



City Council Study Session

Agenda

June 13, 2019

6:00 p.m.

City Hall, Medford Room

411 W. 8th Street, Medford, Oregon

1. Downtown Redevelopment Zoning Options
2. Planning Code Amendments

Meeting locations are generally accessible to persons with disabilities. To request interpreters for hearing impaired or other accommodations for persons with disabilities, please contact the ADA Coordinator at (541) 774-2074 or ada@cityofmedford.org at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

Park Neighborhood Plan, and an update to the *City Center 2050 Plan* are identified in the Long Range Planning Division's work tasks for the next biennium. The updates will provide new data and amended goals and action items for the continued success of downtown.

While more in-depth community conversations will occur as these plans move forward, the topic of limiting automobile-oriented uses in both Liberty Park and downtown is being presented for discussion. Understanding the type of urban form (permitted uses, design standards, and building orientation) desired for these neighborhoods will inform the types of implementing regulations to be presented for review and future adoption. Limiting large areas of pavement for display of merchandise or vehicle storage, and seeking development that activates spaces and invites people to live, work and play within these neighborhoods provides an understanding for how these areas are intended to develop in the future. Some questions to consider may be:

- How does the City want Liberty Park and downtown to develop and redevelop?
- How does the City make these neighborhoods a desirable location for new office, retail, and residential investments?
- How do we improve the streetscape and make the built environment a desirable place for residents and visitors?
- How do we efficiently use the land?
- What types of land uses would provide the City with the most fiscal return on its investment in public infrastructure?
- Where are the opportunity sites for development?
- What regulations need to be updated or implemented to realize the vision?
- Are there uses that need to be regulated differently in these locations?

EVALUATION OF AUTO-ORIENTED USES

The Planning Department analyzed the number of parcels/sites within the Liberty Park neighborhood boundary and the central business overlay that contain the following types of uses (see Figures 1 and 2):

- automotive related businesses (such as vehicle dealerships and repair),
- parking lots, and
- drive-throughs

These types of uses generally include large areas of pavement used for storage and maneuvering of vehicles. Buildings are typically set back from the right-of-way and favor service provided to persons in vehicles rather than pedestrians. These uses serve a specific function but do not necessarily create a streetscape environment that encourages or invites pedestrian activity or is compatible with

other uses that are desirable within more urban, mixed-use, walkable neighborhoods.

In Liberty Park, the map identifies many of these uses along the Court, Central, McAndrews, and Riverside corridors representing 39 of the 223 acres contained within the boundary or 17 percent. Of the three types of uses, automotive related businesses are found to be the predominant use in Liberty Park. While in downtown, parking lots are identified as the predominant use. This land use represents 80 tax lots/locations spread throughout the central business overlay consuming nearly 23 of the 154 acres or 15%. Drive through uses are in the minority in both areas.

ALLOWED USES

The three main commercial zoning districts within Liberty Park and the central business overlay are Community Commercial (C-C), Heavy Commercial (C-H), and Commercial – Service/Professional (C-S/P). The table below identifies the types of automobile-oriented uses currently allowed in each of the zones in these study areas.

“P” = Permitted Use; “Ps” = Permitted with Special Use; “-” = Not Permitted

<i>Use</i>	<i>C-C</i>	<i>C-H</i>	<i>C-S/P</i>
New and Used Car Dealers	P	P	-
Used Car Dealers	P	P	-
Auto and Home Supply Stores	P	P	-
Fueling Stations (including Gasoline Service Stations)	P	P	P
Boat Dealers	P	P	-
Recreation & Utility Trailer Dealers	P	P	-
Motorcycle Dealers	P	P	-
Automotive Dealers	P	P	-
Eating & Drinking Places w/o Entertainment	P	P	P
Small Food Vendors (e.g drive-through coffee stand)	Ps	Ps	Ps
Commercial Banks, Savings Institutions, Credit Unions	P	P	P
Automotive Rentals	P	P	-
Automobile Parking	P	P	P
Automotive Repair Shops	P	P	-

Automotive Services, except repair (includes car/truck washes)	P	P	-
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OPTIONS TO CONSIDER

Based on the table above, the City can choose to modify the types of uses allowed within these two neighborhoods using different techniques. One option is to choose to prohibit such uses in order to remove land uses that do not foster pedestrian-friendly, mixed use areas. The State’s *Model Code for Small Cities* recommends prohibiting the following uses in areas intended to be pedestrian-friendly.

