



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

September 21, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment
DLCD File Number 003-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 5, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

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

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FOR 2 Notice of Adoption

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

**DATE
STAMP**
DEPT OF
SFP 18 2006
**LAND CONSERVATION
AND DEVELOPMENT**
For DLCD Use Only

Jurisdiction: City of Medford Local file number: DCA-05-222

Date of Adoption: 9/7/2006 Date Mailed: 9/13/06

Date original Notice of Proposed Amendment was mailed to DLCD: 7/17/2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

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

Replacing Medford Land Development Code sections 10.401 through 10.411, and creating new sections 10.401 through 10.480, 10.136 through 10.138 and 10.256 through 10.261 relating to the Historic Commission, Historic Review, and the Historic Overlay, and revising 10.1022 Exceptions, of the Sign Code relating to signs in the Historic Overlay.

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

Same with minor numbering format change.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: **Goal 5**

Was and Exception Adopted? YES NO

DLCD File No.: 003-06 (15390)

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

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

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

SHPO

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

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

Zip Code + 4: **97501-** Email Address: _____

suzanne.myers@cityofmedford.org

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

ORDINANCE NO. _____

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

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

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

10.136 Authority of the Landmarks and Historic Preservation Commission.

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

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

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

(1) Historic Review shall include:

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

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

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

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

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

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

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

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

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

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

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

10.137 Landmarks and Historic Preservation Commission, Membership.

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

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

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

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

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

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

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

10.138 Landmarks and Historic Preservation Commission, Meeting Procedures.

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

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

10.256 Historic Review.

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

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

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

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

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

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

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

10.257 Historic Review, Application Content.

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

(1) Application form.

(2) All information requested on the application form.

(3) Findings of fact demonstrating compliance with the approval criteria.

(4) Appropriate fee.

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

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

10.258 Historic Review, Approval Criteria.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.259 Historic Review, Conditions of Approval.

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

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

10.260 Historic Review, Appeal.

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

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

10.261 Historic Review Approval, Expiration.

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

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

10.401 Purpose of Historic Preservation District.

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

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

10.401 Historic Preservation Overlay, Purpose.

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

More specifically, the Historic Preservation Overlay is intended to:

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

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

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

~~10.402 Definitions for Historic Preservation Districts.~~

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

- ~~(1) **Alteration.** The addition to, removal of or from, or physical modification (including paint) or repair of, any exterior part or portion of an historic site or structure, or of a landmark or structure in an historic district. Signs shall be considered an alteration.~~
- ~~(2) **Architectural Significance.** Shall mean that a site or district:~~
- ~~(a) Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;~~
 - ~~(b) Embodies those distinguishing characteristics of an architectural type;~~
 - ~~(c) Is the work of an architect or master builder whose individual work has influenced the development of the City; or~~
 - ~~(d) Contains elements of architectural design, detail, materials, or craftsmanship which represent a significant innovation.~~
- ~~(3) **Commission.** The Historic Commission for the City of Medford.~~
- ~~(4) **Demolish.** Raze, destroy, dismantle, deface, or in any other manner cause partial or total ruin of a designated landmark or structure, or of a landmark or structure in an historic district.~~
- ~~(5) **Exterior.** Any portion of the outside of a landmark, building or structure in an historic district or site.~~
- ~~(6) **Historical Significance.** Shall mean that the site or district:~~
- ~~(a) Has character, interest or value as part of the development heritage or cultural characteristics of the City, State or Nation; or~~
 - ~~(b) Is the site of an historic event with an effect upon society; or~~
 - ~~(c) Is identified with a person or group of persons who had some influence on society; or~~
 - ~~(d) Exemplifies the cultural, political, economic, social or historic heritage of the community.~~
- ~~(7) **Historic Site or District.** Any structure, landmark, building or district that is listed as 1A in the *City of Medford Comprehensive Plan*.~~

10.402 Historic Preservation, Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~10.403 Areas Affected.~~

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

10.403 Historic Preservation Overlay, Designation.

The Historic Preservation Overlay shall apply as follows:

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

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

~~10.404 Designation of New Affected Areas.~~

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

10.404 Significant Historic Resource Designation, Refusal.

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

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

~~10.405 Historic Commission Creation.~~

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

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

10.405 Historic Preservation Overlay Designation, Removal.

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

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

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

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

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

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

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

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

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

10.406 Historic Preservation Overlay, Exterior Alteration or New Construction.

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

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

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

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

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

~~10.407 Historic Commission – Powers and Duties.~~

~~The Commission may:~~

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

10.407 Historic Preservation Overlay, Demolition or Relocation.

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

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

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

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

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

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

~~10.408 Exterior Alteration and New Construction.~~

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

- ~~(1) The purpose of the Historic Preservation Overlay District as set forth in Section 10.401;~~
- ~~(2) The provisions of the Historic Preservation Overlay District as set forth in Section 10.401, (1) through (10);~~
- ~~(3) The economic effect of the new structure or alteration on the historic value of the district;~~
- ~~(4) The effect of the proposed alteration or new structure on the character of the district;~~
- ~~(5) The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture, and materials to be used in the alteration or construction of a building or structure.~~

~~Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural features which does not involve a change in design, material or the outward appearance of such features.~~

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

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

Section 18. Section 10.409 is hereby repealed:

