



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/19/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment
DLCD File Number 004-11

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, December 30, 2011

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

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

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

Cc: Praline McCormack, City of Medford
Angela Lazarean, DLCD Urban Planner

<paa> N/



FORM 2

DLCD

Notice of Adoption

☐ In person ☐ electronic ☐ mailed

DEPT OF

DEC 12 2011

LAND CONSERVATION
AND DEVELOPMENT

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

For Office Use Only

Jurisdiction: **City of Medford**Local file number: **DCA-11-012 & ZC-11-013**Date of Adoption: **12/1/11**

Date Mailed: December 8, 2011

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 8/25/11☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☒ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

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

Consideration of an ordinance amending Sections 10.012, 10.036, 10.365, 10.1010, 10.1120, and 10.1710 pertaining to the Freeway Overlay Zoning District and revising the sign regulations. Also, consideration of an ordinance authorizing a Class 'A' amendment to the Medford Zoning Map by applying the Freeway Overlay Zoning District to qualified parcels and retaining it on parcels that already have the overlay.

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

10.365(2) is slightly modified. 10.1120(3) was added. 10.1710(a) is slightly modified. Added applicable to Statewide Planning Goal 9.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ NoDLCD file No. 004-11 (18718) [16862]

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

Local Contact: **Praline McCormack, Planner II**
Address: **200 S. Ivy Street, 2nd Floor**
City: **Medford** Zip: **Oregon**
praline.mccormack@cityofmedford.org

Phone: **(541) 774-2380** Extension: **2397**
Fax Number: **541-774-2564**
E-mail Address:

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

ORDINANCE NO. 2011-237

AN ORDINANCE amending Sections 10.012, 10.036, 10.365, 10.1010, 10.1120, and 10.1710 pertaining to the Freeway Overlay Zoning District and revising the sign regulations.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.012 of the Medford Code is amended to read as follows:

10.012 Definitions, Specific.

When used in this chapter, the following terms shall have the meanings as herein ascribed:

* * *

Coverage. The ~~proportion~~ **portion** of a parcel or lot's land area covered by structures.

* * *

Structure. An **sign**, edifice, or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which is intended to support or shelter any use or occupancy.

* * *

SECTION 2. Section 10.036 of the Medford Code is amended to read as follows:

10.036 Termination of a Nonconforming Development.

A nonconforming development or use shall terminate under the following conditions:

- (1) When the use has been discontinued for a period of twelve **(12)** months.
- (2) When a structure, other than a single-family residence, which is nonconforming has been destroyed to an extent 80 percent of its true cash value as indicated by the records of the county assessor.
- (3) When it is a sign ~~pertaining to a business product or service and 30 days have transpired since the business, product or service has been offered to the public at the location of the sign~~ **and the sign has been abandoned, as defined in Section 10.1010, for six (6) months. No extension is available.**

* * *

SECTION 3. Section 10.365 of the Medford Code is amended to read as follows:

10.365 Freeway Overlay District.

(1) **Purpose of Freeway Overlay District:** It is the purpose of the freeway overlay district to replace the old ~~C-7 zoning district for purposes of regulating~~ **allow and regulate** the use of freeway oriented signage.

(2) **Applicability:** A parcel qualifies for the Freeway Overlay District if it has a Commercial (CM) General Land Use Plan (GLUP) Map designation, and either C-C, C-H, or C-R zoning.

The Overlay applies to:

(a) Those portions of parcels located within 500-feet of Interstate 5 freeway interchange ramps as measured from the edge of the ramp pavement and as shown on the official zoning map of the City of Medford, and

(b) Those parcels that had received the Freeway Overlay as of the date this ordinance is adopted, as well as that portion of a parcel added by the City Council as of December 1, 2011. The Overlay shall be automatically applied to or removed from parcels at time of a GLUP amendment or zone change per applicability requirements.

(3) Freeway Signage Regulations: Regulations regarding freeway signage can be found in Section 10.1710.

*** * ***

SECTION 4. Section 10.1010 of the Medford Code is amended to read as follows:

10.1010 Definitions.

*** * ***

Sign, abandoned. A sign which pertains to a time, event, or purpose which no longer applies that no longer contains legible visual images or text.

*** * ***

Sign, freeway. A sign as described in Section 10.1710(1).

*** * ***

SECTION 5. Section 10.1120 of the Medford Code is amended to read as follows:

10.1120 Abandoned Signs.

(1) Any abandoned sign, **as defined herein**, and supporting structure shall be removed by the owner of the sign or owner of the premises within ~~six (6)~~ **twelve (12)** months following the date of abandonment.

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

(3) Any nonconforming, abandoned sign must be removed within six (6) months. No extension is available.

*** * ***

SECTION 6. Section 10.1710 of the Medford Code is amended to read as follows:

10.1710 Community Commercial District (C-C) Heavy Commercial District (C-H) and Regional Commercial (C-R): Additional Special Signs:

Additional special signs shall be permitted as follows ~~in the C-C, C-R, and C-H districts:~~

(1) Freeway Signs:

(a) Freeway signs shall be permitted only on parcels or portions thereof that are

located within the Freeway Overlay District per Section 10.365, and as shown on the official zoning map of the City of Medford.

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

* * *

PASSED by the Council and signed by me in authentication of its passage this 1 day of December, 2011.

ATTEST: Glenda Wilson
City Recorder

APPROVED Dec 1, 2011.

Ray H. White
Mayor
Ray H. White
Mayor

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

ORDINANCE NO. 2011-238

AN ORDINANCE authorizing a Class 'A' amendment to the City of Medford Zoning Map by applying the Freeway Overlay Zoning District to parcels or portions of parcels located within 500 feet of the freeway interchange ramps and by retaining the Freeway Overlay Zoning District on parcels or portions of parcels that already have the overlay, where such parcels or portions of parcels have a 'Commercial' General Land Use Plan Map designation and are zoned C-C (Community-Commercial), C-R (Regional-Commercial), or C-H (Heavy-Commercial) zoning districts.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That a Class 'A' amendment to the City of Medford Zoning Map by applying the Freeway Overlay Zoning District to parcels or portions of parcels located within 500 feet of the freeway interchange ramps and by retaining the Freeway Overlay Zoning District on parcels or portions of parcels that already have the overlay, where such parcels or portions of parcels have a 'Commercial' General Land Use Plan Map designation and are zoned C-C (Community-Commercial), C-R (Regional-Commercial), or C-H (Heavy-Commercial) zoning districts, which are identified in the Staff Report, attached hereto as Exhibit "A", is hereby approved.

Section 2. After public hearing, the decision is based upon the Findings of Fact and Conclusions of Law which are hereby adopted as the findings and conclusion of the City Council and are included in the Staff Report attached as Exhibit "A" and incorporated herein.

PASSED by the Council and signed by me in authentication of its passage this 1 day of December, 2011.

ATTEST: Glenda Wilson
City Recorder

[Signature]
Mayor



City of Medford
Agenda Item Commentary

Item No.:

Meeting Date:

December 1, 2011

Page:

1 of 2

SUBJECT:

An ordinance amending Chapter 10 of the Medford Municipal Code, Sections 10.012, 10.036, 10.365, 10.1010, 10.1120, and 10.1710 pertaining to the Freeway Overlay Zoning District and to related provisions of the definitions, nonconforming uses and abandoned signs sections (Land Use, Legislative)

INITIATOR:

City of Medford Planning Commission

STAFF INFO. SOURCE:

James E. Huber, A.I.C.P., Planning Director

Praline McCormack, Planner II

File No. DCA-11-012

FISCAL IMPACT/SOURCE:

N/A

RECOMMENDATION:

Approve the ordinance.

VISION STATEMENT/COUNCIL GOAL:

Economic Development and Telecommunications, Element 5. City policies and incentives support its ability to nurture existing businesses and attract those new businesses the community favors.

BACKGROUND & KEY ISSUES:

Originally, staff and the Planning Commission recommended elimination of the Freeway Overlay District. The larger, taller freeway 'ground' or 'pole' signs allowed in this district were intended for certain business types and persons related to freeway travel. The current Freeway Overlay District is outdated, impermissibly regulates content, and lacks locational and approval criteria. At the June 2, 2011 public hearing, the City Council voted to send the proposal back to Planning Commission to develop locational criteria instead of eliminating the district. The Planning Commission discussed the proposal at study sessions in June, August and September, and provided direction to staff.

The revised ordinances propose that the Freeway Overlay apply to that portion of parcels that have: 1) a 'Commercial' General Land Use Plan (GLUP) Map designation, 2) C-C, C-R, or C-H zoning, and, 3) are located within 500 feet of the freeway interchange ramps as measured from the edge of the ramp pavement. The proposal also retains the Freeway Overlay on parcels that currently have the designation even if they are not within 500 feet of the ramps. Nonconformities will not be created as a result of these ordinances. At the time of future GLUP Map amendments or zone changes, the Freeway Overlay will be automatically applied or removed as necessary. As housekeeping, the code amendment also proposes to change the length of time before a sign's legal nonconforming status is terminated from thirty days to six months, and the length of time before a sign is considered abandoned from six months to twelve months.

The Medford Planning Commission, at a public hearing on October 27, 2011, voted 8 to 0 to forward a favorable recommendation to the City Council for the revised proposal, although they noted that the best

judgment of the Commission was to eliminate the Freeway Overlay. The Commission also voted to recommend including within the Freeway Overlay the entire parcel located south of the Regency Inn (tax lot 371W18C8300) per a request from the property owner, rather than just a portion of the parcel. Exhibit 'B' (map of proposed Freeway Overlay District) has been amended to reflect this recommendation. The owners of property within the current Freeway Overlay District and within the proposed additional areas were mailed notice of the public hearings.

