



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

05/16/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment
DLCD File Number 002-14

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, June 24, 2014

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

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

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

Cc: Praline McCormack, City of Medford
Gordon Howard, DLCD Urban Planning Specialist
Josh LeBombard, DLCD Regional Representative

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



Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Medford

Local file no.: **DCA-14-011**

Date of adoption: 5/15/14 Date sent:

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): 3/21/14
- No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Minor changes to definition in Section 10.1010 & to introductory sentence for Section 10.1022(9). Also removed language about signs not permitted in the public right-of-way or on City property because that applies to all signs.

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

Phone: 541-774-2397 E-mail: praline.mccormack@cityofmedford.org

Street address: 411 W. 8th Street City: Medford Zip: 97501

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from to . acres. A goal exception was required for this change.
- Change from to . acres. A goal exception was required for this change.
- Change from to . acres. A goal exception was required for this change.
- Change from to . acres. A goal exception was required for this change.

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

If the change is a UGB amendment including over 50 acres by a city with a population greater than 2,500, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the change is an urban reserve establishment or amendment, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

10.1010 Definitions, 10.1022 Exceptions to Permit Requirements.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

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

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Signed ordinance, Minutes from City Council hearing 5/15/14, Agenda Item Commentary & Staff Report to City Council including all exhibits.

Moved by: Chris Corcoran

Seconded by: Daniel Bunn

Roll Call: Councilmembers Chris Corcoran, Daniel Bunn, Dick Gordon, Eli Matthews, John Michaels and Bob Strosser voting yes.
Ordinance 2014-47 was duly adopted.

- 120.3 COUNCIL BILL 2014-63 An ordinance amending Sections 10.012, 10.136, 10.256, and 10.258 and repealing Section 10.408 of the Medford Code pertaining to certain alterations to structures within Historic Preservation Overlay Districts. (DCA-13-129) (Land Use, Legislative)

Suzanne Myers, Principal Planner provided a staff report. She reviewed the proposed changes and approval criteria. The Landmarks and Historic Preservation Commission, Planning Commission and staff recommend adoption. Ms. Myers noted a typo on the Ordinance that needed to be corrected as it listed a wrong Municipal Code section.

Public hearing opened.

None

Public hearing closed.

Motion: Adopt the ordinance amending Sections 10.012, 10.136, 10.256, and 10.258 and repealing Section 10.408 of the Medford Code pertaining to certain alterations to structures within Historic Preservation Overlay Districts as corrected.

Moved by: Daniel Bunn

Seconded by: Eli Matthews

Roll Call: Councilmembers Daniel Bunn, Eli Matthews, Bob Strosser, John Michaels, Dick Gordon and Chris Corcoran voting yes.
Ordinance 2014-63 was duly adopted.

- * 120.4 COUNCIL BILL 2014-64 An ordinance amending Sections 10.1010 and 10.1022 of the Medford Code pertaining to temporary signs. (DCA-14-011) (Land Use, Legislative)

Jim Huber, Planning Director provided a staff report and approval criteria. He reviewed the various types of signs that are governed by the Code. He spoke to addressing the impact with political campaign signs and would like to allow these without permit; address real estate signs in residential zone. HE noted that Planning Commission and staff recommend adoption.

Public hearing opened.

None.

Public hearing closed.

Motion: Adopt the ordinance amending Sections 10.1010 and 10.1022 of the Medford Code pertaining to temporary signs.

Moved by: Eli Matthews

Seconded by: Chris Corcoran

Roll Call: Councilmembers Eli Matthews, Chris Corcoran, Dick Gordon, Daniel Bunn, John Michaels and Bob Strosser voting yes.
Ordinance 2014-64 was duly adopted.

- 120.5 COUNCIL BILL 2014-65 An ordinance amending Sections 10.012, 10.337, and Table 10.743-1 of the Medford Code pertaining to school zoning districts. (DCA-14-027) (Land Use, Legislative)

Jim Huber, Planning Director provided a staff report and an overview of the proposed change of code language to allow schools in commercial zones. He discussed approval criteria and noted that the Planning Commission and staff recommend approval.

Public hearing opened.

1. Joe VonDoloski, 1794 E. Dutton Rd., Eagle Point Executive Director of the Logos Charter School, addressed the Council and requested the Council support the code amendment.
2. John Hamlin, 24 Crater Lake Ave., Medford addressed the Council and spoke in support of the amendment and the Logos Charter School.

