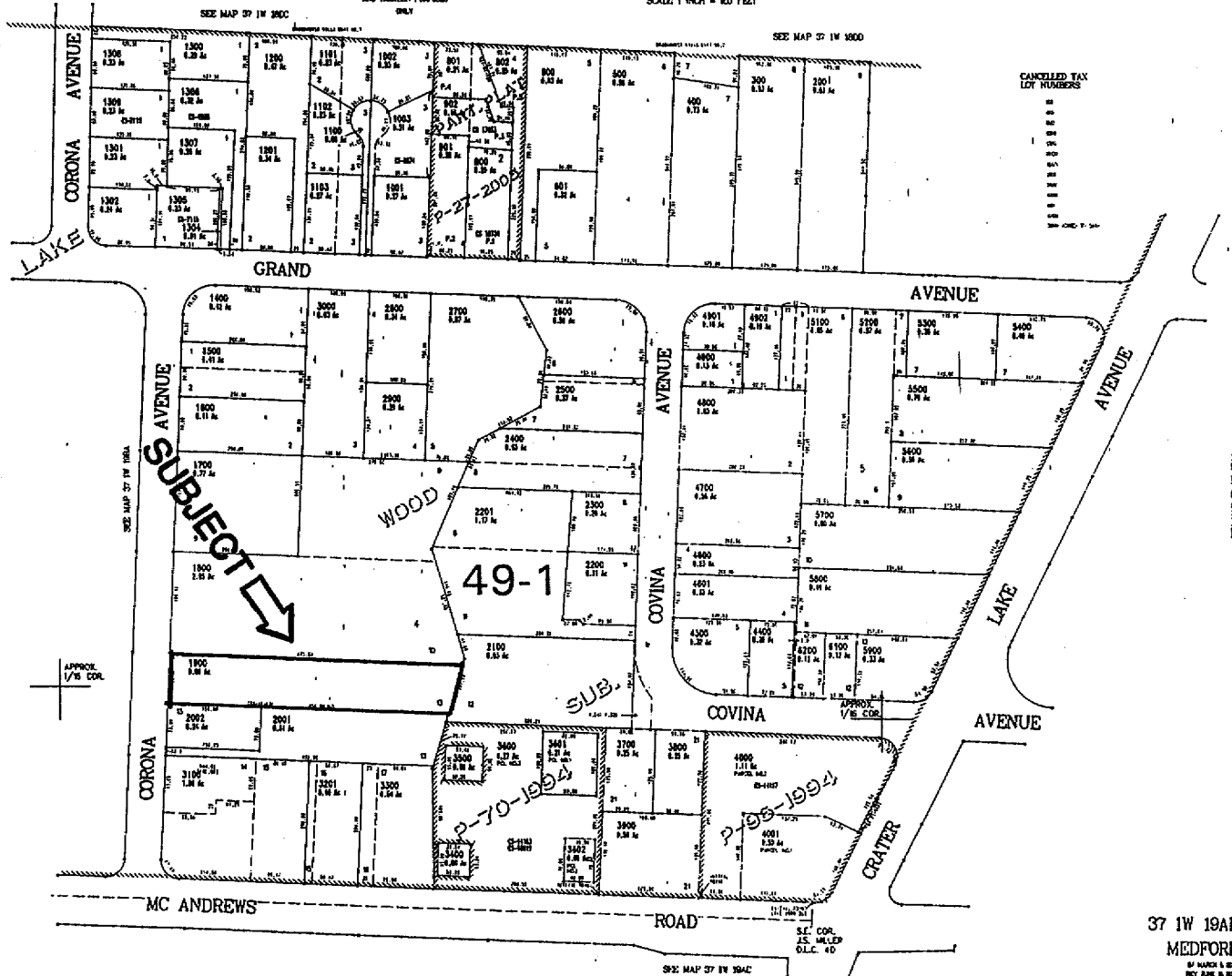
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PLANNING DEPT

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NW1/4 NE1/4 SEC19 T37S. R1W. WM.
JACKSON COUNTY

37 1W 19AB
MEDFORD



MAPFILE C:\WORKSPACE\OTIP\19AB PLATGRI
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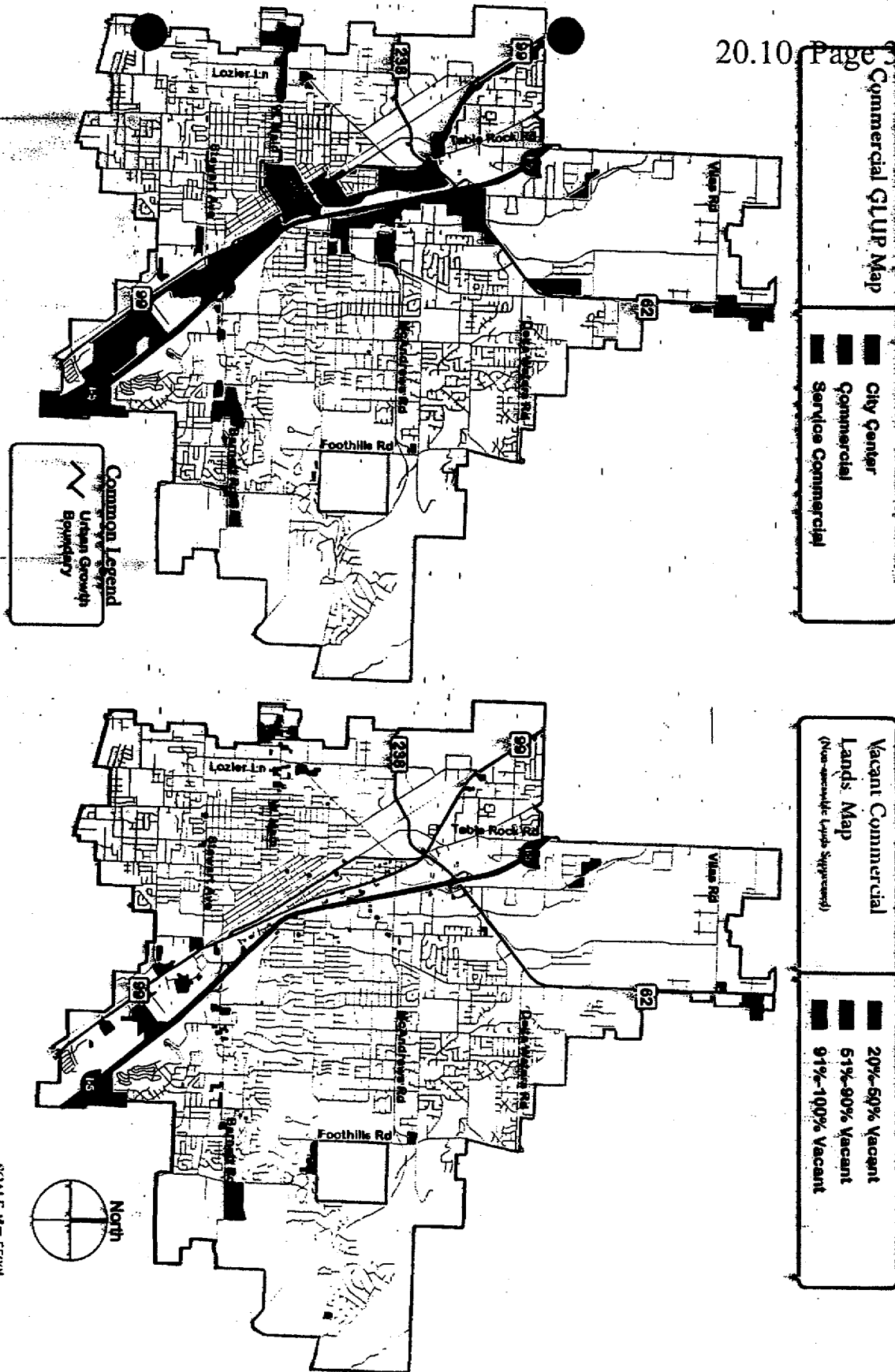
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PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT # C
File # CD-06-118