~~10.409 Exemption from Public Improvement Requirements.~~

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

Section 19. Section 10.410 is hereby repealed:

~~10.410 Demolitions.~~

~~(1) If an application is made for a permit to demolish all or part of a structure which is an historic site or is in an historic district, the Building Safety Director shall, within seven (7) days, transmit to the Planning Director a copy of said application.~~

~~(2) The Planning Director shall, within 30 days, schedule a public hearing before the Historic Commission pursuant to the procedures in Section 10.220, Class "C" action; to determine the appropriateness of the demolition permit.~~

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

~~(a) All plans, drawings, and photographs as may be submitted;~~

~~(b) The *Comprehensive Plan*;~~

~~(c) The purpose of this section as set forth in Section 10.401;~~

~~(d) The criteria used in the original designation of the historic site or district;~~

~~(e) The historical and architectural style, the general design, arrangement, materials of the structure in question or its appurtenant fixtures; the relationship of such features to similar features of the other buildings within the district, and the position of the building or structure in relation to public rights of way and to other buildings and structures in the area;~~

~~(f) The effects of the proposed work upon the protection, enhancement, perpetuation, and use of the district which cause it to possess a special character or special historical or aesthetic interest or value;~~

~~(g) Whether denial of the permit will involve substantial hardship to the applicant, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this ordinance.~~

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

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

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

Section 20. Section 10.411 is hereby repealed:

~~10.411 Appeals.~~

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

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

10.1022 Exceptions

The provisions of Article VI shall not apply to:

* * *

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

* * *

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

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2003.

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.

REVISED STAFF REPORT

File No.: DCA-05-222 - Land Development Code Amendment (Major Class 'A' Legislative)
Revisions to Historic Preservation Overlay Ordinance

Applicant: City of Medford

Request: Consideration of replacing *Medford Land Development Code* sections 10.401 through 10.411, and creating new sections 10.401 through 10.408, 10.136 through 10.138 and 10.256 through 10.261 relating to historic preservation and revising 10.1022, Exceptions, of the Sign Code.

BACKGROUND:

This proposed revision of the Historic Overlay ordinance has been worked on for some time by the Historic Commission, Planning Commission, and staff. The Historic Commission has held several study sessions and discussions, and a joint study session was held with the Planning Commission. The City Council also held a study session in December 2005.

The principal purposes of the revised ordinance are:

1. To meet the state requirements for Certified Local Government status, which qualifies the City to participate in grant programs and other institutional support administered by the State Historic Preservation Office.
2. To restructure the Historic Commission slightly, by increasing the membership from five to seven, and changing the name of the Historic Commission to the Landmarks and Historic Preservation Commission better reflect its goals.
3. To adopt more explicit review criteria in the form of the *Secretary of the Interior's Standards for the Treatment of Historic Places*. This improves the legitimacy of the Historic Commission as a discretionary review body.
4. To empower the Historic Commission to designate local historic resources in addition to the existing state mandate to protect National Register sites.
5. To streamline the development review process for properties within the Historic Overlay Zone by allowing criteria to be adopted to provide for administrative review of minor exterior changes such as in roofing materials, paint colors, etc.
6. To comply with the Oregon Administrative Rules (OARs) adopted for Statewide Planning Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources.
7. The proposal also includes a revision to the Medford Sign Code, section 10.1022, Exceptions, to allow the Historic Commission to vary sign code standards in the Historic Overlay if necessary to meet historic compatibility and preservation goals. Before the Historic Commission will be able to take such an action, design criteria and/or guidelines for signage will have to be developed and adopted by the Historic Commission.

A public open house was held on November 2, 2005 to receive comments on the ordinance. All property owners in the Historic Overlay were notified of the open house. About twenty people attended with all but one individual in attendance supporting the ordinance changes.

The City Attorney's Office has determined that a Measure 56 notice is not required for this code change.

AMENDED LAND DEVELOPMENT CODE LANGUAGE:

The attached Exhibit 'A' provides the proposed code revision language. The new code sections in 10.1022 Exceptions are underlined. Exhibit B is the old code language.

RELEVANT SUBSTANTIVE CRITERIA:

For Class 'A' Major Legislative Amendments, *Medford Land Development Code* Section 10.182, Application Form, requires findings that address the following:

- (1) Identification of all applicable Statewide Planning Goals.
- (2) Identification and explanation of the goals and policies of the Comprehensive Plan considered relevant to the decision.
- (3) Statement of the facts relied upon in rendering the decision, if any.
- (4) Explanation of the justification of the decision based on the criteria, standards, and facts.

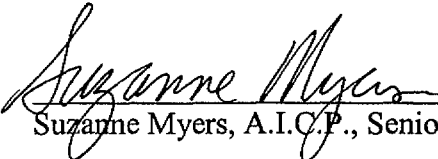
FINDINGS:

The proposed Findings of Fact and Conclusions of Law (Exhibit 'C'), are, by this reference, incorporated as a part of this report. A discussion of the proposal relative to the approval criteria listed above is included in the Findings.