Public hearing closed.

ORDINANCE NO. 2014-64

AN ORDINANCE amending Sections 10.1010 and 10.1022 of the Medford Code pertaining to temporary signs.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.1010 of the Medford Code is amended to read as follows:

10.1010 Definitions.

* * *

Sign, temporary. Any sign, including supporting structure, to be maintained for a continuous period of less than thirty (30) days, **except those temporary signs permitted without a sign permit per Section 10.1022(9) that have differing durations. Temporary signs permitted without a sign permit include, but are not limited to, holiday displays, real estate signs, and political campaign signs.**

* * *

SECTION 2. Section 10.1022 of the Medford Code is amended to read as follows:

10.1022 Exceptions to Permit Requirements.

The provisions of Article VI shall not apply to:

(1) Traffic signs and all other signs erected or maintained by a municipal or governmental body or agency, including danger signs, railroad crossing signs, and signs of a non-commercial nature required by public laws, ordinances or statutes.

~~(2) Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays.~~

~~(2 3)~~ Signs on a truck, bus, car, boat, trailer or other motorized vehicle and equipment provided all the following conditions are adhered to:

(a) Primary purpose of such vehicle or equipment is not the display of signs.

(b) Signs are painted upon or applied directly to an integral part of the vehicle or equipment.

(c) Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of a business/or use.

(d) Vehicles and equipment are not used as static displays, advertising a product or service, for more than two (2) days in any location, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

(e) During periods of inactivity exceeding five work days, such vehicle/equipment is not so parked or placed that the signs thereon are displayed to the public. Vehicles and equipment engaged in active construction projects and the on-premise storage of equipment and vehicles offered to the general public for rent or lease shall not be subjected to this condition.

~~(3 4)~~ Signs not exceeding three (3) square feet in area located in a commercial or industrial zone not to exceed four (4) signs for each business frontage.

~~(4 5)~~ Signs not exceeding six (6) square feet in area and an overall height of six (6) feet in the Single-Family Residential Zoning Districts - (SFR 2, 4, 6, 10) and the Multiple-Family Residential Districts - (MFR 15, MFR 20, MFR 30), not to exceed two (2) signs per parcel.

~~(5 6)~~ National and State flags. National and state flags shall be flown and displayed in a manner whereby they are not construed as attraction-gaining devices to advertise a product or use, or in a manner to otherwise draw attention -of the traveling public to an establishment or sales office. Such displays shall conform to the criteria

established in House Document 209 of the 91st Session of Congress.

(6 7) Signs Located in the Interior of any Building. Signs located in the interior of any building or within an enclosed lobby or court of any group of buildings, which are designed and located to be viewed by patrons only. Such signs may be illuminated and are not subject to the provisions of this chapter.

(7 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.

(8 9) Window Signs. Signs located in windows, if they are mounted or painted upon the inside of windows within all commercial or industrial zoning districts.

~~(10) Real Estate Signs. Signs not exceeding thirty-two (32) square feet in area in commercial and industrial zoning districts advertising the sale, rental, or lease of the premises on which they are located.~~

(9) These types of Temporary Signs, which are in addition to any of the signs in subsections 1-8 above:

(a) Holiday Displays. Decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays.

(b) Real Estate Signs. Signs erected on private property for the period of time that a site or structure is for sale, lease or rent. In all residential zones such signs shall be limited to six (6) square feet in area and a maximum height of six (6) feet. In all commercial and industrial zones such signs shall be limited to thirty-two (32) square feet in area. Temporary real estate signs shall be limited to one (1) sign per frontage.

(c) Political Campaign Signs. Signs erected on private property no earlier than eight (8) weeks prior to any federal, state or local election and removed no later than seven (7) days after the applicable election. In all residential zones such signs shall be limited to six (6) square feet in area and a maximum height of six (6) feet per sign. In all commercial and industrial zones such signs shall be limited to thirty-two (32) square feet in area per sign.

(d) All other Temporary or Portable Signs require a permit.

PASSED by the Council and signed by me in authentication of its passage this 15 day of May, 2014.

ATTEST: Shunda Wilson
City Recorder

[Signature]
Mayor
[Signature]
Mayor

APPROVED May 15, 2014.