EXHIBIT 8

37 1W 19AB
MEDFORD
BY MAPK & SON
REV. APRIL 6, 2004



CORONA GLUP AMENDMENT

Commercial Lands Analysis Map

(Vacant Lands Compared to GLUP Map)

MEDFORD, OREGON
RA MURPHY APPLICANT

APRIL 2006

Exhibit 5

CITY OF MEDFORD
EXHIBIT # D
FILE # 00-001-110

Craig A. Stone &
Associates, LTD

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PLANNING DEPT

1.1 EXHIBIT 2-URBAN LAND ANALYSIS

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1.1.1 CITY OF MEDFORD COMMERCIAL AND INDUSTRIAL LAND SUPPLY AND DEMAND OVERVIEW

The land demand analysis relies primarily upon data and analysis in the Medford Comprehensive Plan and the Hovee Market Analysis. Land supply analysis relies primarily on data and information in the Medford Comprehensive Plan, the Hovee Market Analysis, and the CSA Land Use Database. Because the Comprehensive Plan contains no specific projections and needs for the supply of Service Commercial lands based upon the ability to site these uses in all commercial and some industrial zoning districts, it is necessary and appropriate to evaluate the conditions of all employment land categories to assess the need for additional Service Commercial lands as is proposed herein.

1.1.2 DATA SOURCES AND METHODOLOGY OF ANALYSIS

The analysis of urban and industrial land supplies in the City of Medford utilizes five primary sources of data and information. Jackson County GIS, and the assessment data to which it is associated, are used as base data. The Medford Comprehensive Plan includes commercial and industrial lands inventory data and analysis acknowledged by the State of Oregon. An Economic Market Analysis, *including the Commercial and Industrial Land Study Goal 9 Supplement*, prepared by E.D. Hovee, was commissioned by the City of Medford and completed in 2003 and 2004 respectively. Craig Stone and Associates, Ltd. compiled a database of vacant industrial and commercial lands in 1996 and has maintained this database with updates in 2001 and 2005.

These data sources are presented and analyzed with a combination of descriptive statistics, inferential statistics, and geographic pattern interpretation. Descriptive statistics include data summaries such as the mean, standard deviation, and acreage changes. Descriptive statistics are useful for presenting conditions of commercial and industrial land supplies. Inferential statistics are used to make comparisons, such as the nature and extent of differences between land use classifications. Geographic pattern interpretation is a more subjective analysis of map patterns and location distributions.

1.1.2.1 Commercial/Industrial Land Supply and Demand; Comprehensive Plan Economic Element

The Economic Element of the Medford Comprehensive Plan was last updated in 1993 and adopted in early 1994. The Plan's demand projections are based on historic absorption rates prior to its adoption. Land demand is segmented in the Economic Element by the four GLUP Map employment designations that existed at that time, Service Commercial, Commercial, General Industrial, and Heavy Industrial. The Economic Element also includes an inventory of vacant and underutilized lands in accordance with these four GLUP Map designations.

The Service Commercial plan designation is specifically tailored for office and office park development patterns, especially where it is near residential areas. The Comprehensive Plan recognizes that all of the Service Commercial uses can be sited in any of the other Commercial

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APR 18 2006

CITY OF MEDFORD

EXHIBIT #

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PLANNING DEPT.