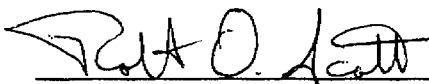
RECOMMENDED ACTION:

The Medford Planning Commission, at their meeting of July 13, 2006, initiated the amendment and forwarded a favorable recommendation to the City Council for DCA-05-222 per the Staff Report dated August 4, 2006, including:

- Exhibit 'A' Proposed Historic Ordinance Amendment and Sign Code Amendment, dated June 26, 2006
- Exhibit 'B' Existing Historic Preservation Code to be Replaced
- Exhibit 'C' Findings of Fact and Conclusions of Law, dated June 26, 2006
- Exhibit 'D' Excerpt of CPAC Meeting Minutes of July 11, 2006
- Exhibit 'E' Excerpt of Planning Commission Meeting Minutes of July 13, 2006



 Suzanne Myers, A.I.C.P., Senior Planner

Reviewed By: 

 Robert O. Scott, A.I.C.P., Planning Director

PLANNING COMMISSION AGENDA: July 13, 2006

These Land Development Code sections would replace those in the current code with the corresponding section number. Some sections are new.

Exhibit A

CITY OF MEDFORD DRAFT HISTORIC PRESERVATION ORDINANCE Draft as of June 26, 2006

10.401 Historic Preservation Overlay, Purpose.

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

More specifically, the Historic Preservation Overlay is intended to:

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

10.402 Historic Preservation, Definitions.

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

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

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

Designation. A decision declaring that an historic resource is of local, regional, statewide, or national significance, and that such resource is to be placed within the Historic Preservation

Overlay, and, therefore, including it in the inventory of historic areas within the City.
Exterior. Any portion of the outside of buildings, structures, objects, or sites in designated historic areas, including signage.

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

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

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

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

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

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

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

10.403 Historic Preservation Overlay, Designation.

The Historic Preservation Overlay shall apply as follows:

- (1) To all historic areas on the adopted "1-A List" in the *Medford Comprehensive Plan*.
- (2) To all Medford historic areas and historic districts listed on the *National Register of Historic Places* as of the effective date of this ordinance, and thereafter, on the date the property is listed.

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

10.404 Significant Historic Resource Designation, Refusal.

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

10.405 Historic Preservation Overlay Designation, Removal.

- (1) The Historic Preservation Overlay designation shall be automatically removed when an historic resource not in an historic district is destroyed by fire or natural event.
- (2) Upon written request for removal by the owner of a property designated as a significant historic resource that is not listed on the *National Register of Historic Places*, nor within a National Register historic district, the City shall remove said property from the Historic Preservation Overlay.

10.406 Historic Preservation Overlay, Exterior Alteration or New Construction.

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

- (1) Any exterior alteration except those related to signage or exterior color shall conform with *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.
- (2) Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior component of a structure or site that does not involve a change in design, material, color or outward appearance of such features.
- (3) When a Local Historic Resource designation or consideration of such designation has been removed from a building, structure, object, or site at the request of the property owner pursuant to §10.404 or §10.405 (2), the Medford Building Safety Department shall not issue a permit for exterior alteration within 120 days from the date the request for removal of the historic resource designation was received by the City.

10.407 Historic Preservation Overlay, Demolition or Relocation.

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

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

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

If an application is made for a permit to demolish or relocate all or part of a building, structure, object, or site within an Historic Preservation Overlay, the Medford Building Safety Director shall, within seven days of the date of application, notify the Planning Director. The Planning Director shall notify the applicant of the requirements for Historic Review. Proposed demolition or relocation in an Historic Preservation Overlay shall be subject to the applicable portions of this Code whether or not a demolition or relocation permit has been applied for.

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

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

| Plan Authorization | Class |
|--|-------|
| Historic Review, except Minor Historic Review permitted in §10.407 | 'C' |

For the purposes of this section, the definitions, rules, and procedures of §10.401 through §10.407 shall apply.

- A. Historic Review shall include:
 - (1) Historic Preservation Overlay Changes. Review and investigation of any historic resource in the City of Medford that may have historic significance; initiation of proceedings to change the extent of the Historic Preservation Overlay; decisions on applications to change to the extent of the Historic Preservation Overlay; and

preparation of findings substantiating or refuting the historic significance of the resource.

- (2) Exterior Alteration and/or New Construction Review. Consideration of proposed exterior alteration and/or new construction within an Historic Preservation Overlay.
- (3) Demolition and/or Relocation Review. Consideration of proposed demolition or relocation within an Historic Preservation Overlay, and authorization of either delayed or immediate issuance of a demolition or relocation permit.
- (4) Consideration of Appeals of Minor Historic Review Decisions. Should an applicant disagree with a Minor Historic Review decision made by the Planning Director, the applicant may appeal such decision to the Landmarks and Historic Preservation Commission consistent with the requirements of this Code.

B. Other powers and duties of the Landmarks and Historic Preservation Commission may include:

- (1) To study proposed *Comprehensive Plan* and *Land Development Code* amendments relating to historic preservation, and submit recommendations regarding such proposals to the Planning Commission and City Council.
- (2) To institute and support programs and projects that further the historic preservation policies of the City of Medford.
- (3) To adopt approval criteria for Minor Historic Review of alterations of roofing materials, exterior colors, or sign face design for an existing sign within Historic Preservation Overlay Districts. Such criteria shall be consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Places* as applicable.
- (4) To adopt design guidelines for new construction and exterior alternations within an Historic Preservation Overlay. Such guidelines may be general or specific in nature and shall be in the form of approaches intended to aid applicants in preparation, presentation, and implementation of development proposals that comply with the *Medford Comprehensive Plan* and implementing ordinances. Guidelines shall be advisory and shall not limit applicants to a single approach.
- (5) To adopt approval criteria and/or design guidelines for signage within the Historic Preservation Overlay. Such criteria or design guidelines may authorize signs that differ from the standards of Article VI when necessary to meet historic compatibility and preservation goals.