EXHIBITS:

Staff Report to City Council for DCA-11-012 and ZC-11-013 dated November 18, 2011, including Exhibits A – I.



City of Medford
Agenda Item Commentary

Item No.:

Meeting Date:

December 1, 2011

Page:

1 of 2

SUBJECT:

An ordinance approving a Class 'A' amendment of the Medford Zoning Map by applying the Freeway Overlay Zoning District to parcels or portions of parcels located within 500 feet of the freeway interchange ramps and by retaining the Freeway Overlay Zoning District on parcels or portions of parcels that already have the overlay, where such parcels or portions of parcels have a 'Commercial' General Land Use Plan Map designation and are zoned C-C (Community-Commercial), C-R (Regional-Commercial), or C-H (Heavy-Commercial) zoning districts (Land Use, Legislative)

INITIATOR:

City of Medford Planning Commission

STAFF INFO. SOURCE:

James E. Huber, A.I.C.P., Planning Director

Praline McCormack, Planner II

File No. ZC-11-013

FISCAL IMPACT/SOURCE:

N/A

RECOMMENDATION:

Approve the ordinance.

VISION STATEMENT/COUNCIL GOAL:

Economic Development and Telecommunications, Element 5. City policies and incentives support its ability to nurture existing businesses and attract those new businesses the community favors.

BACKGROUND & KEY ISSUES:

Originally, staff and the Planning Commission recommended elimination of the Freeway Overlay District. The larger, taller freeway 'ground' or 'pole' signs allowed in this district were intended for certain business types and persons related to freeway travel. The current Freeway Overlay District is outdated, impermissibly regulates content, and lacks locational and approval criteria. At the June 2, 2011 public hearing, the City Council voted to send the proposal back to Planning Commission to develop locational criteria instead of eliminating the district. The Planning Commission discussed the proposal at study sessions in June, August and September, and provided direction to staff.

The revised ordinances propose that the Freeway Overlay apply to that portion of parcels that have: 1) a 'Commercial' General Land Use Plan (GLUP) Map designation, 2) C-C, C-R, or C-H zoning, and, 3) are located within 500 feet of the freeway interchange ramps as measured from the edge of the ramp pavement. The proposal also retains the Freeway Overlay on parcels that currently have the designation even if they are not within 500 feet of the ramps. Nonconformities will not be created as a result of these ordinances. At the time of future GLUP Map amendments or zone changes, the Freeway Overlay will be automatically applied or removed as necessary. As housekeeping, the code amendment also proposes to change the length of time before a sign's legal nonconforming status is terminated from thirty days to six months, and the length of time before a sign is considered abandoned from six months to twelve months.

The Medford Planning Commission, at a public hearing on October 27, 2011, voted 8 to 0 to forward a favorable recommendation to the City Council for the revised proposal, although they noted that the best judgment of the Commission was to eliminate the Freeway Overlay. The Commission also voted to recommend including within the Freeway Overlay the entire parcel located south of the Regency Inn (tax lot 371W18C8300) per a request from the property owner, rather than just a portion of the parcel. Exhibit 'B' (map of proposed Freeway Overlay District) has been amended to reflect this recommendation. The owners of property within the current Freeway Overlay District and within the proposed additional areas were mailed notice of the public hearings.

EXHIBITS:

Staff Report to City Council for DCA-11-012 and ZC-11-013 dated November 18, 2011, including Exhibits A – I.



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT – LAND DEVELOPMENT CODE AMENDMENT

Date: November 18, 2011

To: City Council for December 1, 2011 Hearing

From: Praline McCormack, Planner II *gm*

Reviewer: Suzanne Myers, A.I.C.P., Principal Planner *bm*

Subject: Revised Freeway Overlay Code Amendment (DCA-11-012/ZC-11-013)

BACKGROUND

Revised Proposal: To:

- Amend the Medford Zoning Map
- Amend Articles I, III and VI in Chapter 10 of the *Medford Land Development Code*, Sections 10.012, 10.036, 10.365, 10.1010, 10.1120, and 10.1710
- Retain the Freeway Overlay on those parcels that currently have the overlay (blue parcels on Exhibit B)
- Apply the Freeway Overlay to that portion of properties that have a Commercial (CM) General Land Use Plan (GLUP) Map designation, and are zoned C-C (Community Commercial), C-R (Regional Commercial), or C-H (Heavy Commercial), and located within 500-feet of the freeway interchange ramps (green parcels on Exhibit B)
- Revised provisions to nonconforming and abandoned sign sections, as well as other minor housekeeping type revisions to definitions. (See Exhibit A.)

History: A freeway sign is an additional free-standing sign of up to 250 square feet in area and 50 feet in height. Originally, Staff and Planning Commission recommended the elimination of the Freeway Overlay and new freeway signs. However, after conducting a public hearing on June 2, 2011, the City Council voted to send the Freeway Overlay amendment back to Planning Commission to develop locational criteria. (See Exhibit C.)

“Working with the Community to Shape a Vibrant and Exceptional City”

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www.ci.medford.or.us

The Planning Commission discussed the proposal at Study Sessions on June 27, 2011 (Exhibit D), August 22, 2011 (Exhibit E), and September 26, 2011 (Exhibit F) and provided direction to Staff.

On October 27, 2011 the Planning Commission held a public hearing and the Commission voted 8 to 0 to recommend adoption of the amendment, as revised by Staff. The Commission also voted to include the entire parcel 371W18C Tax Lot 8300 located near the North Interchange (marked with "X" on Exhibit B) per the letter from Biddle Road Development dated October 27, 2011 (see Exhibit H). The Commission noted that the best judgment of the Commission was to eliminate the Freeway Overlay, but the amendment, as revised by Staff, was their best recommendation if it were not to be eliminated (see Exhibit I).

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

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

ANALYSIS OF PROPOSED AMENDMENT

The revised amendment retains the Freeway Overlay on parcels that currently have the designation, and newly applies the designation to that portion of parcels located within 500-feet of freeway interchange ramps that have the appropriate GLUP and zoning designation. This amendment does not create nonconformities.

1. Section 10.012, Definitions, Specific

Changes to this section include a housekeeping revision to the definition of Coverage and add signs as a type of structure.

2. Section 10.036, Termination of a Nonconforming Development

The proposed amendment to this section changes the length of time before a sign's legal nonconforming status is terminated. Previously, a nonconforming sign was considered terminated after 30 days had elapsed since the business, product or service had been offered at the location of the sign. However, this language regulates content, which does not comply with Oregon's free speech provisions. Also, 30 days is not very much time, especially in today's economic climate. As revised, a sign's nonconforming status would be terminated after six (6) months has elapsed since the sign has been abandoned, as defined in Section 10.1010. No extensions of time will be available.

3. Section 10.365, Freeway Overlay District

In this Section the proposed amendment:

- Changes the purpose of the Freeway Overlay District. The previous language was outdated. The new purpose of the District is to allow and regulate the use of freeway signage.

- Adds new locational criteria. A parcel qualifies for the Overlay if it has a Commercial (CM) GLUP designation, and either C-C, C-H, or C-R zoning. The Overlay applies to portions of parcels located within 500-feet of freeway interchange ramps as measured from the edge of the ramp pavement and as will be shown on the official zoning map if this amendment is adopted. The Overlay also applies to parcels that have received the Freeway Overlay as of the date this ordinance is adopted. The Overlay will be automatically applied to or removed from parcel(s) at time of a GLUP amendment or zone change per applicability requirements.
- Provides a reference to freeway signage in Section 10.1710.

4. Section 10.1010, Definitions

The definition for abandoned sign has been revised so that it is content neutral. A definition has been added for freeway signs referring to Section 10.1710(1).

5. Section 10.1120, Abandoned Signs

The proposed amendment changes the length of time before a sign is considered abandoned from six (6) months to twelve (12) months. Given today's economic climate properties are remaining vacant for longer periods of time. An extension is available up to one (1) year. Previously the extension had to be approved by the Planning Commission. The amendment changes this to the Planning Director. Once a sign is considered abandoned it must be removed by the owner or could be subject to code enforcement action.

6. Section 10.1710, Additional Special Signs in C-C, C-H and C-R

This section in the sign code has been revised to provide a reference to Section 10.365 and Overlay District on the Zoning Map.

APPROVAL CRITERIA COMPLIANCE

10.184 Class 'A' Amendment Criteria.

2. Land Development Code Amendment.

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

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

Explanation of the public benefit of the amendment.

Findings: The proposed amendment provides clear and objective locational criteria for the Freeway Overlay District, provides more time before a sign's nonconforming status is terminated, and provides more time before a sign is considered abandoned.

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

10.184 (2)(b). Justification.

The justification for the amendment with respect to the following factors:

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

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

1. Citizen Involvement:

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which a cross-section of citizens will be involved in the land use planning process, including participation in the revision of Chapter 10 of the *Municipal Code*. Goal 1 requires providing an opportunity to review proposed amendments prior to the public hearing, and any recommendations must be retained and receive a response from policy-makers. The rationale used to reach land use policy decisions must be available in the written record. The City of Medford has an established citizen involvement program consistent with Goal 1 that includes review of proposed amendments to Chapter 10 of the *Municipal Code* by the Citizens' Planning Advisory Committee, the Planning Commission, and the City Council. Affected agencies and interested persons are also invited to review and comment on such proposals, and hearing notices are published in the local newspaper and mailed to affected property owners. This process has been adhered to in the proposed amendment. The document was made available for review on the City of Medford website and at the Planning Department. It was considered by the Planning Commission and the City Council during televised public hearings.