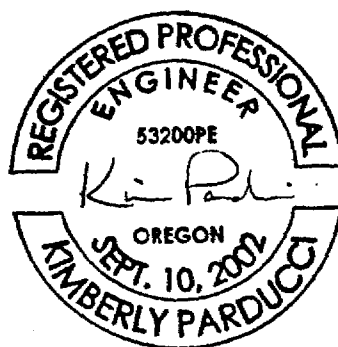
JRH TRANSPORTATION ENGINEERING

CORONA AVENUE COMPREHENSIVE PLAN AMENDMENT & ZONE CHANGE

TRAFFIC IMPACT ANALYSIS

MEDFORD, OREGON

APRIL 13, 2006



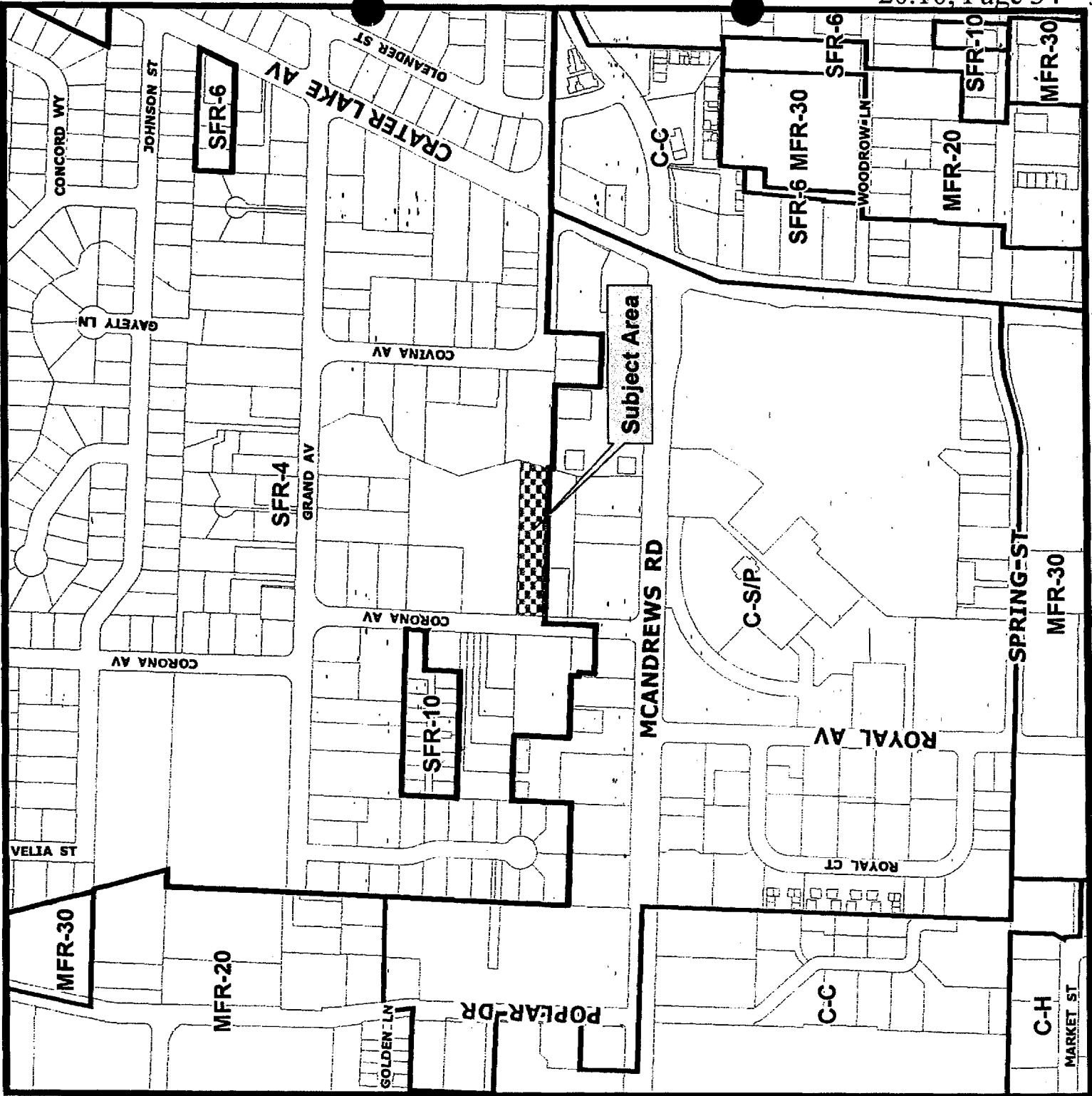
RENEWAL DATE 12/31/06

CITY OF MEDFORD

EXHIBIT # F

File # CP-06-118

JRH TRANSPORTATION ENGINEERING
1175 EAST MAIN STREET, SUITE 1C, MEDFORD, OREGON 97504 541.776.9966 FAX 541.776.7947 JRH@JRHWEB.COM



Vicinity Map

UGB
City Limits

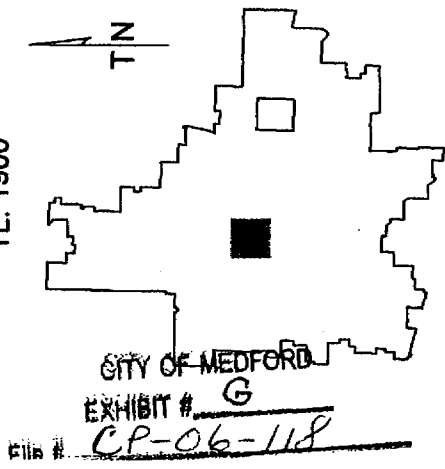
OVERLAY

	Airport Approach
	Airport Radar
	Central Business
	Exclusive Agricultural
	Freeway
	Historic Outline
	Limited Industrial
	Limited Service
	Planned Development
	Southeast

FILE NUMBER:
CP-06-118

APPLICANT:
R. A. Murphy
Construction, Inc.

Map: 371W19AB
TL: 1900



DATE: 5/2/2006

PLANNING COMMISSION MINUTES

JULY 13, 2006

20.4 ZC-06-130 Final Order approving a change of zone from County SR-2.5 (Suburban Residential – 2.5 acre minimum) to the City SFR-2 (Single Family Residential – 2 units per acre) zoning district on a 0.59 acre parcel located on the south side of an un-named street formerly referred to as Mary Bee Lane, approximately 1200 feet from the intersection with Piedmont Terrace. Kim and Bryan Schlafke, Applicants (Hoffbuhr & Assoc., Inc., Agent).

20.5 ZC-06-135 Final Order approving a change of zone from County SR-2.5 (Suburban Residential – 2.5 acre minimum) to the City SFR-10 (Single Family Residential – 10 units per acre) zoning district on a 0.47 acre parcel located on the west side of North Ross Lane, approximately 300 feet south of Maple Park Drive. Buntin Construction, LLC, Applicant (Maize & Associates, Agent).

20.6 LDP-06-70 Final Order for tentative plat approval for a 2-lot partition on a 0.41 gross acre parcel located on the southwest corner of Beall Lane and Circlewood Drive, within an SFR-6 (Single Family Residential - 6 units per acre) zoning district. Terry & Linda Callahan, Applicants.

20.7 LDP-06-106 Final Order for tentative plat approval for a 3-lot partition of a 0.50 acre parcel located on the west side of Howard Avenue, approximately 313 feet south of DeHague Street, within an SFR-6 (Single Family Residential - 6 units per acre) zoning district. Richard J. Templeton, Applicant (Stephen M. Terry, Agent).

20.10 CP-06-118 Consideration of a request for a minor amendment to the General Land Use Plan Map of the Medford Comprehensive Plan changing the designation from Urban Residential to Service Commercial on one parcel totaling .89 acres, in an SFR-4 zoning district, located east of Corona Ave., and approximately 283' north of McAndrews Road. (R.A. Murphy Construction, Inc., Applicant; (Craig A. Stone & Associates, Ltd., Agent)

20.12 LDP-04-127 Consideration of a request for a second one-year time extension of the tentative plat approval for a 2-lot partition of a 0.30 acre parcel located on the southeast corner of Wabash Avenue and Ridge Way, within an SFR-6 (Single-Family Residential – 6 units per acre) zoning district.

20.13 PUD-05-136 Consideration of preliminary Planned Unit Development (PUD) plan approval, including tentative plat and a zone change from SFR-6 (Single-Family Residential – 6 units per acre) to MFR-20 (Multi-Family Residential – 20 units per acre) zoning, for Corona-Hilton Place, a 52-unit, 13-lot with common area multi-family residential PUD on two parcels within an SFR-6/AA (Airport Overlay) zoning district and totaling 2.82 acres located on the northwest corner of the intersection of Hilton Road and Corona Avenue.