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.



CITY OF . EDFORD
AGENDA ITEM COMMENTARY

Item No:

www.cityofmedford.org

DEPARTMENT: Planning Department

AGENDA SECTION: [City Recorder]

PHONE: 541-774-2380

MEETING DATE: May 15, 2014

STAFF CONTACT: James E. Huber, Planning Director

COUNCIL BILL 2013-

[City Recorder will enter Ordinance or Resolution header written by Legal]

ISSUE STATEMENT & SUMMARY:

This Municipal Code Chapter 10 (Land Development Code) amendment has the objective of creating a new sign category – temporary signs that are permitted without sign permits, including patriotic or religious decorations or displays, real estate signs, and political campaign signs. This amendment also has the objective of establishing clear, objective and content neutral standards for such signs.

BACKGROUND:

The Planning Commission discussed this amendment on February 24, 2014 (Exhibit B), conducted a noticed public hearing regarding this proposal on April 24, 2014 (Exhibit C) and voted to initiate the amendment and to recommend City Council approval.

A. Council Action History

None.

B. Analysis

Staff has been working to fix small problems, keep the Code up-to-date with local, State and Federal regulations, and to eliminate unnecessary regulations. This amendment achieves all three of these objectives by revising standards to make them content neutral in compliance with Oregon’s free speech provisions, and eliminating the need to get sign permits for political campaign signs. From the perspective of Staff, temporary political campaign signs do not merit the time and effort required of a sign permit application. The Planning Department drafted the amendment (Exhibit A) and forwarded it for agency and public comment in March 2014. No comments were received from referral agencies. This amendment provides clear and objective standards for such signs that regulate duration rather than content. While Staff did not receive any written comments from the public, Staff did discuss this amendment with political candidates who have been applying for temporary signs for May’s Primary Election and they have all been in favor of the amendment.

C. Financial and/or Resource Considerations

None.

D. Timing Issues

There are no deadlines to meet for this code amendment; it was initiated at Staff’s request.

STRATEGIC PLAN:

Theme: Quality Public Services

Goal 11: Provide efficient and state-of-the-art development application review.



CITY OF . EDFORD
AGENDA ITEM COMMENTARY

Item No:

www.cityofmedford.org

COUNCIL OPTIONS:

1. Approve the ordinance.
2. Modify the ordinance.
3. Remand the proposal to the Planning Commission for further consideration.
4. Deny the ordinance.

STAFF RECOMMENDATIONS:

Staff recommends approval of the ordinance as proposed, based on the findings that the code amendment approval criteria are met.

SUGGESTED MOTION:

I move to approve the ordinance amending the *Land Development Code* Sections 10.1010 and 10.1022.

EXHIBITS:

Staff Report for file DCA-14-011 dated April 30, 2014, including Exhibits A through C.
A copy of the PowerPoint presentation is on file in the Planning Department.



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT – LAND DEVELOPMENT CODE AMENDMENT

Date: April 30, 2014
To: Mayor and City Council for May 15, 2014 Hearing
From: Praline McCormack, Planner II *PM*
Reviewer: Suzanne Myers, AICP, Principal Planner
Subject: Temporary Signs Code Amendment (DCA-14-011)
City of Medford, Applicant

BACKGROUND

Proposal: To amend the *Land Development Code*, Sections 10.1010 and 10.1022 regarding Temporary Signs, including patriotic or religious decorations or displays, real estate signs and political campaign signs, permitting them in all (residential, commercial and industrial) zones without a sign permit and establishing clear, objective and content neutral standards for such signs (**see Exhibit A**), including:

- A. Adding these types of signs to the definition of temporary sign (Section 10.1010);
- B. Moving language regarding decorations or displays and real estate signs to a new Temporary Signs subsection, revising standards to be content neutral, and permitting these signs without a sign permit (Section 10.1022); and
- C. Adding political campaign signs to the new Temporary Signs subsection with clear, objective and content neutral standards, and allowing these signs without a sign permit (Section 10.1022).

History: Staff has been working to fix small problems, keep the Code up-to-date with local, State and Federal regulations, and to eliminate unnecessary regulations. This amendment revises standards to make them content neutral in order to comply with Oregon's free speech provisions. This amendment also eliminates the need to get sign permits for political campaign signs because these types of temporary signs do not merit the time and effort required for a sign permit.