2. Land Use Planning:

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

3. Agricultural Lands: Does not apply.

4. Forest Lands: Does not apply.

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

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

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

8. Recreational Needs Does not apply.

9. Economic Development The revised code amendment may positively impact economic development because parcels located within 500-feet of the freeway interchange ramps will be able to have freeway signage. In addition, parcels that already have the Freeway Overlay designation at time of this amendment will retain the designation, retain their existing signage, and retain the right to future freeway signage if they don't already have freeway signage.

10. Housing: Does not apply.

11. Public Facilities and Services: Does not apply.

12. Transportation: Does not apply.

13. Energy Conservation: Does not apply.

14. Urbanization: Does not apply.

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

Conclusion: Criterion 18.184 (2)(b)(1) is satisfied.

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

Findings: Upon investigation, it has been determined that there are no Comprehensive Plan goals and policies relevant to the amendment.

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

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

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

Findings: No comments have been received.

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

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

The findings below respond to public comments:

Finding: A letter dated October 27, 2011 was received from Biddle Road Development regarding the parcel located at 371W18C Tax Lot 8300. The owners ask that the entire parcel be included in the Freeway Overlay, instead of just a small portion of the west side (see Exhibit H). Planning

Commission's vote was to allow the entire property to be included (see Exhibit I). This change has been made to the map attached as Exhibit B.

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

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

The findings below demonstrate conformity with applicable government agreements:

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

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

CITIZENS PLANNING ADVISORY COMMITTEE (CPAC) REVIEW:

At their September 13, 2011 meeting, CPAC voted to recommend extending the Freeway Overlay 500-feet from the center of the interstate right-of-way for the length of Interstate 5 from the northern city limit boundary to the southerly city limit boundary for commercially zoned properties only. They made this motion based on the following reasons:

- This location will be easier to define than the definition suggested by Staff;
- Larger signs for the length of the interstate will ensure travelers see business before the interchange;
- Allowing large signs along the corridor will ensure equitable treatment of all businesses along the interstate; and
- The location of the Overlay will not have to be changed in the future should the location of the interchanges or right-of-way pavement change.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, the Planning Commission has recommended that the City Council adopt DCA-11-012 and ZC-11-013, and include the parcel located at 371W18C Tax Lot 8300, per the Staff Report dated November 18, 2011, including Exhibits A through I.

Note: two actions are needed to adopted the code amendment and the zone change separately.

EXHIBITS

- A** Revised Proposed Code Amendment
- B** Freeway Zoning Overlay Amendment Map dated November 15, 2011
- C** Excerpt of Minutes from City Council hearing on June 2, 2011
- D** Excerpt of Minutes from Planning Commission Study Session on June 27, 2011
- E** Excerpt of Minutes from Planning Commission Study Session on August 22, 2011
- F** Excerpt of Minutes from Planning Commission Study Session on September 26, 2011

- G** Excerpt of Minutes from CPAC Meeting on September 13, 2011
- H** Letter from Biddle Road Development dated October 27, 2011
- I** Excerpt of Minutes from Planning Commission Hearing on October 27, 2011

PLANNING COMMISSION AGENDA: **April 28, 2011**
 October 27, 2011

CITY COUNCIL AGENDA: **June 2, 2011**
 December 1, 2011

Freeway Overlay Code Amendment Proposal

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

10.012 Definitions, Specific.

Coverage. The ~~proportion~~ **portion** of a parcel or lot's land area covered by structures.

Structure. A ~~sign~~ **sign**, edifice, or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which is intended to support or shelter any use or occupancy.

10.036 Termination of a Nonconforming Development.

A nonconforming development or use shall terminate under the following conditions:

- (1) When the use has been discontinued for a period of twelve **(12)** months.
- (2) When a structure, other than a single-family residence, which is nonconforming has been destroyed to an extent 80 percent of its true cash value as indicated by the records of the county assessor.
- (3) When it is a sign ~~pertaining to a business product or service and 30 days have transpired since the business, product or service has been offered to the public at the location of the sign~~ **and the sign has been abandoned, as defined in Section 10.1010, for six (6) months. No extension is available.**

OVERLAY DISTRICTS (10.348 - 10.365)

10.365 Freeway Overlay District.

(1) **Purpose of Freeway Overlay District:** It is the purpose of the Freeway overlay district to ~~replace the old C 7 zoning district for purposes of regulating~~ **allow and regulate** the use of freeway-oriented signage.

(2) **Applicability:** A parcel qualifies for the Freeway Overlay District if it has a Commercial (CM) General Land Use Plan (GLUP) Map designation, and either C-C, C-H, or C-R zoning. The Overlay applies to:

(a) Those portions of parcels located within 500-feet of Interstate 5 freeway interchange ramps as measured from the edge of the ramp pavement and as shown on the official zoning map of the City of Medford, and

(b) Those parcels that had received the Freeway Overlay as of the date this

ordinance is adopted.

The Overlay shall be automatically applied to or removed from parcels at time of a GLUP amendment or zone change per applicability requirements.

(3) **Freeway Signage Regulations:** Regulations regarding freeway signage can be found in Section 10.1710.

10.1010 Definitions.

Sign, abandoned. A sign which ~~pertains to a time, event, or purpose which no longer applies~~ **that no longer contains legible visual images or text.**

Sign, freeway. A sign as described in Section 10.1710(1).

10.1120 Abandoned Signs.

(1) Any abandoned sign, **as defined herein**, and supporting structure shall be removed by the owner of the sign or owner of the premises within ~~six (6)~~ **twelve (12)** months following the date of abandonment.

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

(3) **Any nonconforming, abandoned sign must be removed within six (6) months. No extension is available.**

10.1710 Community Commercial District (C-C) Heavy Commercial District (C-H) and Regional Commercial (C-R): Additional Special Signs:

Additional special signs shall be permitted as follows ~~in the C-C, C-R, and C-H districts:~~

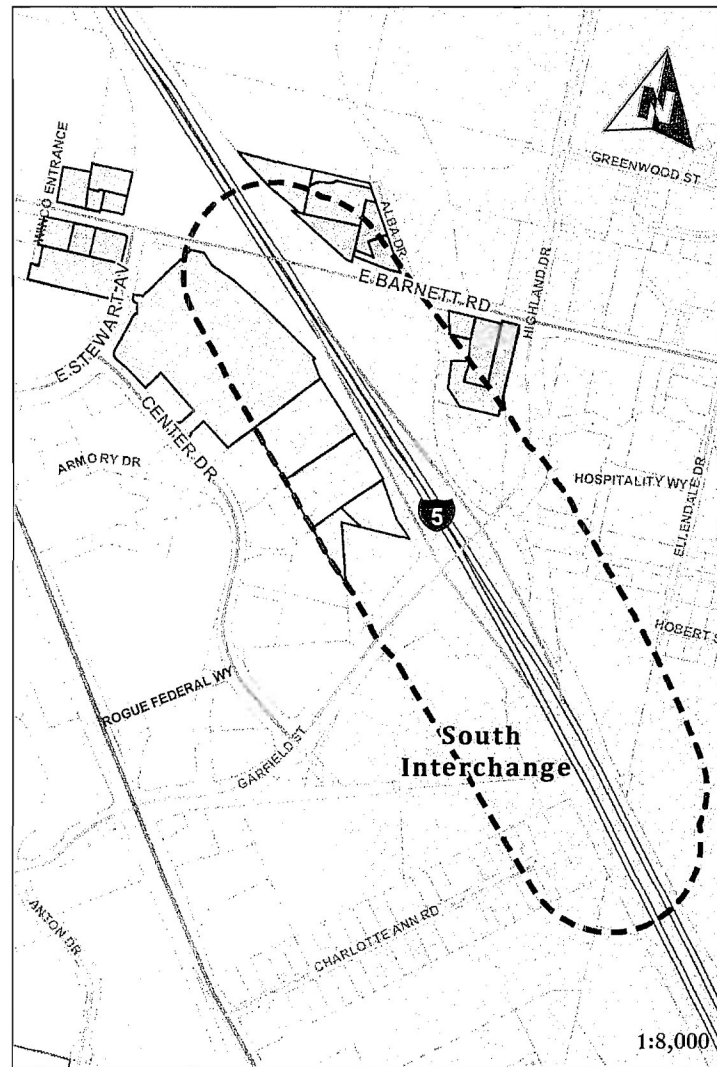
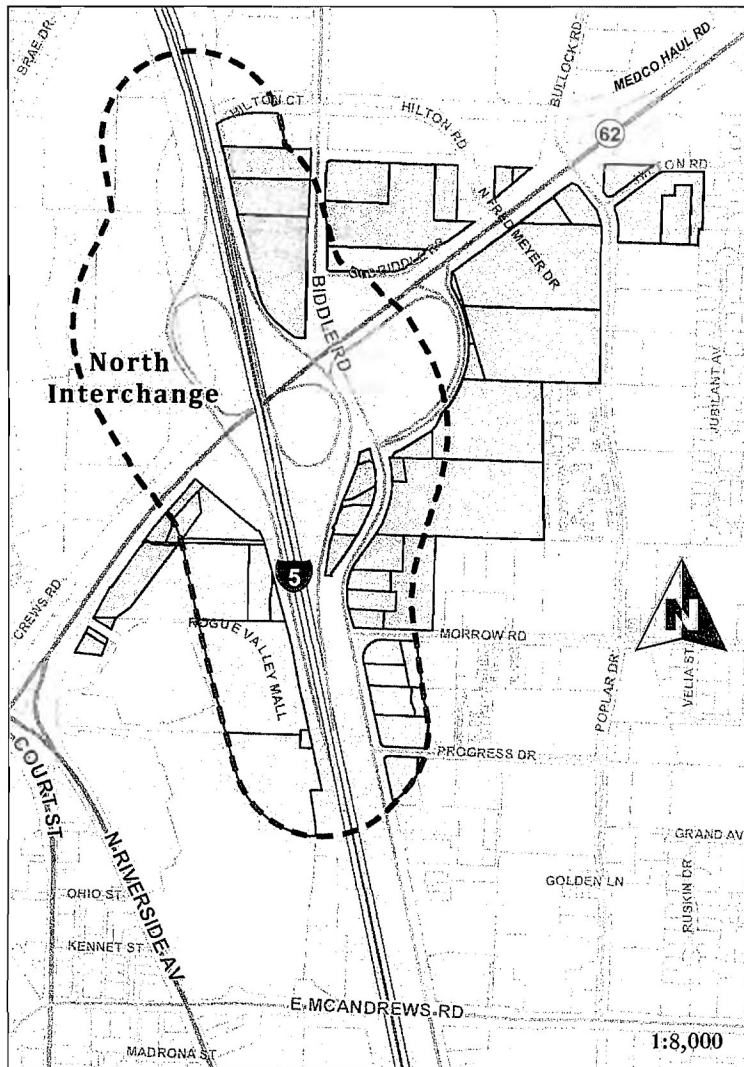
(1) ~~(1)~~ Freeway Signs:

(a) **Freeway signs shall be permitted only on parcels or portions thereof that are located within the Freeway Overlay District per Section 10.365, and as shown on the official zoning map of the City of Medford.**

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

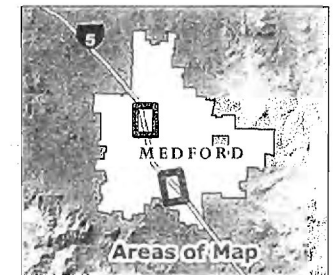
Freeway Zoning Overlay Amendment

File # ZC-11-013



LEGEND

- 500 ft Buffer around Freeway Ramps
- Proposed Fwy Only Taxlots w/in Buffer
- Existing Fwy Only Taxlots
- Tax Lots
- Freeway
- Freeway Ramp
- State Highway
- Major Road
- Other Public Road



0 500 1,000
Feet



Date: 11.15.11

CITY OF MEDFORD

EXHIBIT # B

File # DCA-11-12/ZC-11-013

Alison Chan, Finance Director provided a staff report and addressed Agenda Items 130.1, 130.2 and 130.3 and noted they are all related to the approval of the city's 2011-13 biennial budget. She noted that this action is required annually to receive state revenues.

Public hearing opened.

None

Public hearing closed.

Motion: Adopt the resolution.

Moved by: John Michaels

Seconded by: Greg Jones

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

Resolution 2011-33 was duly adopted.

- 130.3 COUNCIL BILL 2011-34 An ordinance making the annual ad valorem property tax levy of the City of Medford for the tax year commencing July 1, 2011.

Alison Chan, Finance Director addressed the council and noted that this is an annual requirement and requested council approval.

Public hearing opened.

None

Public hearing closed.

Motion: Adopt the ordinance.

Moved by: Bob Strosser

Seconded by: John Michaels

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

Ordinance 2011-34 was duly adopted.

- 130.4 COUNCIL BILL 2011-35 A resolution adopting the budget for the City of Medford for the biennium commencing July 1, 2011 and making appropriations thereunder.

Alison Chan, Finance Director addressed the council and provided an overview of the budget which totaled \$232,597,940 including \$17,857,830 in Contingencies. She noted that \$20,461,570 is unappropriated and carried forward to subsequent years. Total resources amount to \$253,059,510.

Public hearing opened.

None

Public hearing closed.

CITY OF MEDFORD
EXHIBIT # C
FILE # DCA-11-012/ZC-11-013

Motion: Adopt the resolution.

Moved by: Chris Corcoran

Seconded by: James Kuntz

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

Resolution 2011-35 was duly adopted.

- * 130.5 COUNCIL BILL 2011-36 An ordinance amending Sections 10.300, 10.1012, 10.1510, and 10.1710 and repealing Section 10.365 of the Medford Code eliminating the Freeway Overlay District and revising the sign regulations accordingly. (DCA-11-012/ZC-11-013) (Land Use, Legislative)

Jim Huber, Planning Director addressed the council and provided a staff report. He noted this proposed amendment was recommended by the Planning Commission as the Freeway Overlay District has become outdated due to Oregon's constitutional free speech provisions, which prohibit regulation of sign content and due to a lack of location and approval criteria. He noted it has been difficult for the Planning Commission to administer requests regarding the Freeway Overlay District. The elimination of the overlay district is recommended as the best approach to address these problems as potential adverse impacts to businesses are mitigated by Medford's

existing Sign Code, which allows other ground signs, larger shopping center ground signs, and has generous allowances for wall signs that are often visible from the freeway. He noted that existing freeway signs would be permitted to remain.

Councilmembers expressed concern with removal of this overlay district as it may affect the City's ability to bring in business that rely on these types of signage when considering where to locate. Councilmembers also questioned replacement of existing "grandfathered" signs.

Public hearing opened.

1. Craig Stone, CSA Planning representing property owners in the North Medford Interchange area, addressed the council and noted that the freeway is elevated through Medford and while technology has changed how people find information and directions he does not feel that most people use this technology when driving down the freeway. He noted the State advertising program for freeway signage does not allow for information that is important such as vacancies in hotels or gas prices. He suggested that the council adopt location criteria instead of removing this sign allowance. He questioned the finding of "content neutral" as presented by staff. His clients are concerned about the lack of this signage when trying to lease vacant space to new tenants. He also addressed Medford Code 10.036 which regulates that signs would be removed if space left vacant for more than 30 days.
2. Fred Gates, representing American Retail Services/Shell Gas Stations, read an email from Jan Sucha, Portfolio Manager stating that the corporation is in opposition to the amendment. Mr. Gates noted that the Barnett Shell Station has seen a 42% decrease in sales from the South Interchange redevelopment and they feel that this signage is the last opportunity they have to attract freeway customers.
3. Steve Croft, Outdoor Media Dimensions, addressed the council and questioned the amendment as it would affect property less than three acres. Mr. Huber addressed the council and noted Mr. Croft was referencing the CN (Commercial Neighborhood) district and that freeway signs were not permitted in that district. Mr. Croft spoke in support of maintaining the freeway overlay district permitting for the larger size signs.
4. Jim Huber, Planning Director under rebuttal addressed the council and stated that the content neutral issue is pertinent as the existing code language does refer directly to the freeway overlay district which was developed to replace the C-7 Zoning District that specifically defined the content allowed in the freeway signs. He addressed the Medford Code Section 10.036, presented by Mr. Stone and suggested that the code language needed to be clarified. He stated he would not use this section of the code as currently written to enforce sign removal. He noted if the council remands this agenda item, staff would like direction from council on how to proceed.

Public hearing closed.

Motion: Refer Agenda Item 130.5 to the Planning Commission to develop location criteria.

Moved by: John Michaels

Seconded by: Bob Strosser

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

Motion carried and so ordered.

- 130.6 COUNCIL BILL 2011-37 An ordinance approving a minor amendment to the General Land Use Plan Map of the Medford Comprehensive Plan, subject to conditions, changing the designation from General Industrial (GI) to Service Commercial (SC) on three parcels totaling 3.05 acres, located on the east and west sides of Excel Drive, north of the intersection of Excel Drive and Aero Way. (CP-11-022) (Land Use, Quasi-judicial)

Jim Huber, Planning Director addressed the council and provided the background on the requested change. He noted the parcels are currently surrounded by Service Commercial zoning and that the applicant has agreed to stipulate to a trip cap condition limiting traffic generation to the number of trips levels anticipated for industrial uses due to existing traffic congestion in the surrounding area. The application meets applicable criteria and the Planning Commission and staff recommend approval.



MINUTES
PLANNING COMMISSION STUDY SESSION
June 27, 2011

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

Commissioners: Norm Nelson, Tim Jackle, Brita Entenmann, David McFadden, Daniel Bunn, Bill Christie and Jerry Shean.

Staff: Jim Huber, Suzanne Myers, Kelly Akin, Terri Rozzana, Praline McCormack, Lori Cooper

Council Representative Karen Blair

Guests: Bruce Spence and Jerry Anderson

Topic: On June 2, 2011, City Council voted to send the Freeway Overlay amendment back to the Planning Commission to develop locational criteria. In support of freeway signage, the City Council expressed that for people unfamiliar with Medford freeway signs are a helpful way to find businesses. New businesses may not locate in Medford if they are not able to get freeway signage. The City's budget is dependent on the motel tax, and motels need signage to attract guests, and that existing freeway signage is tasteful and appropriate for Medford.

Currently there are 72 parcels that have the Freeway Overlay designation (see attached map "Freeway Overlay Amendment"). Freeway signs are permitted in the following commercial zones: C-C, C-H and C-R, and are prohibited in the C-N zone. If a property owner wants to receive the Freeway Overlay designation, they apply for a zone change. There is no criteria that identifies where the designation should be applied. The majority of the parcels that have the designation are clustered at or near the freeway interchanges (or the previous location of the interchange).

Staff suggests the following two options to consider for locational criteria:

- Specified distance from freeway interchange ramps (500-feet see attached map "Freeway Overlay," or 1000-feet)
- Specified distance from centerline of freeway (500-feet, 1000-feet)

One other option to consider is leaving the Overlay as-is, parcels who have the designation can retain the designation, but no new parcels would be able to get the designation.