10.137 Landmarks and Historic Preservation Commission, Membership.

- (1) The Landmarks and Historic Preservation Commission shall be made up of seven voting members nominated by the Mayor and confirmed by the City Council.
- (2) All Landmarks and Historic Preservation Commission members shall be residents of the City of Medford, and, if any member ceases to be a city resident, his/her position shall become vacant.
- (3) The Planning Director or designee shall serve as an *ex-officio* member of the Landmarks and Historic Preservation Commission.

- (4) All members of the Landmarks and Historic Preservation Commission shall have demonstrated positive interest, competence, or knowledge of historic preservation.
- (5) A member of the Landmarks and Historic Preservation Commission may be removed by the City Council, after a hearing, for misconduct or nonperformance of duty. Replacements shall be nominated by the Mayor and confirmed by the City Council for the remainder of the un-expired term.
- (6) All regular terms of members of the Landmarks and Historic Preservation Commission shall be for a period of four years, and shall begin on February 1, with not more than three terms expiring in the same year.

10.138 Landmarks and Historic Preservation Commission, Meeting Procedures.

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

10.256 Historic Review.

The Historic Review process is hereby established to assure compliance with the Historic Preservation Overlay, §10.401 through §10.407, and the *Oregon Administrative Rules* and *Oregon Revised Statutes*, and to achieve consistency with the *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.

- A. An application for Historic Review is required in the following instances:
 - (1) To request addition to or removal from the Historic Preservation Overlay for any area, parcel, or portion thereof. The property owner, Planning Director, Landmarks and Historic Preservation Commission, or City Council may request initiation of proceedings to change the extent of the Historic Preservation Overlay.
 - (2) For proposed exterior alteration and/or new construction within an Historic Preservation Overlay.
 - (3) Prior to application for a demolition or relocation permit for all or part of a building, structure, object or site in an Historic Preservation Overlay.
- B. Historic Review of proposed exterior alteration and/or new construction is required irrespective of whether a building permit or a development permit is required. Historic Review final actions shall be taken prior to application for a building permit or proceeding with work that does not require a permit.

10.257 Historic Review, Application Content.

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

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

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

10.258 Historic Review, Approval Criteria.

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

- A. Changes to the Historic Preservation Overlay. The extent of the Historic Preservation Overlay may be changed to include an historic resource other than those specified in §10.402 (1), (2), and (3) through a Class 'C' Historic Review process if findings can be made substantiating that the proposal is consistent with the criteria below:
- (1) It has been demonstrated that the designation of the historic resource is consistent with the purposes of the Historic Preservation Overlay in §10.401; and,
 - (2) It has been demonstrated that the designation of the historic resource is appropriate, considering the historic value of the resource and any other conflicting values, and will not result in a loss of substantial beneficial use of the property; and,
 - (3) It has been demonstrated that the historic resource has a significance rank of "primary" or "secondary" on an historical survey conducted in conformance with the standards of the Oregon State Historic Preservation Office; or, the historic value of the resource has sufficient local significance to merit designation as a Local Historic Resource.
- B. Exterior Alteration and/or New Construction. The approving authority (Landmarks and Historic Preservation Commission) shall approve an Historic Review application for exterior alteration and/or new construction within an Historic Preservation Overlay after consideration during a public hearing, if findings can be made substantiating that the proposal is consistent, or can be made consistent through the imposition of conditions, with all of the following criteria:
- (1) It has been demonstrated that the proposed exterior alteration and/or new construction is consistent with the purposes of the Historic Preservation Overlay in §10.401; and,
 - (2) It has been demonstrated that the proposed exterior alteration and/or new construction will preserve the historic character, form, and integrity of the historic resource; and,
 - (3) It has been demonstrated that the proposed exterior alteration and/or new construction is consistent with the most current version of the *The Secretary of the Interior's Standards for the Treatment of Historic Properties*; and,
 - (4) It has been demonstrated that the proposed exterior alteration and/or new construction is compatible with the historical and architectural style of the historic resource, of adjacent historic properties, and of the historic district within which it is located, if any. Assessment of compatibility may include consideration of the design, arrangement, proportion, detail, scale, color, texture, and materials, and the way new features will be differentiated from the old; and,