Motion: Approve Items #20.1, #20.2, #20.3, #20.4, #20.5, #20.6, #20.7, #20.10, #20.12 and #20.13 above on the Consent Calendar as submitted.

Moved by: Commissioner Ruffing

Seconded by: Commissioner Shean

Voice Vote: 8-0

The following consent calendar items were handled on an individual basis.

20.8 CUP-06-109 Final Order for approval of a conditional use permit to allow the expansion of an existing church facility on an 8.04 acre parcel located on the southwest corner of McAndrews Road and Wabash Avenue, with a portion of the property fronting on Woodrow Lane within an SFR-6 (Single Family Residential, 6 dwelling units per acre) zoning district. First Church of the Nazarene, Applicant (Craig Stone & Associates, Agent).

20.104
July 13, 2006 20.11

ACTION MINUTES

CITY OF MEDFORD CITIZENS PLANNING ADVISORY COMMITTEE TUESDAY, July 11, 2006 – 6:30 P.M

Attending:

Carole Berg, Chair
Hugh Hohe, member
Karen Blair, member
Curtis Folsom
Elwin Fordyce
Frank Gatesman, visitor

Linda Hildebrand, member
Joel Marks, member
Gary Stine, Vice-Chair
Norm Nelson – Planning Commission
Kathy Helmer, Planning Department

The regular meeting of the Citizens Planning Advisory Committee was called to order by Chair Carole Berg at 6:35 p.m. in Room 340, Medford City Hall.

The following actions were taken by the Committee:

4.1 CP-06-118 Corona. General Land Use Plan Map Amendment.

One member held to the opinion that commercial uses should not be allowed to further intrude on this residential neighborhood. Others questioned how strong an impact an office-type use would have. It was suggested that guidelines could usefully be developed for C-S/P uses bordering residential areas. Gary Stine asked if there were signs of reinvestment in this residential neighborhood and Kathy Helmer said there were not.

Motion: To support the staff report recommendation on file CP-06-118.

Made by: Gary Stine **Second:** Hugh Hohe

Vote: 5 ayes; 2 nays. Motion passed.

6.1 DCA-05-222. Historic Preservation Ordinance. Development Code Amendment.

There were few questions on this proposed amendment. Gary Stine questioned items 6 and 7 under 10.401, commenting that he was unsure how the overlay actually enhanced visitor and tourist attractions and promoted the use of structures for the pleasure and public welfare of Medford citizens. It was noted that citizens can opt out of their property being designated a significant historic resource, so long as they are not already listed on the *National Register of Historic Places*, nor within a National Register historic district.

Motion: Forward a favorable recommendation to the City Council to adopt the Historic Preservation Ordinance.

Made by: Gary Stine **Second:** Curtis Folsom

Vote: Voice vote unanimous in favor. Motion passed.

ORDINANCE NO. 2006-199

AN ORDINANCE amending Chapter 10 of the Code of Medford by adding Sections 10.136 through 10.138 and Sections 10.256 through 10.261, replacing Sections 10.401 through 10.408, repealing Sections 10.409 through 10.411, and amending Section 10.1022 pertaining to historic preservation.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Section 10.136 of the Code of Medford is added to read as follows:

10.136 Authority of the Landmarks and Historic Preservation Commission.

The Landmarks and Historic Preservation Commission is hereby designated as the approving authority for the following plan authorizations:

Plan Authorization	Class
Historic Review, except Minor Historic Review permitted in Section 10.408	'C'

For the purposes of this section, the definitions, rules, and procedures of Sections 10.401 through 10.408 shall apply.

(1) Historic Review shall include:

(a) Historic Preservation Overlay Changes. Review and investigation of any historic resource in the City of Medford that may have historic significance; initiation of proceedings to change the extent of the Historic Preservation Overlay; decisions on applications to change to the extent of the Historic Preservation Overlay; and preparation of findings substantiating or refuting the historic significance of the resource.

(b) Exterior Alteration and/or New Construction Review. Consideration of proposed exterior alteration and/or new construction within an Historic Preservation Overlay.

(c) Demolition and/or Relocation Review. Consideration of proposed demolition or relocation within an Historic Preservation Overlay, and authorization of either delayed or immediate issuance of a demolition or relocation permit.

(d) Consideration of Appeals of Minor Historic Review Decisions. Should an applicant disagree with a Minor Historic Review decision made by the Planning Director, the applicant may appeal such decision to the Landmarks and Historic Preservation Commission consistent with the requirements of this Code.

(2) Other powers and duties of the Landmarks and Historic Preservation Commission may include:

(a) To study proposed *Comprehensive Plan* and *Land Development Code* amendments relating to historic preservation, and submit recommendations regarding such proposals to the Planning Commission and City Council.

(b) To institute and support programs and projects that further the historic preservation policies of the City of Medford.

(c) To adopt approval criteria for Minor Historic Review of alterations of roofing materials, exterior colors; or sign face design for an existing sign within Historic Preservation Overlay Districts. Such criteria shall be consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Places* as applicable.

(d) To adopt design guidelines for new construction and exterior alternations within an Historic Preservation Overlay. Such guidelines may be general or specific in nature and shall be in the form of approaches intended to aid applicants in preparation, presentation, and implementation of development proposals that comply with the *Medford Comprehensive Plan* and implementing ordinances. Guidelines shall be advisory and shall not limit applicants to a single approach.

(e) To adopt approval criteria and/or design guidelines for signage within the Historic Preservation Overlay. Such criteria or design guidelines may authorize signs that differ from the standards of Article VI when necessary to meet historic compatibility and preservation goals.

Section 2. Section 10.137 of the Code of Medford is added to read as follows:

10.137 Landmarks and Historic Preservation Commission, Membership.

(1) The Landmarks and Historic Preservation Commission shall be made up of seven voting members nominated by the Mayor and confirmed by the City Council.

(2) All Landmarks and Historic Preservation Commission members shall be residents of the City of Medford, and, if any member ceases to be a city resident, his/her position shall become vacant.

(3) The Planning Director or designee shall serve as an *ex-officio* member of the Landmarks and Historic Preservation Commission.

(4) All members of the Landmarks and Historic Preservation Commission shall have demonstrated positive interest, competence, or knowledge of historic preservation.

(5) A member of the Landmarks and Historic Preservation Commission may be removed by the City Council, after a hearing, for misconduct or nonperformance of duty. Replacements shall be nominated by the Mayor and confirmed by the City Council for the remainder of the un-expired term.