Back in 1989 the Planning Commission reviewed the Freeway Overlay. The size of freeway signs was reduced, however the locational criteria was not addressed. Attached are the following documents from 1989 that staff thought might be helpful today:

- Memo to Planning Commission dated March 27, 1989, regarding Options for Amendment

277 OF MEDFORD
EXHIBIT # D
FILE # DCA-11-012/2C-11-013

- Memo to Planning Commission dated April 13, 1989, regarding Background for Possible Amendment

Jim Huber, Planning Director reported that this topic goes back perhaps two years. An applicant who wished to be within the Freeway Overlay Zone came before the Planning Commission. There was a hard time deciding how to extend the district because there were no locational criteria. Out of a study session came the notion that maybe we should just remove the Freeway Overlay designations. The Planning Commission recommended that a text amendment be forwarded to City Council which was presented to them on June 2, 2011. Essentially they sent it back to the Planning Commission and said in lieu of removing the Freeway Overlay designations and making all the signs non-conforming, create some locational criteria for how to site them. It is kind of tricky because we already have signs in place. The interchanges have moved. We are here to discuss how to do what Council asked us to do and that is create locational criteria and how to process additional requests for people who want a Freeway Overlay sign.

Suzanne Myers, Principal Planner, commented that one thing that was interesting and included in the packet was that the same topic came up in the 1980's. It looks like, at that time, they did not resolve the issue other than to reduce the size of the sign in question.

Praline McCormack, Planner II, stated that the options to be considered are that it could be left as is. Parcels throughout the designation would retain the designation, but no new parcels would be able to receive the designation. That would be a problem because the south interchange has moved from Barnett to Garfield and there are a lot of properties at Garfield that have not yet applied for freeway signs or Freeway Overlay. We are thinking that, at some point, they would want to apply. If we shut down the Freeway Overlay they could not get it and there could be an equity issue. The other option is to come up with a specified distance from the freeway interchange ramps or from the center line of the freeway.

Chair Nelson asked Kelly Akin, Senior Planner, how active are applications for Freeway Overlay? He recalls two, one for Fred Meyer gas station and the other one for Best Buy. Ms. Akin replied that is correct, that is all she is aware of.

Commissioner Shean commented that what if we say all existing parcels plus any other parcels within 500 feet of the interchange. Commissioner McFadden stated that 500 feet does not really cut it. Ms. Myers replied that it is important to go around the ramps specifically because one would want to see the sign as they approach the ramp. Chair Nelson asked Commissioner Shean to go back to his comment earlier that his suggestion was to change it to show the 500 foot radius from the ramps but include areas that are currently included in the zone. Commissioner Shean clarified he would not say that they were included but the parcels that currently have signs we do not make them all non-conforming. Chair Nelson asked whether they would want to add any additional signs in those areas. Commissioner Shean replied that he does not know why they would not and to grandfather in existing signs and adopt the 500 foot; it is an arbitrary number.

Commissioner Jackle asked whether one of the issues is that City Council does not want them non-conforming. Mr. Huber replied that is correct regarding the existing signs. Commissioner Jackle stated that he is worried about Medford turning into the next Albany who has the biggest adult business sign on I-5. He would be delighted if they became non-conforming uses so that the Commission has some control over them. We cannot regulate content. If this thing sort of died on its own it would be great and then we could deal with bigger signs for commercial interest as a conditional use permit. Lori Cooper, Deputy City Attorney, commented that with a conditional use permit you can look at height, light and things like that. Commissioner Jackle stated these would be a case by case basis and under a conditional use permit.

Commissioner McFadden inquired whether the Commission treats any other sign in the City of Medford as a CUP. Chair Nelson replied no. Commissioner McFadden stated that is one of the

reasons not to treat it as a CUP. Chair Nelson asked why is it a reason not to? Commissioner McFadden replied that we are really talking about a sign code more than anything else. A CUP application is time consuming to staff and to this body and seems to him excessive for only a sign that there is a sign code that will take care of this. Commissioner McFadden stated that he agrees it would solve some problems. Chair Nelson replied that is why he asked earlier about the volume of three applications in twelve years. Commissioner Jackle reported that Commissioner McFadden may be correct that a CUP may not be the right vehicle. We could just say if a person needs one bring an exception request to the Commission. It would be harder to get an exception instead of a CUP. Mr. Huber commented that he believed that Commissioner Jackle was spot-on about a CUP is the way to go. Mr. Huber tried to explain to Council that the purpose of the Freeway Overlay signs cannot be met because it is really geared toward businesses and individuals using the freeway. It speaks to a certain kind of usage. This is content neutral and we cannot regulate what they say. One way of approaching this is to think of them as billboards. Ms. Cooper reported that the Commission needs to focus on how the City looks. You do not want a lot of huge signs a long the freeway through Medford. It is more an aesthetics issue. We can regulate aesthetics.

Kelly Akin stated that the sign code is pretty tight. If you have a CUP then that is something you can regulate like for schools, etc. That goes to the use and not the signage. Praline commented that the hospital needed a sign beyond what they were allowed. Ms. Akin replied that the text was amended in that case and was part of the zone.

There was further discussion on the different signs, location and what looks good and what does not. Chair Nelson stated that there are two suggestions at this point. Commissioner Shean's suggestion is to adopt the 500 or 1000 feet but grandfather in the areas that currently have the overlay. The other suggestion is to drop the whole thing and go to some form of modified conditional use permit. Ms. Cooper asked if staff has looked at other cities' codes more recent than the report of 1999. Ms. Myers replied no. Chair Nelson asked Ms. Akin that staff now has the authority to approve sign applications under most conditions unless the Commission puts a condition in the approval that says this Commission or SPAC will approve the signage plan for a project. Why did we see the applications for Fred Meyer and Best Buy? Ms. Akin replied because they wanted additional signage. Ms. Cooper commented they wanted the overlay. They basically wanted a zone change.

Commissioner Jackle asked if the Commission could look at when the use goes dormant. It is his opinion that was an issue with the old Kim's sign. Ms. Cooper asked whether the Code says something about abandoned signs and a time limit. Ms. Myers stated that the Code states abandoned signs within six months. The problem is the non-conforming section states twelve months. It is inconsistent. Staff's problem is that they were not really sure what "abandoned sign" meant. What is an "abandoned sign"? It was pointed out that the language in the two sections needs to be corrected so that they coincide.

Commissioner Shean asked what was the issue with making the current ones non-conforming. Who had a problem with that? Ms. McCormack stated that City Council thinks freeway signs are appropriate and would lose businesses coming to Medford if they did not have the option to get a freeway sign. Commissioner Shean commented that it seems they are talking for the new intersection. What he is trying to figure out is if they went with 500 feet of the ramps is non-conforming, what is wrong with that? Ms. McCormack stated that they did not discuss non-conforming. Ms. Cooper commented that it was discussed and several property owners stated that it adds value to their land.

Mr. Huber suggested that the Commission articulate the reasons that are important to them in order to help Council understand what drove the recommendation. Chair Nelson asked what would be the easier code or concept to administer from staffs standpoint. Mr. Huber stated just a unit distance. Ms. Cooper commented that the problem they are trying to solve is that there was no criteria material.

There was further discussion on CUP's and whether the criteria could apply to the Freeway Overlay. There was further discussion on what would be the easiest for staff to administer. Mr. Huber reported that the Commission has given staff enough information to work with in creating the locational criteria for the Freeway Overlay.

Commissioner Shean stated that he reported at the June 23, 2011, Planning Commission meeting that the Joint Transportation Subcommittee meeting on July 25, 2011, meets at 3:00 p.m. it actually starts at 3:30 p.m.

Ms. Myers reported that ODOT has a Highway 99 Corridors Plan Study underway. The corridor extends from Stewart south to Fern Valley in Ashland. They have a citizen advisory committee that does not have anyone from the Medford area on it. She wanted to pass that along to see if anyone was interested in being on that committee. Chair Nelson asked what is the scope. Ms. Myers stated what they are intending to do is to develop a plan that addresses all needs along that corridor so that when money becomes available for projects they already have designs in mind for different topics such as transportation, bicycles, pedestrians, etc. Chair Nelson commented to Commissioner Shean that a member from the Planning Commission and the JTS would be an appropriate member on the Highway 99 Corridor Citizen Advisory Committee.

Chair Nelson asked what the status was of Highway 62 and the bypass. Ms. Myers commented that the project development team had made a recommendation as to some design solutions so they are waiting now for the final environmental impact statement to come out. It is supposed to come out this summer for the entire project. The project has been broken out into phases and the first phase has jumped ahead due to funding of \$120M. It needs to be under construction by 2013. That extends from approximately Sky Park to just south of Vilas Road then they will finish that and continue to Cory Road in White City. That is where the \$120M will be spent. This will be completed by 2016. There was further discussion on this particular topic.

Commissioner Tull had asked Ms. Myers to update the Commissioners on the RPS hearings. Ms. Myers reported that Medford was the topic at their meeting on Thursday that went until 2:30 p.m. They have not yet voted on their recommendations. They intend to vote on July 28, 2011. The following are the changes they wanted for Medford's Urban Reserves:

- Extend MD1 north to Gregory Road which will be an additional 400 acres. Taking in that land north of MD1 is better than taking the south valley employment center land;
- Making changes to MD5 and leave out the Mahar/Duke/Harry & David parcel;
- They did not agree to include the 20 acres that we recommended;
- They wanted to leave out MD6 entirely which is mostly Harry & David;
- They want to leave out MD7;
- Leave out the smaller MD9; and
- Add to MD9

There was further discussion on certain parcels and the role of the County Planning Commission regarding Medford's Urban Reserves. Chair Nelson commented that he has heard from two City Council Representatives that this is not going to happen.