The Planning Commission discussed these amendments at a Study Session on February 24, 2014 (**Exhibit B**) and conducted a noticed public hearing regarding this proposal on April 24, 2014 (**Exhibit C**).

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

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A. Adding examples of Temporary Signs to the definition in Section 10.1010.

This change is self-explanatory. The first part of the definition refers to Temporary Signs that are permitted in certain commercial and industrial zones under Sections 10.1510, 10.1610, 10.1710 and 10.1810 with a sign permit. The second part of the definition refers to Temporary Signs which will be permitted in Section 10.1022(9) without a sign permit.

B. Creating a new subsection called Temporary Signs under 10.1022.

Section 10.1022 is the section that lists all of the signs that do not require a sign permit, including traffic signs, small signs in residential, commercial, and industrial zones, national and state flags, etc. Two subsections – one regarding temporary decorations or displays and one regarding real estate signs have been moved to the new subsection (9) titled Temporary Signs.

C. Amending Real Estate Signs language to make it content neutral.

The current language in the Code regarding real estate signs requires that a person look at the sign's content in order to determine if it is "advertising the sale, rental, or lease of the premises." That is not content neutral language. The proposed amendment revises the language so that instead of regulating the content and size of the sign, the standards will be regulating the duration and size of the sign. The duration is limited to the period of time a building or site is for sale, rent, or lease. Currently, this type of sign is not permitted in residential zones, yet we see real estate signs in residential zones all of the time. Therefore, language has been added to permit real estate signs in residential zones that are six (6) square feet in area and a maximum of six (6) feet tall.

D. Adding Political Campaign Signs as a new Temporary Sign permitted without a sign permit.

Language has been added to permit a political campaign sign without a sign permit. Currently, if a sign permit is required the applicant must prepare and submit a site plan, sign elevations and a sign permit application. Yet, these types of signs do not merit the time and effort required for a sign permit. Rather than dictating the content, size and number of signs, the standards will be content neutral by regulating the duration and size of the signs. Currently, temporary signs are not permitted in residential or C-S/P (Commercial, Service Professional) zones and Staff could not find a good reason to exclude these particular zoning districts from having political campaign signs. Therefore, the revision will permit them in all residential, commercial and industrial zones.

CURRENT CODE PROVISIONS REGARDING TEMPORARY SIGNS					
Sign Type	Permitted in Residential Zones?	Size/Number Permitted	Permitted in Commercial/Industrial Zones?	Size/Number Permitted	Sign Permit Required?
Real Estate Signs	Yes, as a Generic Sign per 10.1022(5).	Area: 6 sq. ft. Ht: 6 ft. No more than 2/parcel.	Yes – 10.1022(10).	Area: 32 sq. ft.	No
Generic Signs	Yes - 10.1022(5).	Area: 6 sq. ft. Ht: 6 ft. No more than 2/parcel.	Yes – 10.1022(4).	Area: 3 sq. ft. No more than 4 per business frontage	No
Other Temporary Signs (larger sizes than those above)	No – 10.1200 & 10.1300.	N/A	Yes, in all but C-S/P – 10.1410, 10.1510, 10.1610, 10.710, 10.810.	Area: 32 sq. ft. Ht: no higher than building ht. One sign per frontage per business, 4 permits per year.	Residential – N/A Commercial/Industrial - Yes
PROPOSED CODE PROVISIONS TO BE ADDED TO PROVISIONS ABOVE					
Real Estate Signs	Yes - 10.1022(9)(b)	Area: 6 sq. ft. Ht: 6 ft.	Yes – 10.1022(9)(b)	Area: 32 sq. ft. One per frontage	No
Political Campaign Signs	Yes – 10.1022(9)(c)	Area: 6 sq. ft. Ht: 6 ft.	Yes – 10.1022(9)(c)	Area: 32 sq. ft.	No

Authority: A Land Development Code Amendment is a Class ‘A’ legislative land use decision. The City Council is authorized to approve amendments to the *Medford Land Development Code*, Chapter 10 of the Municipal Code, under Sections 10.102, 10.110, 10.111, and 10.122.

Criteria: *Medford Land Development Code* Section 10.184(2)

APPROVAL CRITERIA COMPLIANCE

- 10.184** Class ‘A’ Amendment Criteria.
- 10.184 (2)** Land Development Code Amendment.