(6) All regular terms of members of the Landmarks and Historic Preservation Commission shall be for a period of four years, and shall begin on February 1, with not more than three terms expiring in the same year.

Section 3. Section 10.138 of the Code of Medford is added to read as follows:

10.138 Landmarks and Historic Preservation Commission, Meeting Procedures.

Except as otherwise provided by law or this Code, the Landmarks and Historic Preservation Commission shall conduct its meetings in accordance with rules as adopted by the commission, except that a quorum shall be defined as four or more members. The Landmarks and Historic Preservation Commission shall meet as necessary to act on Historic Reviews in a timely manner. There shall be at least one meeting of the Landmarks and Historic Preservation Commission held each year, during the month of March.

Section 4. Section 10.256 of the Code of Medford is added to read as follows:

10.256 Historic Review.

The Historic Review process is hereby established to assure compliance with the Historic Preservation Overlay, Sections 10.401 through 10.408, and the *Oregon Administrative Rules* and *Oregon Revised Statutes*, and to achieve consistency with *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.

(1) An application for Historic Review is required in the following instances:

(a) To request addition to or removal from the Historic Preservation Overlay for any area, parcel, or portion thereof. The property owner, Planning Director, Landmarks and Historic Preservation Commission, or City Council may request initiation of proceedings to change the extent of the Historic Preservation Overlay.

(b) For proposed exterior alteration and/or new construction within an Historic Preservation Overlay.

(c) Prior to application for a demolition or relocation permit for all or part of a building, structure, object or site in an Historic Preservation Overlay.

(2) Historic Review of proposed exterior alteration and/or new construction is required irrespective of whether a building permit or a development permit is required. Historic Review final actions shall be taken prior to application for a building permit or proceeding with work that does not require a permit.

Section 5. Section 10.257 of the Code of Medford is added to read as follows:

10.257 Historic Review, Application Content.

An application to for Historic Review shall include the information and materials listed below:

- (1) Application form.
- (2) All information requested on the application form.
- (3) Findings of fact demonstrating compliance with the approval criteria.
- (4) Appropriate fee.

In addition to that listed, the City may require the applicant to submit additional information deemed necessary to take action on an application in accordance with this Code and applicable State laws.

Section 6. Section 10.258 of the Code of Medford is added to read as follows:

10.258 Historic Review, Approval Criteria.

Approval of Historic Review applications shall require findings that the proposal is consistent with the indicated approval criteria:

(1) Changes to the Historic Preservation Overlay. The extent of the Historic Preservation Overlay may be changed to include an historic resource other than those specified in Section 10.402 (1), (2), and (3) through a Class 'C' Historic Review process if findings can be made substantiating that the proposal is consistent with the criteria below:

- (a) It has been demonstrated that the designation of the historic resource is consistent with

the purposes of the Historic Preservation Overlay in Section 10.401; and,

(b) It has been demonstrated that the designation of the historic resource is appropriate, considering the historic value of the resource and any other conflicting values, and will not result in a loss of substantial beneficial use of the property; and,

(c) It has been demonstrated that the historic resource has a significance rank of "primary" or "secondary" on an historical survey conducted in conformance with the standards of the Oregon State Historic Preservation Office; or, the historic value of the resource has sufficient local significance to merit designation as a Local Historic Resource.

(2) Exterior Alteration and/or New Construction. The approving authority (Landmarks and Historic Preservation Commission) shall approve an Historic Review application for exterior alteration and/or new construction within an Historic Preservation Overlay after consideration during a public hearing, if findings can be made substantiating that the proposal is consistent, or can be made consistent through the imposition of conditions, with all of the following criteria:

(a) It has been demonstrated that the proposed exterior alteration and/or new construction is consistent with the purposes of the Historic Preservation Overlay in Section 10.401; and,

(b) It has been demonstrated that the proposed exterior alteration and/or new construction will preserve the historic character, form, and integrity of the historic resource; and,

(c) It has been demonstrated that the proposed exterior alteration and/or new construction is consistent with the most current version of the *The Secretary of the Interior's Standards for the Treatment of Historic Properties*; and,

(d) It has been demonstrated that the proposed exterior alteration and/or new construction is compatible with the historical and architectural style of the historic resource, of adjacent historic properties, and of the historic district within which it is located, if any. Assessment of compatibility may include consideration of the design, arrangement, proportion, detail, scale, color, texture, and materials, and the way new features will be differentiated from the old; and,

(e) It has been demonstrated that the proposed exterior alteration and/or new construction is consistent with all other applicable provisions of this Code.

(3) Minor Historic Review. The Planning Director shall approve a Minor Historic Review application for alteration of roofing materials, exterior colors, or sign face design for an existing sign if the proposal conforms to approval criteria adopted by the Landmarks and Historic Preservation Commission.

(4) Demolition and Relocation. The Landmarks and Historic Preservation Commission shall temporarily delay issuance of a demolition or relocation permit for all or part of a building, structure, object or site in an Historic Preservation Overlay, unless, during a public hearing:

(a) It is demonstrated that a temporary suspension of the demolition or relocation permit would not aid in avoiding the demolition or relocation of the historic resource; in informing the owner of the benefits of renovation; nor in pursuing public or private acquisition or restoration; and,

(b) In the case of a demolition, it is demonstrated that there is no practical opportunity to relocate the historic resource to another site, nor to salvage historic or architectural elements; and,

(c) It is demonstrated that the proposed demolition or relocation would not adversely affect the protection, enhancement, perpetuation, improvement, or use of any historic district or other historic resource; and,

(d) It is demonstrated that the benefits of protecting the historic resource no longer outweigh the benefits of allowing the demolition or relocation.

(5) Temporary Suspension of a Demolition or Relocation Permit.

(a) In the case of temporary suspension of a demolition or relocation permit by the Landmarks and Historic Preservation Commission, issuance of the permit shall be delayed for a period of 120 days from the date of application for Historic Review or for the demolition or relocation permit, whichever is earlier.

(b) The Landmarks and Historic Preservation Commission may invoke an extension of the suspension period for an additional period not exceeding 90 days if it determines during a subsequent public hearing that there is a program underway that could result in public or private acquisition, or preservation or restoration of such building, structure, object, or site, and that there are reasonable grounds to believe that such a program will be successful.

(c) During the period of suspension, no permit shall be issued for demolition or relocation, nor shall any person demolish or move the building, structure, object, or site.

(d) At the end of the suspension period, if all such programs have been unsuccessful, the Medford Building Safety Director shall issue a demolition or relocation permit as long as the application otherwise complies with all other city ordinances.