- (5) It has been demonstrated that the proposed exterior alteration and/or new construction is consistent with all other applicable provisions of this Code.
- C. **Minor Historic Review.** The Planning Director shall approve a Minor Historic Review application for alteration of roofing materials, exterior colors, or sign face design for an existing sign if the proposal conforms to approval criteria adopted by the Landmarks and Historic Preservation Commission.
- D. **Demolition and Relocation.** The Landmarks and Historic Preservation Commission shall temporarily delay issuance of a demolition or relocation permit for all or part of a building, structure, object or site in an Historic Preservation Overlay, unless, during a public hearing:
- (1) It is demonstrated that a temporary suspension of the demolition or relocation permit would not aid in avoiding the demolition or relocation of the historic resource; in informing the owner of the benefits of renovation; nor in pursuing public or private acquisition or restoration; and,
 - (2) In the case of a demolition, it is demonstrated that there is no practical opportunity to relocate the historic resource to another site, nor to salvage historic or architectural elements; and,
 - (3) It is demonstrated that the proposed demolition or relocation would not adversely affect the protection, enhancement, perpetuation, improvement, or use of any historic district or other historic resource; and,
 - (4) It is demonstrated that the benefits of protecting the historic resource no longer outweigh the benefits of allowing the demolition or relocation.
- E. **Temporary Suspension of a Demolition or Relocation Permit.**
- (1) In the case of temporary suspension of a demolition or relocation permit by the Landmarks and Historic Preservation Commission, issuance of the permit shall be delayed for a period of 120 days from the date of application for Historic Review or for the demolition or relocation permit, whichever is earlier.
 - (2) The Landmarks and Historic Preservation Commission may invoke an extension of the suspension period for an additional period not exceeding 90 days if it determines during a subsequent public hearing that there is a program underway that could result in public or private acquisition, or preservation or restoration of such building, structure, object, or site, and that there are reasonable grounds to believe that such a program will be successful.
 - (3) During the period of suspension, no permit shall be issued for demolition or relocation, nor shall any person demolish or move the building, structure, object, or site.
 - (4) At the end of the suspension period, if all such programs have been unsuccessful, the Medford Building Safety Director shall issue a demolition or relocation permit as long as the application otherwise complies with all other city ordinances.

10.259 Historic Review, Conditions of Approval.

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

10.260 Historic Review, Appeal.

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

10.261 Historic Review Approval, Expiration.

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

10.1022 Exceptions

The provisions of Article VI shall not apply to:

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

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

[Amd. Sec. 5, Ord. No. 6021, Nov. 19, 1987.]

EXHIBIT 'B'
OLD HISTORIC PRESERVATION OVERLAY DISTRICT
(To Be Replaced)

~~10.401 Purpose of Historic Preservation District.~~

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

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

~~10.402 Definitions for Historic Preservation Districts.~~

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

- ~~(1) Alteration. The addition to, removal of or from, or physical modification (including paint) or repair of, any exterior part or portion of an historic site or structure, or of a landmark or structure in an historic district. Signs shall be considered an alteration.~~
- ~~(2) Architectural Significance. Shall mean that a site or district:~~
 - ~~(a) Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;~~
 - ~~(b) Embodies those distinguishing characteristics of an architectural type;~~
 - ~~(c) Is the work of an architect or master builder whose individual work has influenced the development of the City; or~~
 - ~~(d) Contains elements of architectural design, detail, materials, or craftsmanship which represent a significant innovation.~~
- ~~(3) Commission. The Historic Commission for the City of Medford.~~
- ~~(4) Demolish. Raze, destroy, dismantle, deface, or in any other manner cause partial or total ruin of a designated landmark or structure, or of a landmark or structure in an historic district.~~
- ~~(5) Exterior. Any portion of the outside of a landmark, building or structure in an historic district or site.~~
- ~~(6) Historical Significance. Shall mean that the site or district:~~
 - ~~(a) Has character, interest or value as part of the development heritage or cultural characteristics of the City, State or Nation; or~~
 - ~~(b) Is the site of an historic event with an effect upon society; or~~

- (c) ~~Is identified with a person or group of persons who had some influence on society; or~~
 (d) ~~Exemplifies the cultural, political, economic, social or historic heritage of the community.~~
 (7) ~~Historic Site or District. Any structure, landmark, building or district that is listed as 1A in the City of Medford *Comprehensive Plan*.~~

10.403 ~~Areas Affected.~~

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

10.404 ~~Designation of New Affected Areas.~~

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

10.405 ~~Historic Commission Creation.~~

~~There is hereby created an Historic Commission of five (5) members. Each regular Commission member shall be entitled to one vote. Membership to the Commission shall be as follows: five citizens who have knowledge or interest in the areas of local history, architecture or finance and who have been nominated by the Mayor and confirmed by the City Council. The Planning Director or designee shall serve as an ex-officio member of the Commission. All members of the Commission shall serve without compensation. All regular members shall serve for a term of four years except the first appointees shall serve for the following terms: Two regular members shall be appointed initially for two year terms and three regular members shall be appointed initially for four year terms. Vacancies in office shall be filled in the same manner as original appointments and the appointed shall hold office for the remainder of the unexpired term. Any regular member who misses more than four consecutive scheduled meetings without obtaining a leave shall be removed and another regular member shall be nominated by the Mayor and confirmed by the City Council.~~

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

- (1) ~~The officers of the Commission shall be a Chair and Vice Chair, selected from the regular membership. Officers shall preside over the Commission and shall have the right to vote. The Vice Chair shall, in case of absence or disability of the Chair, perform the duties of the Chair. The Commission shall keep a record of all deliberations and actions, which shall be open to public inspection during regular office hours.~~
 (2) ~~There shall be at least one meeting, held each year during the month of March. The Commission shall also meet upon the call of the Chair. The time, place and manner of notice for meetings shall be fixed by rules of the Commission.~~
 (3) ~~Three members of the Commission excluding ex-officio members, shall constitute a quorum for the transaction of business. The concurring vote of a majority of the regular members present shall be required for approval or disapproval of any motion or other action of the Commission.~~
 (4) ~~All meetings of the Commission shall be open to the public and any persons or~~