Mr. Huber requested Ms. Myers to walk through the process. Ms. Myers stated that on July 14, 2011, the County Planning Commission will discuss this further, particularly the west side adding and subtracting they did. On July 28, 2011, they are scheduled to make a final vote for a recommendation to the County Board of Commissioners and then the County thinks it will take about six weeks to get to the Commissioners' hearing and they are not sure if they will re-notice. If there are additions and subtractions they may have to. At that point the Board of Commissioners will hold hearings and once they make a decision, they and each city must submit their own final decisions to the state. As soon as the County Planning Commission makes a decision, staff would like to bring it back immediately for further discussions. Chair Nelson commented regarding the RPS, we have spent a lot of years that



MINUTES
PLANNING COMMISSION STUDY SESSION
August 22, 2011

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

Commissioners: Norm Nelson, Tim Jackle, Brita Entenmann, Bill Christie, Daniel Bunn, David McFadden, Robert Tull and Jerry Shean.

Staff: Jim Huber, Suzanne Myers, Praline McCormack, Kelly Akin and Lori Cooper.

Topic: Freeway Overlay Locational/Approval Criteria

Praline McCormack, Planner II, stated that the last time the Commission met on this subject, they directed staff to create some locational approval criteria for the Freeway Overlay. Staff worked on a map that is included in the study session agenda packet that shows the 500 foot buffer from the edge of the pavement of the freeway ramps. Staff is offering two options at this time. The first option applies the overlay to all parcels located within 500-feet of freeway interchange ramps as measured from the edge of the ramp pavement. Any parcels that currently have the Freeway Overlay and freeway signs that are located outside of the 500-feet would become legal nonconforming. The second option applies the overlay as described above, but also includes any parcels that currently have the Freeway Overlay regardless of whether they are located in the 500-feet. This would allow those currently in the Overlay to continue to have the right to a freeway sign in the future, and existing freeway signs would not become legal nonconformities.

Commissioner Tull asked what are the consequences of becoming nonconforming? Ms. McCormack replied that if the signage is blank for a period of time they would lose their right to the sign because the nonconformity would terminate and they would then be required to conform to the Code. Jim Huber, Planning Director commented that if the sign remains active they would not lose their signage.

Commissioner McFadden inquired whether any of the areas with the existing Freeway Overlay fall into the nonconforming category. Ms. McCormack replied that she knew of several properties in the Overlay that do not have signs up. Mr. Huber replied that the Rogue Valley Mall does not have a sign. Ms. McCormack agreed with Mr. Huber and commented there was a place on Biddle that lost their tenant and their sign when the interchange moved.

Suzanne Myers, Principal Planner, stated that the proposed Code language is currently drafted that the tax lots that do not have a commercial designation would not be eligible.

Chair Nelson inquired whether a tax lot that had a portion of it in the Freeway Overlay and a portion out of the Freeway Overlay that only the portion within the Freeway Overlay shall be permitted to have a freeway sign. Ms. McCormack stated that was correct because it is trying to attract freeway traffic. Chair Nelson inquired that if the second option is adopted that problem goes away. Ms. Myers commented that there may be some parcels that over time with changes could fall partially in and partially out of the proposed Freeway Overlay. Chair Nelson commented that it could become an administrative headache over time. Mr. Huber replied no more than other ordinances. Ms. McCormack stated that she does not see it being difficult. It is something on the map that a planner will readily see. Ms. Myers reported that like any setback an applicant can show staff how they measured.

Ms. McCormack requested guidance from the Commissioners as to which option they would like to pursue. Chair Nelson stated that personally he would like to go back to the original recommendation which was eliminating the Freeway Overlay but he believes that is not going to happen. Mr. Huber suggested that as part of the Commission's motion they could send that message to City Council. It is their decision whether they want to do something or get rid of it. There is nothing wrong with stating your opinion that for whatever reason the Commission does not think this ordinance is needed anymore.

Commissioner Shean stated that he likes option one and grandfather in the parcels currently using signs. To him the purpose of an exception is that one has relied on the sign and is currently using that sign then let them continue using that sign. Just because one used to use that sign or his property used to have that designation, but he does not see that as a purpose of an exception. An exception should be to allow people who are currently having that use not to be bound in an illegal situation. He does not think allowing anyone who previously had the right should have an ongoing right unless they have a sign up in use. Ms. McCormack commented that they did have to go through the zone change, pay the fee and go through the hearing to get the Freeway Overlay. That is how all the parcels received the Freeway Overlay up to this point. Commissioner McFadden commented that the politics of the issue is that every one of those business owners will be knocking on their City Councilman's door saying I want to maintain my rights. Ms. McCormack stated that City Council's concern was that businesses might not come to Medford if this option is taken away. There are specific businesses that need this type of signage if they are located near the freeway interchange.

Chair Nelson commented that between option one and two, he agrees with what Commissioner Shean said earlier. However, he thinks the political option will be option two. He thinks City Council will definitely go with option two. Commissioner Shean replied that he thinks the Commission's role is to suggest what they think is best. He likes what Mr. Huber said earlier. It would not hurt to say the Planning Commission feels that their original proposal is the best proposal for the City of Medford. However, given instructions to staff, the Commission, as an alternative, recommends option one as their next choice. We continue to let them know that the Commission does not want to go down this path, but the least of two bad choices would be option one. Commissioner Tull stated that he supports that position. It is a logical role for the Planning Commission to play. To exercise its judgment to let City Council know that it is the Commission's best judgment, and then they exercise their judgment as they need to with a different set of responsibilities than the Commission has.

Chair Nelson commented that when the Commission made the first proposal back in June, a good enough case was not made for the suggestion of eliminating the Freeway Overlay. He was not sure what was said in the original proposal in terms of justification. Mr. Huber commented that several items were discussed: there were no criteria for people who wanted to be included in the Freeway Overlay, how the South Interchange has moved further south so those areas would no longer apply, and aesthetics. Ms. McCormack responded that availability of other signage on the freeway was discussed at that earlier meeting. Mr. Huber replied the content of the signage was also discussed. Ms. Myers commented that this issue will be proposed again for public comment. Commissioner McFadden asked whether there was a fourth option that any Commissioner cared to present. Ms. Myers stated that the Council's motion was to remand this to the Planning Commission to develop locational criteria. The Commission has done that and does not have to recommend it. They have developed something that seems reasonable.

Commissioner Jackle commented that under Section 10.036 Termination of a Nonconforming Development it appears there is really no way to abandon a sign as long as text remains on it. Mr. Huber commented that was his understanding. Staff has researched eliminating abandoned signs and it is a can of worms. Ms. Myers reported that in developing the definition of an abandoned sign it states it no longer contains legible visual images or text but staff was concerned with using the word 'legible'. Lori Cooper, Deputy City Attorney asked what did staff find what other cities were doing with abandoned sign codes? Ms. McCormack responded that they regulate content.

Commissioner Tull commented that he remembers Best Buy coming to the Planning Commission and talking about putting up a sign that was going to be 1000-feet away from the freeway ramp and they made a persuasive argument that they needed to be able to make themselves visible to people who were coming to Medford to shop and would want to know where their store was. Can we craft language that would say businesses that are outside the 500-foot boundary that already have a sign need to continue, but a new applicant for a sign for a business needs to make a persuasive case that their business depends upon attracting customers off the freeway?

Commissioner McFadden stated that another option to consider is the State is proposing the other equivalent of a freeway here in the valley which is the Highway 62 corridor. You get on in north Medford and you do not get off until Eagle Point. If the argument gets made that it is needed for a freeway, why not the equivalent expressway and say that people like Costco or Wal-Mart that are within the 500-foot boundary, the possibility should open for them for having the signs. Commissioner Tull commented that they are not drawing people off that expressway. The expressway is to get past them on purpose. People who want to shop at Costco or Wal-Mart should not be on the expressway.

Mr. Huber commented that he took several road trips this summer and concluded that the most useful signs were the ones in advance of the exit that say food, lodging, gas, etc. That gives one a cue of how far to go before getting off the freeway. These kinds of signs are directional. He finds Freeway Overlay signs trying to attract traffic from the freeway kind of dangerous. It needs to look at what is trying to be accomplished. If it is trying to attract Freeway Overlay traffic this needs to be as long as possible to give people a heads-up or if it is more directional then once one gets a certain distance then the 500-foot approach on the ramps makes sense.

Chair Nelson asked whether the Planning Commission heard testimony regarding the small directional signage. Mr. Huber commented the Ms. McCormack did a great job of researching directional signage. Ms. McCormack replied that the sign can only have six businesses listed on a sign which consists of the logo and name.

Ms. McCormack commented that she is hearing from the Commissioners that they would like to give Council an option that if a business is outside of the 500-foot buffer and they are gas, food or lodging or they can provide a persuasive argument that they need the sign to attract business that they could possibly get the Freeway Overlay. Chair Nelson stated that the word persuasive was heading the wrong direction. Kelly Akin, Senior Planner, commented that if the Commission wanted to go outside the 500-foot buffer, why not require a study much like Best Buy demonstrated that it was visible from the exit.

Commissioner McFadden reported that there is a height limitation that has been established. It is a study that the applicant should do to see how effective that sign will be before they spend a lot of money to install the sign. Chair Nelson asked Ms. McCormack regarding the 50-foot signs, what was the maximum size of the sign itself. Ms. McCormack replied that it is 250 square feet.

Commissioner Shean asked if there was a restriction on a business sending a 10-foot balloon up every week? Ms. McCormack replied that balloons are not allowed, but businesses do them.

Commissioner Shean stated that he would like to see in the report to City Council a note that the Planning Commission preferred their original recommendation but if that was unavailable then the two options staff presented but he would recommend option one before option two. Commissioner Bunn commented that he is not comfortable arguing with City Council. The Commission presented them their recommendation and they remanded it back. He does not know how helpful it is to complain that the Commission got overruled. Commissioner McFadden commented that he thinks City Council will go with option number two.

Commissioner Tull reported that the Commission send to City Council stating that upon further discussion, at the Council's request, the Planning Commission reiterates their best judgment that the

City would be best served if it eliminated a Freeway Overlay and if the Council feels that there must be one, that the locational criteria be a designation of a 500-foot limit from the edge of the pavement of the ramps leading to and from the freeway.