Section 7. Section 10.259 of the Code of Medford is added to read as follows:

10.259 Historic Review, Conditions of Approval.

In approving an Historic Review application, the Landmarks and Historic Preservation Commission may impose conditions necessary to ensure compliance with the standards of this Code and the criteria in Section 10.258.

Section 8. Section 10.260 of the Code of Medford is added to read as follows:

10.260 Historic Review, Appeal.

Final Historic Review decisions by the Landmarks and Historic Preservation Commission may be appealed to the City Council pursuant to Sections 10.051 through 10.056. Minor Historic Review decisions by the Planning Director may be appealed to the Landmarks and Historic Preservation Commission.

Section 9. Section 10.261 of the Code of Medford is added to read as follows:

10.261 Historic Review Approval, Expiration.

Historic Review approvals shall expire within one year following the date of the final order unless work on the authorized improvement or construction has begun or an extension of time has been issued. If a written request for an extension of time is filed with the Planning Department within one year from the date of the final order, the Planning Director shall extend the expiration date for a period of one additional year. Upon written request submitted prior to expiration of the one-year extension granted by the Planning Director, the Landmarks and Historic Preservation Commission may grant an additional extension not to exceed one year.

Section 10. Section 10.401 is replaced to read as follows:

~~10.401 Purpose of Historic Preservation District.~~

~~It is the purpose of this section to protect, enhance, perpetuate and improve those structures or districts that are of special historical interest or value. It is further intended that this section shall:~~

- ~~(1) Effect and accomplish the protection, enhancement and perpetuation of such improvements, sites and districts that represent or reflect elements of the City's cultural, social, economic, political, and architectural history;~~
- ~~(2) Safeguard the City's historic, aesthetic and cultural heritage as embodied and reflected in such sites and districts;~~
- ~~(3) Complement the National Register of Historic Places designations;~~
- ~~(4) Stabilize and improve property values of historic sites and districts;~~
- ~~(5) Foster civic pride in the beauty and noble accomplishments of the past;~~
- ~~(6) Protect and enhance the City's tourist and visitor attractions and support and stimulate business and industry;~~
- ~~(7) Strengthen the economy of the City;~~
- ~~(8) Promote the use of historic districts and sites for the education, pleasure, housing and public welfare of the City;~~
- ~~(9) Further the provisions of the Statewide Planning Goal 5; and~~
- ~~(10) Implement and supplement the Comprehensive Plan.~~

10.401 Historic Preservation Overlay, Purpose.

The Medford Historic Preservation Overlay is a zoning designation that may be applied to properties, public or private, within the City. It is the purpose of the Historic Preservation Overlay to protect, enhance, perpetuate, and improve those buildings, structures, objects, sites, and districts that are of local, regional, statewide, or national historic significance. The Historic Preservation Overlay is a critical element of Medford's residential and commercial revitalization strategy, and a keystone in the broader economic and community development strategy.

More specifically, the Historic Preservation Overlay is intended to:

- (1) Affect and accomplish the protection, enhancement, perpetuation, and improvement of such buildings, structures, objects, sites, and districts that represent elements of Medford's cultural, social, economic, political, or architectural history;
- (2) Safeguard Medford's historic, aesthetic, and cultural heritage as embodied in such buildings, structures, objects, sites, and districts;
- (3) Complement the *National Historic Preservation Act* and *National Register of Historic Places*;
- (4) Encourage private owners and public citizens to understand the value of such buildings, structures, objects, sites, and districts, thus creating incentives for preservation;
- (5) Foster civic pride in the beauty and accomplishments of the past;
- (6) Protect and enhance Medford's visitor and tourist attractions, and support and stimulate business and industry;
- (7) Promote the use of such buildings, structures, objects, sites, and districts for the education, pleasure, and public welfare of the residents of Medford;
- (8) Further the provisions of Statewide Planning Goal 5 (to protect natural resources and

conserve scenic and historic areas and open spaces); and,
(9) Implement the *Medford Comprehensive Plan*.

Section 11. Section 10.402 is replaced to read as follows:

~~10.402 Definitions for Historic Preservation Districts.~~

~~For the purposes of this section, the following definitions shall apply:~~

~~(1) Alteration. The addition to, removal of or from, or physical modification (including paint) or repair of, any exterior part or portion of an historic site or structure, or of a landmark or structure in an historic district. Signs shall be considered an alteration.~~

~~(2) Architectural Significance. Shall mean that a site or district:~~

~~(a) Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;~~

~~(b) Embodies those distinguishing characteristics of an architectural type;~~

~~(c) Is the work of an architect or master builder whose individual work has influenced the development of the City; or~~

~~(d) Contains elements of architectural design, detail, materials, or craftsmanship which represent a significant innovation.~~

~~(3) Commission. The Historic Commission for the City of Medford.~~

~~(4) Demolish. Raze, destroy, dismantle, deface, or in any other manner cause partial or total ruin of a designated landmark or structure, or of a landmark or structure in an historic district.~~

~~(5) Exterior. Any portion of the outside of a landmark, building or structure in an historic district or site.~~

~~(6) Historical Significance. Shall mean that the site or district:~~

~~(a) Has character, interest or value as part of the development heritage or cultural characteristics of the City, State or Nation; or~~

~~(b) Is the site of an historic event with an effect upon society; or~~

~~(c) Is identified with a person or group of persons who had some influence on society; or~~

~~(d) Exemplifies the cultural, political, economic, social or historic heritage of the community.~~

~~(7) Historic Site or District. Any structure, landmark, building or district that is listed as 1A in the City of Medford Comprehensive Plan.~~

10.402 Historic Preservation, Definitions.

When used in this Code in reference to historic resources, the following terms shall have the meanings as herein ascribed:

Demolish. To raze, destroy, dismantle, deface, or in any other manner cause partial or total ruin of buildings, structures, objects, or sites in designated historic areas.

Designation. A decision declaring that an historic resource is of local, regional, statewide, or national significance, and that such resource is to be placed within the Historic Preservation Overlay, and, therefore, including it in the inventory of historic areas within the City.

Exterior. Any portion of the outside of buildings, structures, objects, or sites in designated historic areas, including signage.

Exterior alteration. Any modification of, addition to, or removal from the visible exterior elements of buildings, structures, objects, or sites in designated historic areas.

Historic areas. Lands with buildings, structures, objects, sites, or districts that have local, regional, statewide, or national historic significance.

Historic resources. Buildings, structures, objects, sites, or districts that have a relationship to events or conditions of the human past.

Historic resources of statewide significance. Buildings, structures, objects, sites, or districts listed in the *National Register of Historic Places*, or located within *National Register* historic districts.