~~representative shall be entitled to appear and be heard on any matter before the Commission.~~

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

~~10.407 Historic Commission Powers and Duties.~~

~~The Commission may:~~

~~(1) Review and investigate any building, structure or other physical object in the City which is of historic significance.~~

~~(2) Recommend to the Planning Commission and City Council any building, structure or other physical object which it has determined from review and investigation should be included in the inventory of historic places contained in the *Comprehensive Plan*. The recommendation shall include a written report containing a description of the building, structure or physical object under review and findings of fact as to the historic significance of the building, structure or physical object.~~

~~(3) Institute and support such programs and projects that will further the historic policy of the City.~~

~~(4) Other powers and duties which are necessary and proper.~~

~~10.408 Exterior Alteration and New Construction.~~

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

~~(1) The purpose of the Historic Preservation Overlay District as set forth in Section 10.401;~~

~~(2) The provisions of the Historic Preservation Overlay District as set forth in Section 10.401, (1) through (10);~~

~~(3) The economic effect of the new structure or alteration on the historic value of the district;~~

~~(4) The effect of the proposed alteration or new structure on the character of the district;~~

~~(5) The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture, and materials to be used in the alteration or construction of a building or structure.~~

~~Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural features which does not involve a change in design, material or the outward appearance of such features.~~

~~10.409 Exemption from Public Improvement Requirements.~~

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

~~10.410 Demolitions.~~

~~(1) If an application is made for a permit to demolish all or part of a structure which is an historic site or is in an historic district, the Building Safety Director shall, within seven (7) days, transmit to the Planning Director a copy of said application.~~

~~(2) The Planning Director shall, within 30 days, schedule a public hearing before the Historic Commission pursuant to the procedures in Section 10.220, Class "C" action; to determine the appropriateness of the demolition permit.~~

~~(3) In determining the appropriateness of the demolition, as proposed in an application for a~~

permit, the Historic Commission shall consider the following:

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

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

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

~~If all such programs or projects are demonstrated to the Historic Commission to be unsuccessful and the applicant has not withdrawn the application for a demolition permit, the Building Safety Director shall issue such permit, if the application otherwise complies with the codes and ordinances of the City.~~

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

~~[Amd. Sec. 1, Ord. No. 6494, Nov. 16, 1989.]~~

~~10.411 Appeals.~~

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

**Exhibit C
PROPOSED FINDINGS**

BEFORE THE PLANNING COMMISSION
AND CITY COUNCIL
FOR THE CITY OF MEDFORD
JACKSON COUNTY, OREGON

IN THE MATTER OF ELIMINATING)
SECTIONS 10.401 through 10.411, and creating)
new sections 10.401 through 10.408, 10.136)
through 10.138 and 10.256 through 10.261,)
RELATING TO HISTORIC PRESERVATION)
OF THE MEDFORD LAND DEVELOPMENT)
CODE and 10.1022 RELATING TO HISTORIC)
USE EXCEPTIONS IN THE SIGN CODE)
)

**FINDINGS OF FACT
CONCLUSIONS OF LAW
File No. DCA-05-222
Exhibit 'C'
June 26, 2006**

PROCEDURAL BACKGROUND

Amendment of the *Medford Land Development Code* is categorized as a procedural Class 'A' legislative action by the *Medford Land Development Code*. Sections 10.180 through 10.184 provide the process and standards for such amendments.

RELEVANT SUBSTANTIVE CRITERIA

For Class 'A' Major Amendments, *Medford Land Development Code* Section 10.182, "Application Form", requires the following information to be prepared by the City:

- (1) Identification of all applicable Statewide Planning Goals.
- (2) Identification and explanation of the goals and policies of the *Comprehensive Plan* considered relevant to the decision.
- (3) Statement of the facts relied upon in rendering the decision, if any.
- (4) Explanation of the justification of the decision based on the criteria, standards, and facts.

COMPLIANCE WITH STATEWIDE PLANNING GOALS

Applicable Statewide Planning Goals:

- GOAL NO. 1: Citizen Involvement
- GOAL NO. 2: Land Use Planning
- GOAL NO. 5: Open Spaces, Scenic and historic Areas, and Natural Resources
- GOAL NO. 9: Economic Development
- GOAL NO. 10: Housing

Upon investigation, it has been determined that Statewide Planning Goals 3, 4, 5, 6, 7, 8, 11, 12, 13, and 14 are not applicable to this action. Goals 15, 16, 17, 18, and 19 are not applicable in Medford as these pertain to the Willamette River Greenway and ocean-related resources.

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GOAL 1: CITIZEN INVOLVEMENT - To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

FINDINGS OF FACT

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 identifying public goals, developing policy guidelines, and evaluating alternatives in the revision of the *Comprehensive Plan*, and in the inventorying, mapping, and analysis necessary to develop the plan content and implementation strategies. They must also be given the opportunity to participate in the development, adoption, and application of legislation to carry out a comprehensive plan. 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 legislative *Land Development Code* amendments by the Citizens Planning Advisory Committee, the Planning Commission, and the City Council in study sessions, regular meetings, and public hearings. Affected agencies and interested persons are also invited to review and comment on such proposals, and meeting and hearing notices are published in the local newspaper. This process has been adhered to in the development of the proposed amendment.