The City Council shall base its decision on the following criteria:

CRITERION 10.184 (2)(a). An explanation of the public benefit of the amendment.

Findings: Although currently requiring a permit application, temporary signs do not require a permit fee. They are only posted on a property for a limited period of time.

Therefore, they do not merit the time and effort it takes for the applicant to prepare the sign permit and required submittals nor for Planning Staff to review the application.

Conclusion: The public will benefit due to the elimination of unnecessary delays related to the review of temporary sign applications such as for decorations or displays, real estate signs and political campaign signs. This amendment is not expected to cause an additional proliferation of abandoned signs. Criterion 10.184 (2)(a) is satisfied.

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

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

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

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

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

Staff finds that Goals **3-14** do not apply in this matter.

Goals **15-19** apply only to other regions of the State and are not evaluated here.

Conclusion: Criterion 10.184 (2)(b)(1) is satisfied.

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

Findings: There is nothing in this amendment that rises to a Comprehensive Plan policy level. It is a refinement of existing procedures and regulations, and can therefore be regarded as neutral with respect to this criterion.

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

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

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

Findings: There were no comments from applicable referral agencies.

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

CRITERION 10.184 (2)(b)(4). Public comments.

The findings below respond to public comments:

Findings: There were no public comments.

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

CRITERION 10.184 (2)(b)(5). Applicable governmental agreements.

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

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

RECOMMENDED ACTION

Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, on April 24, 2014 the Planning Commission voted 7 to 0 to recommend adoption of DCA-14-011 per the Staff Report dated April 30, 2014, including Exhibits A through C.

EXHIBITS

- A Proposed Code Amendment, dated April 15, 2014; and
- B Planning Commission Study Session Minutes from February 24, 2014.

C Planning Commission Draft Meeting Minutes from April 24, 2014

PLANNING COMMISSION AGENDA: April 24, 2014

CITY COUNCIL AGENDA: May 15, 2014

Exhibit A

Code Amendment Proposal

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

Article VI

10.1010 Definitions.

Sign, temporary. Any sign, including supporting structure, to be maintained for a continuous period of less than thirty (30) days, **except those temporary signs permitted without a sign permit per Section 10.1022(9) that have differing durations. Temporary signs permitted without a sign permit include, but are not limited to, holiday displays, real estate signs, and political campaign signs.**

* * *

10.1022 Exceptions to Permit Requirements.

The provisions of Article VI shall not apply to:

(1) Traffic signs and all other signs erected or maintained by a municipal or governmental body or agency, including danger signs, railroad crossing signs, and signs of a non-commercial nature required by public laws, ordinances or statutes.

~~(2) Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays.~~

(23) Signs on a truck, bus, car, boat, trailer or other motorized vehicle and equipment provided all the following conditions are adhered to:

(a) Primary purpose of such vehicle or equipment is not the display of signs.

(b) Signs are painted upon or applied directly to an integral part of the vehicle or equipment.

(c) Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of a business/or use.

(d) Vehicles and equipment are not used as static displays, advertising a product or service, for more than two (2) days in any location, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

(e) During periods of inactivity exceeding five work days, such vehicle/equipment is not so parked or placed that the signs thereon are displayed to the public. Vehicles and equipment engaged in active construction projects and the on-premise storage of equipment and vehicles offered to the general public for rent or lease shall not be subjected to this condition.

(34) Signs not exceeding three (3) square feet in area located in a commercial or industrial zone not to exceed four (4) signs for each business frontage.

(45) Signs not exceeding six (6) square feet in area and an overall height of six (6) feet in the Single-Family Residential Zoning Districts - (SFR 2, 4, 6, 10) and the Multiple-Family Residential Districts - (MFR 15, MFR 20, MFR 30), not to exceed two (2) signs per parcel.

(65) National and State flags. National and state flags shall be flown and displayed in a manner

CITY OF MEDFORD

EXHIBIT # A

File # DCA-14-011

Exhibit A

whereby they are not construed as attraction-gaining devices to advertise a product or use, or in a manner to otherwise draw attention -of the traveling public to an establishment or sales office. Such displays shall conform to the criteria established in House Document 209 of the 91st Session of Congress.