Historic significance. Having historic significance shall mean that the historic resource:

- (1) Is associated with a person, group, organization, or event that made a significant contribution to, or is illustrative of the broad patterns of cultural, social, political, economic, or industrial history of the city, region, state, or nation; or,
- (2) Retains sufficient original design, craft work, or material in its original setting to serve as an example of a particular architectural period, building type, or style having design or artistic quality; or,
- (3) Is a rare or unique surviving example of a development type, architectural style, or structural type significant to the city's history; or,
- (4) Significantly contributes to the historic character, identity, and continuity of the street, neighborhood or city, or is a visual landmark; or,
- (5) Represents a noteworthy work of a developer, architect, builder, or engineer noted in the history or architecture of the region; or,
- (6) Significantly contributes to the character and identity of a grouping (ensemble) of resources which, together, share a distinct and intact historic identity.

Local historic resource. Buildings, structures, objects, sites, or districts not of statewide significance, but designated by the Medford Landmarks and Historic Preservation Commission to be within the Historic Preservation Overlay.

Maintenance. Repair, cleaning, restoration, or other action necessary to counteract aging, wear, and/or use of a structure, building, object, or site, except that the maintenance activity must not involve a change in the design, material, color, or outward appearance of any exterior component, except such that results from the cleaning or renewal of an exterior surface.

Section 12. Section 10.403 is replaced to read as follows:

~~10.403 Areas Affected.~~

~~The Historic Preservation Overlay District shall apply to all historic sites and districts as identified in the city of Medford Comprehensive Plan. The boundaries of historic districts and sites shall be designated on the city of Medford's zoning map.~~

10.403 Historic Preservation Overlay, Designation.

The Historic Preservation Overlay shall apply as follows:

- (1) To all historic areas on the adopted "1-A List" in the *Medford Comprehensive Plan*.
- (2) To all Medford historic areas and historic districts listed on the *National Register of Historic Places* as of the effective date of this ordinance, and thereafter, on the date the property is listed.
- (3) To all historic areas and historic districts listed on the *National Register of Historic Places* as of the effective date of annexation to the City, if the property was listed prior to annexation.
- (4) The extent of the Historic Preservation Overlay may be changed pursuant to the review process for Class 'C' Historic Review applications, to include or exclude any area, parcel, or portion thereof that was not included pursuant to paragraphs (1), (2), or (3). Decisions to change the extent of the Historic Preservation Overlay shall adhere to the criteria set forth in Section 10.258(1).

Section 13. Section 10.404 is replaced to read as follows:

~~10.404 Designation of New Affected Areas.~~

~~Upon receipt by the City that a site or district has been placed on the National Register of Historic Places, or has been determined to be a 1A site as defined in the Comprehensive Plan, the Planning Director shall initiate zone change proceedings to amend the zoning map to overlay the Historic Preservation District on the subject site or district.~~

10.404 Significant Historic Resource Designation, Refusal.

If the owner of a property proposed for designation as a significant historic resource that is not listed on the *National Register of Historic Places*, nor within a National Register historic district, submits in writing a refusal to consent to such designation, the designation process for that property shall be terminated.

Section 14. Section 10.405 is replaced to read as follows:

~~10.405 Historic Commission Creation.~~

~~There is hereby created an Historic Commission of five (5) members. Each regular Commission member shall be entitled to one vote. Membership to the Commission shall be as follows: five citizens who have knowledge or interest in the areas of local history, architecture or finance and who have been nominated by the Mayor and confirmed by the City Council. The Planning Director or designee shall serve as an ex-officio member of the Commission. All members of the Commission shall serve without compensation. All regular members shall serve for a term of four years except the first appointees shall serve for the following terms: Two regular members shall~~

~~be appointed initially for two-year terms and three regular members shall be appointed initially for four-year terms. Vacancies in office shall be filled in the same manner as original appointments and the appointed shall hold office for the remainder of the unexpired term. Any regular member who misses more than four consecutive scheduled meetings without obtaining a leave shall be removed and another regular member shall be nominated by the Mayor and confirmed by the City Council.~~

10.405 Historic Preservation Overlay Designation, Removal.

(1) The Historic Preservation Overlay designation shall be automatically removed when an historic resource not in an historic district is destroyed by fire or natural event.

(2) Upon written request for removal by the owner of a property designated as a significant historic resource that is not listed on the *National Register of Historic Places*, nor within a National Register historic district, the City shall remove said property from the Historic Preservation Overlay.

Section 15. Section 10.406 is replaced to read as follows:

~~10.406 Historic Commission Officers, Meetings, Rules and Procedures.~~

~~(1) The officers of the Commission shall be a Chair and Vice Chair, selected from the regular membership. Officers shall preside over the Commission and shall have the right to vote. The Vice Chair shall, in case of absence or disability of the Chair, perform the duties of the Chair. The Commission shall keep a record of all deliberations and actions, which shall be open to public inspection during regular office hours.~~

~~(2) There shall be at least one meeting, held each year during the month of March. The Commission shall also meet upon the call of the Chair. The time, place and manner of notice for meetings shall be fixed by rules of the Commission.~~

~~(3) Three members of the Commission excluding ex-officio members, shall constitute a quorum for the transaction of business. The concurring vote of a majority of the regular members present shall be required for approval or disapproval of any motion or other action of the Commission.~~

~~(4) All meetings of the Commission shall be open to the public and any persons or representative shall be entitled to appear and be heard on any matter before the Commission.~~

~~(5) The Commission shall adopt its own rules of procedure and bylaws. The City shall provide clerical and staff assistance to the Commission, subject to budgetary allocations.~~

10.406 Historic Preservation Overlay, Exterior Alteration or New Construction.

No person may alter any building, structure, object, or site in an Historic Preservation Overlay in such a manner as to affect its exterior appearance, nor may any new structure be constructed, unless said exterior alteration or new construction has been approved through the process for Class 'C' Historic Review applications or Minor Historic Review.

(1) Any exterior alteration except those related to signage or exterior color shall conform with *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.

(2) Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior component of a structure or site that does not involve a change in design, material, color or outward appearance of such features.

(3) When a Local Historic Resource designation or consideration of such designation has been removed from a building, structure, object, or site at the request of the property owner pursuant to Section 10.404 or Section 10.405 (2), the Medford Building Safety Department shall not issue a permit for exterior alteration within 120 days from the date the request for removal of the historic resource designation was received by the City.