The Medford Historic Commission, Site Plan and Architectural Commission, Planning Commission and City Council met in study session workshops to discuss and formulate the proposal. The draft document was made available for review by affected agencies, departments, and interested persons. The Citizen's Planning Advisory Committee (CPAC) reviewed the amendment at a regular meeting on July 11, 2006. The Planning Commission reviewed the amendment at a regular meeting on July 13, 2006 making a recommendation to the City Council, and the City Council conducted an appropriately noticed and conducted legislative public hearing on the proposal. The amendment does not place new limitations on permitted uses, and is therefore not subject to Measure 56 noticing requirements.

CONCLUSIONS OF LAW

The process used by the City of Medford to facilitate and integrate citizen involvement in this proposal is consistent with the City's acknowledged *Comprehensive Plan* and Statewide Planning Goal 1.

GOAL 2: LAND USE PLANNING - To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

FINDINGS OF FACT

Goal 2 and its implementing *Oregon Administrative Rules* (OAR) and *Oregon Revised Statutes* (ORS) require City land use actions to be consistent with the adopted *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. "Major" (legislative) revisions occur when changes are proposed that affect a large area or many different ownerships, or the entire City.

The proposal affects the City's land use planning process by restructuring the historic overlay text.

1. To restructure the Historic Commission slightly, by increasing the membership from five to seven, and changing the name of the Historic Commission to the Landmarks and Historic Preservation Commission better reflect its goals.
2. To adopt more explicit review criteria in the form of the *Secretary of the Interior's Standards for the Treatment of Historic Places*. This improves the legitimacy of the Commission as a discretionary review body.
3. To empower the Commission to designate local historic resources in addition to the existing state mandate to protect National Register sites.
4. To streamline the development review process for properties within Historic Overlay Zones by allowing criteria to be adopted to provide for administrative review of roof material and paint colors.
5. The proposal also includes a revision to the Medford Sign Code, section 10.1022, Exceptions, to allow the Historic Commission to vary sign code standards in the Historic Preservation Overlay if necessary to meet historic compatibility and preservation goals. Before the Historic Commission will be able to take such an action, design criteria and/or guidelines for signage will have to be developed and adopted by the Historic Commission.

This proposal is an attempt to revise and clarify a process that implements *Comprehensive Plan* policies, to take into account changing circumstances and provide an effective and efficient review process.

CONCLUSIONS OF LAW

The City's efforts in this proposal to assure that *Land Development Code* provisions properly implement the adopted policies of the acknowledged *Medford Comprehensive Plan* and the

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Statewide Planning Goals are consistent with and needed to comply with Statewide Planning Goal 2.

GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES – To conserve open space and protect natural and scenic resources.

FINDINGS OF FACT

Goal 5 and its implementing *Oregon Administrative Rules* (OAR) and *Oregon Revised Statutes* (ORS) require the city to protect scenic and historic areas.....for future generations. Also to promote healthy and visually attractive environments in harmony with the natural landscape character. The locations, quality and quantity of the historic areas, sites and structures and objects are to be inventoried. Historic areas are define as lands with sites, structures and objects that have local, regional, statewide or national historical significance.

The City of Medford has an adopted Environmental Element within the Comprehensive Plan that includes the required Goal 5 inventory. In addition the Medford Land Development Code has specific requirements for the designation of historic resources and the administration of various permits. The proposed code provisions are drafted to conform with OAR 660 - 023 - 0200 regarding designation and protection of historic resources. Medford's Comprehensive Plan "Environmental Element" was revised and adopted in 2000 to conform with the applicable sections of OAR 660 - 023 - 0200.

The proposed amendments make the administration of the historic preservation program more understandable and easier to administer by revising the approval standards to include the Secretary of the Interior standards as approval criteria. The City of Medford has a desire to qualify for Certified Local Government grant dollars in order to implement Goal 5.

CONCLUSIONS OF LAW

The City's efforts in this proposal to assure that *Land Development Code* provisions properly implement the adopted policies of the acknowledged *Medford Comprehensive Plan* and the Statewide Planning Goals are consistent with and needed to comply with Statewide Planning Goal 5.

GOAL 9: ECONOMIC DEVELOPMENT - To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

FINDINGS OF FACT

Goal 9 and its implementing *Oregon Administrative Rules* (OAR) and *Oregon Revised Statutes* (ORS) require the city's Comprehensive Plans policies to contribute to a stable and healthy economy. Such plans shall be based upon appropriate inventories in particular non-renewable resources.

The historic preservation ordinance provides for the protection of non-renewable resources by establishing a process for the designation, removal, review of land use applications, and demolition consistent with state law. There are five historic districts within the City of Medford. Three of the districts provide land for commercial development uses including the downtown.

CONCLUSIONS OF LAW

The City's efforts in this proposal to assure that *Land Development Code* provisions properly implement the adopted policies of the acknowledged *Medford Comprehensive Plan* and the Statewide Planning Goals are consistent with and needed to comply with Statewide Planning Goal 9.