(76) Signs Located in the Interior of any Building. Signs located in the interior of any building or within an enclosed lobby or court of any group of buildings, which are designed and located to be viewed by patrons only. Such signs may be illuminated and are not subject to the provisions of this chapter.

(78) 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.

(89) Window Signs. Signs located in windows, if they are mounted or painted upon the inside of windows within all commercial or industrial zoning districts.

~~(10) Real Estate Signs. Signs not exceeding thirty-two (32) square feet in area in commercial and industrial zoning districts advertising the sale, rental, or lease of the premises on which they are located.~~

(9) These types of Temporary Signs, which are in addition to any of the signs in subsections 1-8 above:

(a) Holiday Displays. Decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays.

(b) Real Estate Signs. Signs erected on private property for the period of time that a site or structure is for sale, lease or rent. In all residential zones such signs shall be limited to six (6) square feet in area and a maximum height of six (6) feet. In all commercial and industrial zones such signs shall be limited to thirty-two (32) square feet in area. Temporary real estate signs shall be limited to one (1) sign per frontage.

(c) Political Campaign Signs. Signs erected on private property no earlier than eight (8) weeks prior to any federal, state or local election and removed no later than seven (7) days after the applicable election. In all residential zones such signs shall be limited to six (6) square feet in area and a maximum height of six (6) feet per sign. In all commercial and industrial zones such signs shall be limited to thirty-two (32) square feet in area per sign.

(d) All other Temporary or Portable Signs require a permit.



MINUTES
PLANNING COMMISSION STUDY SESSION
February 24, 2014

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

Commissioners: Michael Zarosinski, Robert Tull, Norman Fincher, Bill Christie, Alec Schwimmer, Patrick Miranda, David McFadden, Paul Shoemaker and Bill Mansfield.

Staff: Jim Huber, Bianca Petrou, Suzanne Myers, Kelly Akin, Kathy Helmer, Praline McCormack, Joe Slaughter and Lori Cooper.

Guest: Cathy de Wolfe, Landmarks and Historic Preservation Commission, Chair.

- Subjects:
1. DCA-13-129 Historic Review Code Amendment.
 2. DCA-14-011 Political Campaign Signs Code Amendment.
 3. Schools in Commercial Zones Code Amendment.
 4. Temporary/Portable Storage Containers Code Amendment.

Jim Huber, Planning Director, stated that there are four text amendments on today's agenda but if time does not allow getting through all of them, staff can reschedule them for the March 10, 2014, Planning Commission study session.

Suzanne Myers, Principal Planner, reported that Kathy Helmer, Planner IV, has worked on the Historic Review Code Amendment. Also, Ms. Helmer is retiring beginning March 1, 2014. The Historic Review Code Amendment has been turned over to Praline McCormack, Planner II. Ms. Cathy de Wolfe, Landmarks and Historic Preservation Commission, Chair is present today.

1. DCA-13-129 Historic Review Code Amendment.

Praline McCormack, Planner II, reported that the amendment proposes to make specific site alterations in Historic Overlay Districts subject to Minor Historic Review allowing over the counter review and a \$25 fee rather than the Standard Historic Review with a public hearing and a fee of \$430. These specific alterations include: changes in roofing materials and exterior paint colors, changes in awning fabrics, and change of sign face/copy. The Landmarks and Historic Preservation Commission feel these items do not have permanent land use impacts. In staff's experience, some minor improvements do not occur because the \$430 review fee can be prohibitive. From the perspective of the Landmarks and Historic Preservation Commission, new paint colors and new awning fabrics do not merit the time, effort and fee required for public notice and a public hearing.

Ms. Myers stated that staff had George Kramer, Historic Preservationist prepare a document that allowed the staff level review of changes in paint colors for residential. Approximately in 2009 that ordinance was approved by City Council. This amendment allows businesses as well as residential to use the paint pallet as well for awning fabrics. This amendment is expanding what is already in place.

Commissioner McFadden asked does this amendment affect the paint job on East Main with the multi-color front? Ms. Myers reported that is outside the Historic District.

CITY OF MEDFORD

EXHIBIT # B

2. DCA-14-011 Political Campaign Signs Code Amendment.

Ms. McCormack reported that currently, when someone wants to put up a political sign they have to

File # ~~_____~~
DCA-14-011

submit a Temporary Sign Permit Application form along with a site plan. There is no fee for these temporary signs. Staff reviews the application to make sure it is not a duplicate application, that it complies with the temporary sign standards, and to make sure the sign is outside of the sign distance triangle.