Commissioner Bunn commented that knowing there is going to be pressure to go for option two would it behoove us to give them a third option that bridges the gap that states we are going to give a grace period for one year if you are existing you can file your permit but after that we are going to option one. If we want to scale back from option two can we counter the political pressure? It is not ideal but it is a third option.

Ms. McCormack reported that she wonders about is Northgate. If there are big box retailers that go in Northgate they will probably want signage. Ms. Myers commented that it would be more than 1000-feet away from the freeway ramp.

Commissioner Tull asked what happened to the discussion regarding electronic signs? Was criteria established? Ms. Cooper replied that there was a Code Amendment regarding electronic signage. Ms. Myers commented that the Commission will be seeing a Code Amendment, in October, for the airport tower signage that staff is working on by direction from City Council. Ms. McCormack reported that the airport wants 675 square feet on each side of the tower for signage. She was not sure if it was for all four sides or two sides. Ms. Akin replied that it is for all four sides.

Chair Nelson commented on the article in the Mail Tribune this morning regarding RPS. Ms. Myers stated that there was an error regarding a hearing on September 1, 2011, to reaffirm the resolution that the City Council previously sent to the County. It is on their agenda but it is not a hearing.

Ms. Myers stated that City Council continued the Riparian Corridor amendment to September 15, 2011. City Council requested the City Attorney to look into the concern DLCD expressed about the 25-foot reduction in the current ordinance that was approved and acknowledged by DLCD. DLCD did note that it is not permitted under safe harbor. At some point this will need to be corrected.

Chair Nelson asked about the SPAC appeal that City Council heard last Thursday. Ms. Akin replied that the City Council remanded back to SPAC with instructions to allow the driveway on Highland.

Commissioner Jackle asked about the Cherry Creek appeal. Ms. Akin replied City Council will hear that on September 1, 2011. There were two appeals filed.

The meeting was adjourned at 1:00 p.m.



Submitted by:
Terri Rozzana, Recording Secretary



MINUTES
PLANNING COMMISSION STUDY SESSION
September 26, 2011

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

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

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

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

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

1) Airport Tower Signs

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

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

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

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

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

CITY OF MEDFORD
EXHIBIT # **F**
File # **DCA-11-012/ZC-11-013**



2) Freeway Overlay (Freeway Signs)

Ms. McCormack stated that the Freeway Overlay will be presented at the Planning Commission's public hearing on October 27, 2011. The amendment proposes to apply the Freeway Overlay to all parcels located within 500-feet of freeway interchange ramps as measured from the edge of the ramp pavement; and parcels that currently have the Freeway Overlay regardless of whether they are located within 500-feet or not. This will allow those currently in the Overlay to continue to have the right to a freeway sign in the future, and existing freeway signs would not become legal non-conformities.

This option is being proposed to City Council because at the public hearing in June the Council indicated that they did not want to create legal non-conforming signs. Nor did they want to eliminate the property owner's right to have a freeway sign on those parcels that already received the overlay designation.

The staff report will include the statement that the Planning Commission's preferred option was to eliminate the Freeway Overlay altogether. Chair Nelson asked whether that statement would be in the staff report to the Planning Commission or in the Planning Commission's recommendation to City Council. Ms. McCormack responded that it would be in the Planning Commission's recommendation to City Council.

Ms. McCormack stated that the Citizens Planning Advisory Committee reviewed the amendment at their meeting on September 3, 2011, and voted to recommend an overlay that would extend 500-feet from the centerline of I-5 right-of-way for the length of the freeway from city limit to city limit.

Ms. Myers commented that there is quite a bit of land that does not qualify because of zoning in the dotted area of the map distributed in the study session packet. They would have to apply for a zone change in order to qualify. Commissioner Tull asked whether the right to have a sign in one of the existing Freeway Overlay tax lots runs with the land, runs with the ownership of the land or runs with the use of the land by a particular retailer. Ms. Myers stated it runs with the land unless it was rezoned to a residential zone.

Mr. Huber commented that the Freeway Overlay Amendment has not been adopted yet. He encouraged the Planning Commission to do the right thing, what they believe to be right and recommend what they believe to be true and go from there. Chair Nelson suggested that staff present the material presented at today's study session at the Planning Commission public hearing on October 27, 2011, and the Commission will verbalize their concerns at that time.

3) Block Length Maximums

Desmond McGeough, Planner II, stated that the proposed Maximum Block Length Code Amendment implements transportation strategies that promote development of a pedestrian-friendly environment having a well-connected pedestrian, bicycle and vehicular circulation system that also encourages the use of alternative modes of transportation in the City of Medford. The amendment will provide a system of lower order streets that are well connected to higher order streets, activity centers and enhance emergency service access. The proposed Maximum Block Length Code Amendment will be presented to the Planning Commission's public hearing on November 10, 2011.

Ms. Petrou stated that during a discussion regarding the Southeast Master Plan it was brought up whether or not SPAC had the authority to approve street arrangement. They were thinking they would have to change it in the Code. When Ms. Petrou reviewed Code 10.452 it stated "The approving authority (Planning Commission) shall have the authority...". Under Code 10.426 A. Street Arrangement Suitability and Code 10.452 Street Arrangement A. Suitability, now states "The approving authority shall have the authority to approve or disapprove street arrangement". This gives SPAC and the Planning Commission the authority.

Ms. Myers pointed out that on section C. Maximum Block Length and Block Perimeter Length under number 2 there is a built in waiver without having to go through the exception process.



MINUTES
Citizens Planning Advisory Committee Meeting
September 13, 2011

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

10. Roll Call

Members Present

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

Curtis Folsom
Elwin Fordyce
Jim Howe
Joel Marks

Members Not Present

Barbara Borgman, David McFadden, and
Karen Blair

Guest

Harold Hougan

Staff Present: Carly Guillory, Planner II

20. Minutes

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

30. Upcoming Study Sessions and Public Hearing Topics

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

30.2 Committees and Subcommittees. No report.

40. Old Business

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

50. New Business

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

60. Applications and Referrals

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

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

60.3 DCA-11-098 Airport Tower Wall Sign Code Amendment. Discussion includes the following topics and comments: Who asked for the code amendment? Content, some members are concerned that inappropriate content could be placed on the signs. Suggest allowing only 200 square feet, the same size as freeway overlay signs. Gerald Anderson makes motion to forward a recommendation for denial of the proposal. Joel Marks seconds the motion. Discussion: The airport is already permitted signs on each street frontage; s property owner over another; the code provides no control o the city, and this size sign on the tower would diminish t allowance would be inconsistent with the rest of the sign ord

CITY OF MEDFORD
EXHIBIT # G
File # DCA-11-012/ZC-11-013

Thursday, October 27, 2011

City of Medford
Planning Dept.
c/o Praline McCormack
200 South Ivy St.
Medford, OR 97501

RECEIVED
OCT 27 2011
PLANNING DEPT.

Subject: DCA-11-012/ZC-11-013 North Interchange parcel 371W18C008300

I, along with my two sons, are the owners of a 1.45 acre parcel contiguous and directly South of the Rogue Regency, (see attachment). This property was created when ODOT revamped the North Interchange a few years back. The appraisal from ODOT considered this parcels highest and best use would be "Freeway orientated businesses", and was priced as such. Our intent is to build businesses that target the needs of the traveler.

The map indicating the "Freeway overlay district" encompasses a small portion of the South part of our property. The property to the North, Rogue Regency, has been in the "Freeway overlay district" since its conception. If the parcel we purchased from ODOT was privately owned when the "Freeway overlay district" was created in the 1960's, I would think our forefathers would have included it at that point, (as parcels much further away were included).

Therefore, we are asking the Planning Commission to include the total parcel in the "Freeway overlay district".