GOAL 10: HOUSING - *To provide for the housing needs of citizens of the state.*

FINDINGS OF FACT

Goal 10 and its implementing *Oregon Administrative Rules (OAR)* and *Oregon Revised Statutes (ORS)* require the city's Comprehensive Plans policies shall encourage the availability of adequate numbers of needed housing units.....and allow for flexibility of housing location, type and density. Such plans shall be based upon appropriate inventories.

The City of Medford has five historic districts. There are a variety of housing types, e.g., multi-family and single family. The historic structures provide the impetus for strong neighborhoods as they are desirable places to live.

CONCLUSIONS OF LAW

The City's efforts in this proposal to assure that *Land Development Code* provisions properly implement the adopted policies of the acknowledged *Medford Comprehensive Plan* and the Statewide Planning Goals are consistent with and needed to comply with Statewide Planning Goal 10.

COMPLIANCE WITH THE CITY OF MEDFORD *COMPREHENSIVE PLAN*

Applicable *Medford Comprehensive Plan* Goals, Policies, and Implementation Strategies:

ARCHAEOLOGICAL AND HISTORIC RESOURCES

Goal 11: *To preserve and protect archaeological and historic resources in Medford for their aesthetic, scientific, educational, and cultural value.*

Policy 11-A: The City of Medford shall strive to identify and preserve archaeological resources and sites, and promote actions to prevent intentional and unintentional disruption or destruction of such resources.

Environmental Element Policy 11-B: The City of Medford shall encourage and facilitate the preservation of Medford's significant historic resources by continuing to update and implement the Historic Preservation Ordinance in the *Land Development Code*.

Implementation 11-B (2): Evaluate the zoning of significant historic resources to determine if conflicts are likely based on the present use and/or permitted and conditional uses. Review the zoning of historic districts to determine if the zoning district standards, such as setbacks, density, public improvement design,

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parking, lot size, etc., are compatible with the historic character of the historic districts.

Implementation 11-B (3): Assure that new development located adjacent to historic resources and/or districts is reviewed for compatibility with the historic resources.

Implementation 11-B (4): Review proposed public development or improvement projects for their affect on any historic resources.

Environmental Element Policy 11-C: The City of Medford shall continue to maintain an official inventory of significant historic resources located in the city where the Historic Preservation Overlay of the *Land Development Code* applies.

Implementation 11-C (1): Include in the Historic Preservation Overlay, all properties in the city listed on the *National Register of Historic Places*, including all properties within National Register historic districts.

Environmental Element Policy 11-E: The City of Medford shall continue to recognize the downtown City Center as the historic core of the city, and its historic attributes shall be a factor when developing programs for the downtown area.

Implementation 11-E (1): Prepare and implement design guidelines for Site Plan and Architectural Commission and Historic Commission review of properties in the downtown to assure that exterior alterations and new construction are compatible with the historic character.

Environmental Element Policy 11-F: The City of Medford shall continue to encourage historic preservation efforts and cooperate with citizens and organizations undertaking such efforts.

Implementation 11-F (1): Continue to apply for historic preservation grants to carry out survey and inventory work, and support the grant applications of others when affecting property in the Medford Urban Growth Boundary.

Economic Element GOAL 2: To assure that an adequate commercial and industrial land base exists to accommodate the type and amount of economic development and growth anticipated in the future, while encouraging efficient use of land and public facilities within the City of Medford.

Housing Element Goal 1: To enhance the quality of life of all residents of the City of Medford by promoting a distinctive community character and superior residential environment, emphasizing the unique natural setting of the community.

Housing Element Policy 1-A: The City of Medford shall promote a community design that emphasizes aesthetics, alternative transportation modes, and pedestrian-scale development.

Housing Element Policy 1-B: The City of Medford shall promote the preservation of the existing housing stock and existing neighborhoods through continued support of programs related to housing rehabilitation and neighborhood revitalization.

Implementation 1-B (1): Institute a neighborhood planning program that arranges the community into *neighborhood planning areas*, and promotes the formulation of neighborhood identities.

Implementation 1-B (4): Emphasize preservation and/or rehabilitation of the existing supply of special need and affordable housing, including manufactured homes in parks.

Housing Element Goal 5: To ensure opportunity for the provision of adequate housing units in a quality living environment, at types and densities that are commensurate with the financial capabilities of all present and future residents of the City of Medford.

FINDINGS OF FACT

The proposed *Land Development Code* amendments implement policies and strategies adopted in the *Comprehensive Plan* that assure that historic resources are identified, placed upon the appropriate historic register, have appropriate approval criteria for renovation, new construction and demolition, have an effective review process, and have an identified, effective approval authority. The proposal clearly identifies a process for managing and administering the historic resources within the City of Medford that reflects the community vision.

CONCLUSIONS OF LAW

The City's efforts in this proposal to carry out the adopted policies and strategies of the acknowledged *Comprehensive Plan* related to historic preservation are consistent with and necessary to comply with the above noted *Comprehensive Plan* Goals, Policies, and Implementation Strategies.

SUMMARY

This proposed *Land Development Code* amendment is necessary to do the following: Meet the Goals, Policies of the *Comprehensive Plan* by continuing and enhancing the City's efforts to maintain historic resources as a vital part of the community fabric. The revised ordinances meet the requirements of the Statewide Planning Goals, including that of adequate public input opportunities, by properly implementing the *Comprehensive Plan*; and to overcome the demonstrable ineffectiveness of current procedures to achieve these goals.