Commissioner McFadden asked if these signs were limited to a certain size or for all political signs? Ms. McCormack stated that the zoning gives the size for a temporary sign that is usually approximately 32 square feet in commercial and industrial areas. She believes it is only 6 square feet for residential areas.

Ms. McCormack stated that staff proposes to make these types of signs exempt and to provide clear and objective standards for the placement of such signs. They have to be out of the clear view triangle, they cannot be on City property, they have to be placed behind the public sidewalk and not extend into the sidewalk and they can only be put up eight weeks before the election and be removed seven days after the election. Residential zoning districts can have a maximum of two signs without a permit. Each sign cannot exceed three square feet and a maximum height of three feet. In commercial and industrial zoning districts a maximum of one temporary political campaign sign per street frontage per business is permitted. No sign permit is required. There will be no more than four signs per street frontage. Each such sign cannot exceed 32 square feet and maximum height of six feet.

Commissioner Christie asked who is going to police this? Ms. McCormack replied that it is the responsibility of Code Enforcement if there are complaints. Code Enforcement would have standards to refer to. If a Temporary Political Campaign Sign does not comply with the provisions of the Code, the candidate shall remove and City employees are authorized to remove and dispose of any such sign.

Ms. McCormack inquired of the Commission if the proposal creates a problem with residential in particular. Several of the Commissioners replied that it certainly does.

Commissioner Fincher replied that it is actually both residential and commercial.

Commissioner Mansfield stated that any limitation is an unreasonable infringement on free speech. He can advocate for as many political candidates as he wishes. It is none of the City's business as to the limit of signs he can put out on his lawn. He does not have a problem with the time. Eight weeks is fine.

Ms. McCormack asked if Commissioner Mansfield would like to see 12 to 15 political campaign signs in front of a business? Commissioner Mansfield stated that he does not like seeing them at all but is part of a free system.

Commissioner Miranda stated that as long as they do not block or impede foot traffic and as long as they are not cumbersome to the environment the City should not regulate. He is fine with governing the size but not quantity or anything like that.

Mr. Huber stated that these regulations are already on the books.

Kelly Akin, Principal Planner, reported that political campaign season is a real challenge for the Planning Department. Currently, there are certain signs that are exempted from permits. They include signs less than three square feet in commercial and industrial zones. They are not to exceed four per business frontage. Signs not exceeding six square feet in area and an overall height of six feet in the single family and multi-family zones and not to exceed two per parcel. Temporary signs are not permitted in every zone district. CS-P does not allow temporary signage. Signs in commercial and industrial zones are limited to 32 square feet. Staff does issue temporary sign permits. They do have certain candidates every year that are out policing for the City. So staff spends a lot of time with them and a lot of time with Code Enforcement. Staff also invests a lot of time to make sure they do not issue

more than a single permit for a site or frontage. Staff is asking to get out of the permitting business for campaign signs because it uses a huge amount of staff time. There is no money attached to it.

Mr. Huber asked if there were any new regulations? Ms. McCormack stated that just changing the size of the residential from 6 square feet in area to 3 square feet in area and the height from six feet to 3 feet.

Commissioner Fincher asked how did this come about? Is it something that has been on the books for a long time? Ms. Akin replied that content is a real trick for signage. It came up because of the permitting process that does not have much value to the City. It is very labor intensive with very little return. Most of the candidates are good about removing their signs.

Commissioner McFadden commented that is a case for informing the people. Otherwise, they claim ignorance of the law.

Lori Cooper, Deputy City Attorney, stated that if everything was regulated equally, not political signs but temporary signs, and there is a rational basis for limiting the number of signs, aesthetics is a basis cities can regulate on.

Commissioner Mansfield replied his position is that it is indefensible legally and it is also poor policy.

Ms. Cooper stated that the number should be eliminated out of the residential zone requirements. It may be a little difficult to defend that limit and given that it is temporary it is really not a big deal.

Chair Zarosinski reported that what he is hearing is to clean up the code to match what is already going on, eliminating the permitting process and eliminating the sign limit in residential. The Commissioners concurred.