Section 16. Section 10.407 is replaced to read as follows:

~~10.407 Historic Commission Powers and Duties.~~

~~The Commission may:~~

- ~~(1) Review and investigate any building, structure or other physical object in the City which is of historic significance.~~
- ~~(2) Recommend to the Planning Commission and City Council any building, structure or other physical object which it has determined from review and investigation should be included in the inventory of historic places contained in the Comprehensive Plan. The recommendation shall include a written report containing a description of the building, structure or physical object under review and findings of fact as to the historic significance of the building, structure or physical object.~~
- ~~(3) Institute and support such programs and projects that will further the historic policy of the City.~~
- ~~(4) Other powers and duties which are necessary and proper.~~

10.407 Historic Preservation Overlay, Demolition or Relocation.

No person may demolish or relocate all or part of any building, structure, object, or site in an Historic Preservation Overlay unless said demolition or relocation has been reviewed through the process for Class 'C' Historic Review applications; except in the following instances:

- (1) Where the Medford Building Safety Director or designee has ordered the removal or demolition of any building, structure, or object determined to be an immediate danger to life, health, or property. Nothing in this Section shall be construed as making it unlawful for any person to comply with such an order.
- (2) Demolition, or relocation to a non-historic area, of a detached non-habitable accessory structure not larger than 300 square feet, unless the accessory structure is an attribute that contributes to the historic value of an historic resource or district.
- (3) Demolition, or relocation to a non-historic area, of buildings, structures, or objects in historic districts that are classified as non-historic or noncontributing in the survey conducted to support the creation of the district.

If a Local Historic Resource designation has been removed from a property at the owner's written request, the Medford Building Safety Department shall not issue a permit for demolition or relocation within 120 days from the date the request for removal was received by the City, except in the instances described in (1) through (3).

If an application is made for a permit to demolish or relocate all or part of a building, structure, object, or site within an Historic Preservation Overlay, the Medford Building Safety

Director shall, within seven days of the date of application, notify the Planning Director. The Planning Director shall notify the applicant of the requirements for Historic Review. Proposed demolition or relocation in an Historic Preservation Overlay shall be subject to the applicable portions of this Code whether or not a demolition or relocation permit has been applied for.

Section 17. Section 10.408 is replaced to read as follows:

~~10.408 Exterior Alteration and New Construction.~~

~~No person may alter any structure in an historic district or on an historic site in such a manner as to affect its exterior appearance, nor may any new structure be constructed in an historic district unless said alteration or new construction has been approved by the Commission. The Commission, in reaching its decision, shall consider the following:~~

- ~~(1) The purpose of the Historic Preservation Overlay District as set forth in Section 10.401;~~
 - ~~(2) The provisions of the Historic Preservation Overlay District as set forth in Section 10.401, (1) through (10);~~
 - ~~(3) The economic effect of the new structure or alteration on the historic value of the district;~~
 - ~~(4) The effect of the proposed alteration or new structure on the character of the district;~~
 - ~~(5) The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture, and materials to be used in the alteration or construction of a building or structure.~~
- ~~Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural features which does not involve a change in design, material or the outward appearance of such features.~~

10.408 Historic Preservation Overlay, Minor Historic Review of Certain Exterior Alterations.

Minor Historic Review of exterior alterations that are limited to changes in type of roofing materials, exterior colors, or sign face design for an existing sign, without any change to the sign dimensions, framework or structure, may be conducted by the Planning Director, according to approval criteria adopted by the Landmarks and Historic Preservation Commission.

Section 18. Section 10.409 is hereby repealed:

~~10.409 Exemption from Public Improvement Requirements.~~

~~Single family dwelling units shall be exempt from any public improvement requirements.~~

Section 19. Section 10.410 is hereby repealed:

~~10.410 Demolitions.~~

- ~~(1) If an application is made for a permit to demolish all or part of a structure which is an historic site or is in an historic district, the Building Safety Director shall, within seven (7) days, transmit to the Planning Director a copy of said application.~~
- ~~(2) The Planning Director shall, within 30 days, schedule a public hearing before the Historic Commission pursuant to the procedures in Section 10.220, Class "C" action, to determine the appropriateness of the demolition permit.~~

~~(3) In determining the appropriateness of the demolition, as proposed in an application for a permit, the Historic Commission shall consider the following:~~

- ~~(a) All plans, drawings, and photographs as may be submitted;~~
- ~~(b) The Comprehensive Plan;~~
- ~~(c) The purpose of this section as set forth in Section 10.401;~~
- ~~(d) The criteria used in the original designation of the historic site or district;~~
- ~~(e) The historical and architectural style, the general design, arrangement, materials of the structure in question or its appurtenant fixtures; the relationship of such features to similar features of the other buildings within the district, and the position of the building or structure in relation to public rights of way and to other buildings and structures in the area;~~
- ~~(f) The effects of the proposed work upon the protection, enhancement, perpetuation, and use of the district which cause it to possess a special character or special historical or aesthetic interest or value;~~
- ~~(g) Whether denial of the permit will involve substantial hardship to the applicant, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this ordinance.~~

~~(4) The Historic Commission may approve the demolition request after considering the criteria contained in Section 10.410(3).~~

~~(5) The Historic Commission may reject the application for a demolition permit if it determines that in the interest of preserving historical values, the structure should not be demolished. In that event, issuance of the permit shall be suspended for a period not exceeding ninety (90) days. The Historic Commission may invoke an extension of the suspension period if it determines that there is a program or project under way which could result in public or private acquisition of the structure or site, or the preservation or restoration of such structure or site, and that there is reasonable grounds to believe that such a program or project will be successful. The Planning Commission may then, at its discretion, extend the suspension period for an additional period not exceeding ninety (90) days to a total of not more than one hundred eighty (180) days from the date of application for demolition permit. During such period of suspension of the permit application, no permit shall be issued for such demolition nor shall any person demolish the building or structure. If all such programs or projects are demonstrated to the Historic Commission to be unsuccessful and the applicant has not withdrawn the application for a demolition permit, the Building Safety Director shall issue such permit, if the application otherwise complies with the codes and ordinances of the City.~~

~~(6) In any case, where the Building Safety Director has ordered the removal or demolition of any structure determined to be dangerous to life, health or property, nothing contained in this section shall be construed as making it unlawful for any person to comply with such order.~~

Section 20. Section 10.411 is hereby repealed:

~~10.411 Appeals:~~

~~Any action in this section may be appealed to the City Council pursuant to Section 10.051, Appeals, of this Code.~~

Section 21. Section 10.1022 is amended to read as follows:

10.1022 Exceptions

The provisions of Article VI shall not apply to:

* * *

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

* * *

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

PASSED by the Council and signed by me in authentication of its passage this 7 day of September, 2006.

ATTEST:

Glenda Owens
City Recorder

Steve Knapik
ACTING Mayor

APPROVED:

September 7, 2006
2003

Steve Knapik
ACTING Mayor

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