Thank you,



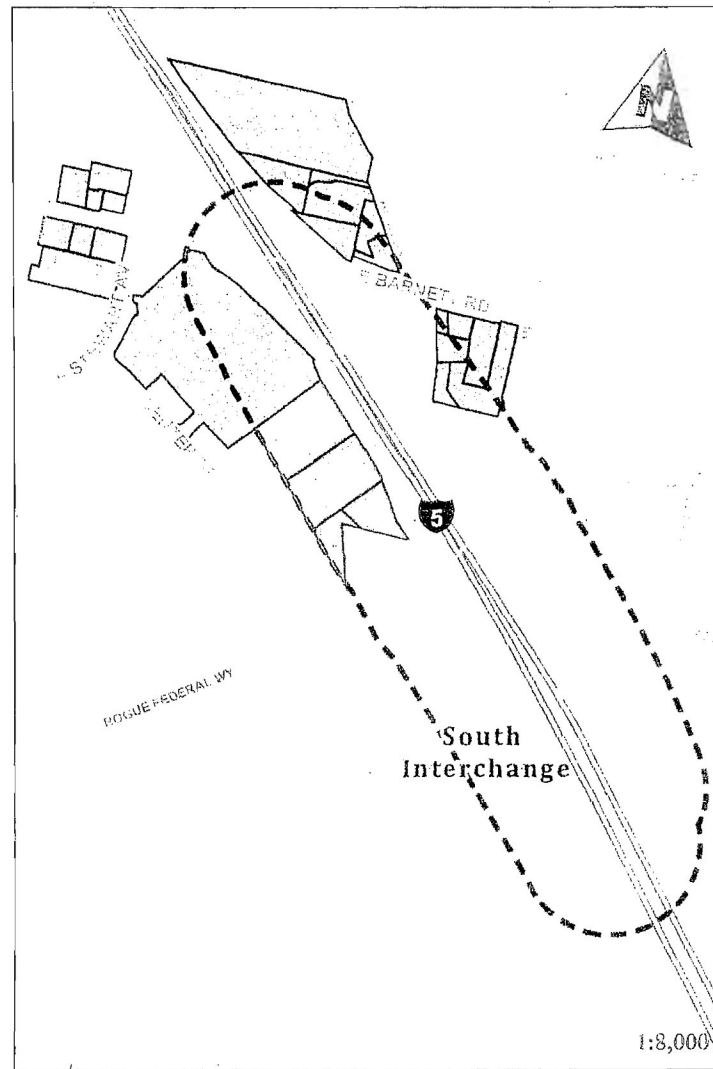
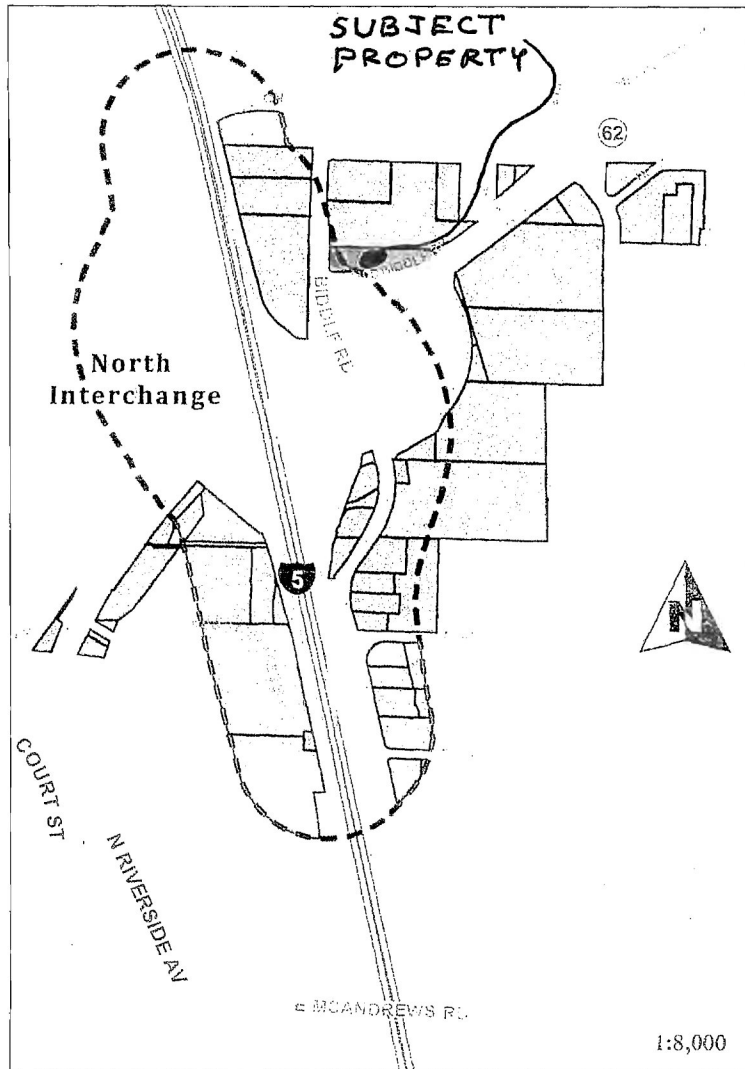
Scott M. McCollum, Managing Partner
Biddle Road Development
2300 Biddle Road
Medford, OR 97504
(541) 772-3456 voice
(541) 773-2700 fax
scott@rogueregency.com

attachment

CITY OF MEDFORD
EXHIBIT # H
File # DCA-11-012/ZC-11-013

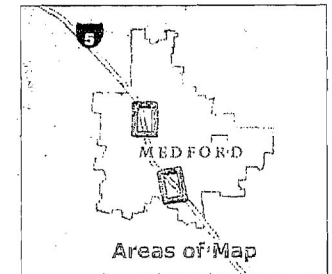
Freeway Zoning Overlay Amendment

File # ZC-11-013

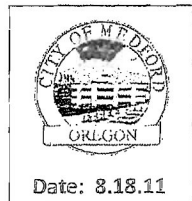


LEGEND

- 500 ft Buffer around Freeway Ramps
- Proposed Fwy Only Taxlots w/in Buffer
- Existing Fwy Only Taxlots
- Tax Lots
- Freeway
- Freeway Ramp
- State Highway
- Major Road
- Other Public Road



0 500 1,000 Feet



Date: 8.18.11

Kelly Akin, Senior Planner stated the applicant is requesting to continue this item to the December 22, 2011, meeting.

Motion: Continue LDS-11-045 to the December 22, 2011, meeting.

Moved by: Commissioner Shean Seconded by: Commissioner Tull

Voice Vote: Motion passed, 8-0

New Business

* 50.2 **DCA-11-012/ZC-11-013** Consideration of a proposed Class "A" legislative zoning map amendment, and Medford Land Development Code amendment to retain the Freeway Overlay on those parcels that currently have the overlay, as well as to apply the Freeway Overlay to that portion of properties that are zoned C-C (Community Commercial), C-R (Regional Commercial), or C-H (Heavy Commercial), with a Commercial (CM) GLUP designation, and located within 500-feet of the freeway interchange ramps. Also, proposed revisions to nonconforming and abandoned signs, as well as other minor housekeeping type revisions to definitions. **Affected Sections:** 10.012, Definitions, Specific 10.036, Termination of a Nonconforming Development 10.365, Freeway Overlay District 10.1010, Definitions 10.1120, Abandoned Signs 10.1710, Community Commercial District (C-C) Heavy Commercial District (C-H) and Regional Commercial (C-R): Additional Special Signs. City of Medford, Applicant.

Praline McCormack, Planner II, presented background information, discussed the proposal, the amendment process to date, approval criteria and final comments. Ms. McCormack pointed out the letter that was received today and distributed to the Commissioners at their seats. The letter is from the owners of the property immediately south of the Rogue Regency Inn property. Only a small western portion of their property is to be added to the Freeway Overlay. The owners would like to have the entire parcel included in the Freeway Overlay.

Chair Nelson stated that Ms. McCormack defined an abandoned sign as one that is no longer legible in her earlier discussion. Chair Nelson referred to the signage at the McMahon's Furniture Store that has been out of business for a number of years. He noticed today that the signs were gone but were legible. If the building is empty are the signs considered abandoned? Ms. McCormack replied that they would be considered abandoned with the proposed code after six months. It would take a complaint to Code Enforcement to do something about the signs

Chair Nelson asked that in earlier discussions did the Commission discuss that if a portion of a parcel was in the Freeway Overlay that the entire parcel would be included. Ms. McCormack responded that the discussions have been within five hundred feet. It would be only those portions of the lot within five hundred feet of the ramps.

Commissioner McFadden commented that he is in favor of the proposal presented in the letter that was received today. However, the letter brings up a topic that he believes has not been discussed earlier and that is if there is any need to have a separation between signs in terms of how they are located. A property owner investing in a sign would not necessarily position a sign that was covered by a neighbors sign. Is it an important issue of how close the signs are? Especially if the Planning Commission took the Citizen's Planning Advisory Committee's (CPAC) recommendation of signs throughout the City. He does not remember

discussions on proximity of one sign to the other. Ms. McCormack stated that is an item that has not been discussed and is an item the Commission can consider.

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

Motion: Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, forward a favorable recommendation for adoption of DCA-11-012 and ZC-11-013 to City Council per the Staff Report dated October 18, 2011, including Exhibits A through G and as a minor amendment he recommends allowing the property that indicated their concern of being included in the list of properties shown at the current time.

Moved by: Commissioner McFadden Seconded by: Commissioner Shean

Chair Nelson asked if Commissioner McFadden was referring to applying the Freeway Overlay per the revised amendment. Commissioner McFadden stated yes. Chair Nelson suggested separating Commissioner McFadden's minor revision from his main motion. Commissioner McFadden replied that if Chair Nelson would like to treat it that way that is fine. Chair Nelson stated that if he heard a seconded he would handle that as a potential friendly amendment. Commissioner McFadden stated that he would consider treatment of the letter received tonight as a friendly amendment. Chair Nelson stated that he objects to the suggested change.

Commissioner McFadden stated that when one looks at the configuration of the properties listed around the property being asked for that all the surrounding properties most of which are outside the five hundred foot area are included in the new Overlay. It seems to him in the nature of fairness and since someone was willing to have their interest known, it is a reasonable application.

Chair Nelson referred to the Rogue Valley Mall being partially in the current Freeway Overlay area. Ms. McCormack stated that was correct. Chair Nelson stated that his concern is if you extend it to one it should be extended to all whether they request it or not.

Commissioner Shean stated that he has no problem allowing the property from the letter received today included. It is just a freak that it was not private property before, it was public property owned by ODOT.

Chair Nelson stated that he withdraws his objection to the friendly amendment.

Chair Nelson asked Commissioner McFadden whether the Commission should eliminate the suggestion or stay with the original recommendation to eliminate the Freeway Overlay. Commissioner McFadden stated that the motion as stated earlier does not include any comment in terms of the Commissions previous actions. He is not saying he would not support it but the way he has worded it so far, he would not support it.

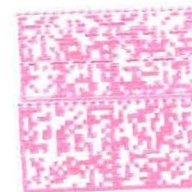
Friendly Amendment made by Commissioner Tull: The Commissions recommendation to the City Council include a reminder that the best judgment of the Planning Commission is that the City not continue to have Freeway Zoning Overlays, but, upon the City Council's request, the Planning Commission is providing their best recommendation for this particular action.

Roll Call Vote: Motion passed, 8 – 0

RD
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Haster

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\$07.670

12/09/2011

Mailed From 97501

US POSTAGE

ATTN: PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION AND
DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540

RETURN RECEIPT
REQUESTED