Ms. Myers stated that Joe Slaughter, Planner II, has the next two code amendments. The first one pertains to allowing schools in commercial zones

3. Schools in Commercial Zones Code Amendment.

Joe Slaughter, Planner II, reported that the schools in commercial zones came from a request from a charter school to locate on a commercially zoned piece of property. The dynamics of this particular school could possibly already be permitted in commercial zones but that may open them up to some risk in purchasing property. Staff took a look at the possibility of permitting, with a conditional use permit, charter schools on commercial zoned properties or in commercial districts. Staff took it a step further and looked at the possibility of any kind of schools to be located in commercial zoning districts with a conditional use permit which would be in line with what is already permitted in residential zoning districts with a conditional use permit.

Commissioner Schwimmer asked that right now that use is not permitted? Mr. Slaughter replied it is not. There is no ability to have a primary or secondary schools on commercially zoned properties.

Commissioner Miranda asked if there was some logic behind that restriction originally? Ms. Akin stated that traditionally schools are walking schools where they do not bus. Typically, one would see an elementary school in a neighborhood where children could walk. The school systems are changing. It may not be as viable or important as it used to be that they are sited in those types of areas.

Commissioner Schwimmer asked if there was any down side? Commissioner Christie stated the noise factor and the atmosphere. One could have anything in there. Putting a school in with it, who is going to restrict the noise factor coming out of a manufacturing plant or a trucking company? With a manufacturing plant or trucking company there and then a school comes in, immediately there is a noise factor and would want them shut down.

- 50.3 **DCA-14-011** Consideration of an ordinance amending *Medford Municipal Code*, Chapter 10 (*Land Development Code*) Sections 10.1010 and 10.1022 regarding Temporary Signs including patriotic or religious decorations or displays, real estate signs and political campaign signs to permit them in residential, commercial and industrial zones without a sign permit and to establish clear, objective and content neutral standards for such signs (City of Medford, Applicant).

Praline McCormack, Planner II, presented the background, process to date, approval criteria, conclusions and recommendation.

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

Motion: Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, initiate this amendment and forward a favorable recommendation for adoption to the City Council per the Staff Report dated April 15, 2014, including Exhibits A and B.

Moved by: Commissioner McFadden Seconded by: Commissioner Christie

Commissioner Mansfield stated that he considers all political signs to be in poor taste including those for the candidates that he approves of. Free speech trumps taste. Commissioner Mansfield commended staff for removing the three sign limit from the proposal.

Roll Call Vote: Motion passed, 7-0.

- 60. **Report of the Site Plan and Architectural Commission.** None.

- 70. **Report of the Joint Transportation Subcommittee.**

70.1 Commissioner Christie reported that the Joint Transportation Subcommittee has not met.

- 80. **Report of the Planning Department.**

80.1 Suzanne Myers, Principal Planner, reported that the Planning Commission study session for Monday, April 28, 2014, has been canceled.

There will be a Planning Commission meeting on Thursday, May 8, 2014. Currently there is only one business item on the agenda. For the Thursday, May 22, 2014, Planning Commission meeting there are seven business items.

At the May 1, 2014, City Council meeting the Planning Department will submit a proclamation for National Historic Preservation month. The Chair of the Landmarks and Historic Preservation Commission will present a report. On May 15 2014, the Planning Department has City Council hearings for three Code amendments. Two of them the Planning Commission heard tonight.

Interesting new projects coming up include a proposal for a 120 room hotel on Hospitality Way that will be heard by the Site Plan and Architectural Commission in June. Also, there is a pre-application for a ninety bed Alzheimer's Care Facility on Table Rock Road.

- 90. **Messages and Papers from Chair of Planning Commission.** None.

CITY OF MEDFORD

EXHIBIT # C

File # DCA-14-011

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SECRET
PROCESSED BY THE
STATE DEPARTMENT
FOR THE USE OF THE
ARMY, NAVY, AIR FORCE,
GENERAL INVESTIGATIVE
DIVISION, FEDERAL BUREAU
OF INVESTIGATION,
AND OTHER AGENCIES
OF THE DEPARTMENT OF
JUSTICE.
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-13-01 BY 60322
UCBAW/SJT/MLP

SECRET 5-17-04 10:05 AM

DEPT OF
LAND CONSERVATION
AND DEVELOPMENT

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

DEPT OF
LAND CONSERVATION
AND DEVELOPMENT