- Automotive repair and service: including fueling station, car wash, tire sales and repair or replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.
- Automotive sales and rental: includes motorcycles, boats, recreational vehicles, and trucks.
- Drive-through establishments

The Land Development Code can be amended in order to modify the land use table and prohibit any number of uses the Council finds do not meet the desired goals for these areas. If prohibition based on the zoning district is not palatable then other factors could be determined that restrict certain auto-oriented uses. Such restrictions could be based on using locational criteria (site is adjacent to or within a certain distance) of residential or mixed-use buildings, like uses are separated from each other by a certain distance, or the use is limited in number and to certain streets or locations within the neighborhoods. An outright prohibition would require other questions to be considered including:

- How will this impact existing uses in terms of making them non-conforming uses?
- Will non-conforming uses be able to expand in the future or up to a certain percentage?
- Are there any specific auto-oriented uses that may be desirable in some or all of the areas being considered for changes?

Another option may be to make the approval of these uses conditional uses rather than permitted uses. Conditional uses are approved based on a different set of criteria. The existing conditional use criteria are below:

- a. *The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.*

- b. The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the Planning Commission to produce a balance between the conflicting interests.*

With conditional use permits, the review body (the Planning Commission) has the discretion to impose conditions of approval that limit the size, form, location, and access in order to make the use better conform to the surrounding context and better manage the impact of the proposed use.

Other possibilities include revising the development standards for these types of uses in order to discourage auto-oriented uses in these locations and/or mitigate negative impacts. The City could revise existing standards or create new standards specific to these types of uses that would help reduce the visual impact on pedestrians and the street it is located on. Standards could be required that improve the site characteristics and may include:

- Access limitations, including limiting the number of accesses and/or requiring access be taken from a secondary street
- Parking area buffering, screening and landscaping requirements that go beyond the City's base zone standards
- Requirements to locate parking areas to the side or rear of buildings and requiring a minimum percentage of the building to have building frontages located along the lot line or minimum setback line
- Restricting outdoor storage or display of merchandise and requiring items to be enclosed in a building
- Limiting the percentage of the property that can be used for outdoor display areas, parking, etc.
- Restricting storage or display to the rear portion of the lot or limiting the amount of frontage used for uses other than building placement
- Requiring a certain type of screening (walls, fences, landscaping or combination) around such uses

These standards could be applied to new or existing uses and could over time change the characteristics of the site so that the use better blends into a pedestrian-friendly, walkable district. Many of the above standards could also be applied to the construction of new parking lots to minimize their presence.

In the downtown's central business overlay, parking lots make up 15% of the total land area. If the goal is for new investment in this district then the City could consider redevelopment of these sites as new mixed-use buildings, eliminating or reducing parking standards, and targeting incentives to developers to reinvest in downtown.

SUMMARY

In order to realize a more pedestrian-friendly, walkable Liberty Park and Downtown, the City can take steps to reduce the visual impacts of auto-oriented businesses. A summary of some of the ideas above include:

- Prohibiting such uses moving forward
- Making the uses conditional uses rather than permitted uses
- Creating new development standards that help minimize the visual impact of these uses
- A combination of the above options

TIMELINE

Staff will pursue drafting code changes if the Council directs staff to move forward with the concepts outlined above. To start, staff will evaluate some possibilities for consideration when the Liberty Park Neighborhood Plan is brought forward for adoption.

EXHIBITS

Figure 1 – Liberty Park

Figure 2 – Central Business Overlay

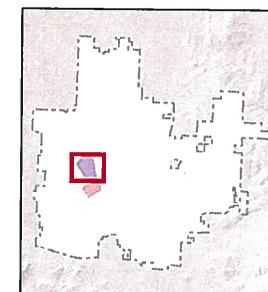
*Properties with
Automobile-oriented uses*

Figure 1

Legend

-  Automotive-related Business
-  Parking Lot
-  Drive-thru
-  MURA Taxlots
-  Liberty Park Boundary
-  Central Business Zoning Overlay

Liberty Park/ CB Overlay Study	Liberty Park Neighborhood	
	# of Taxlots	Acres
Automotive-related	82	33.36
Parking Lot	22	5.65
Drive-thru	2	0.47



5/16/19

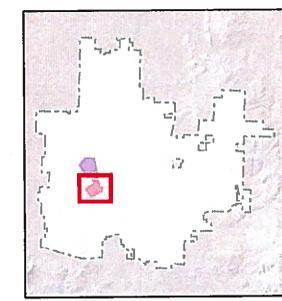


City of Medford
Central Business Zoning Overlay
Properties with Automobile-oriented uses

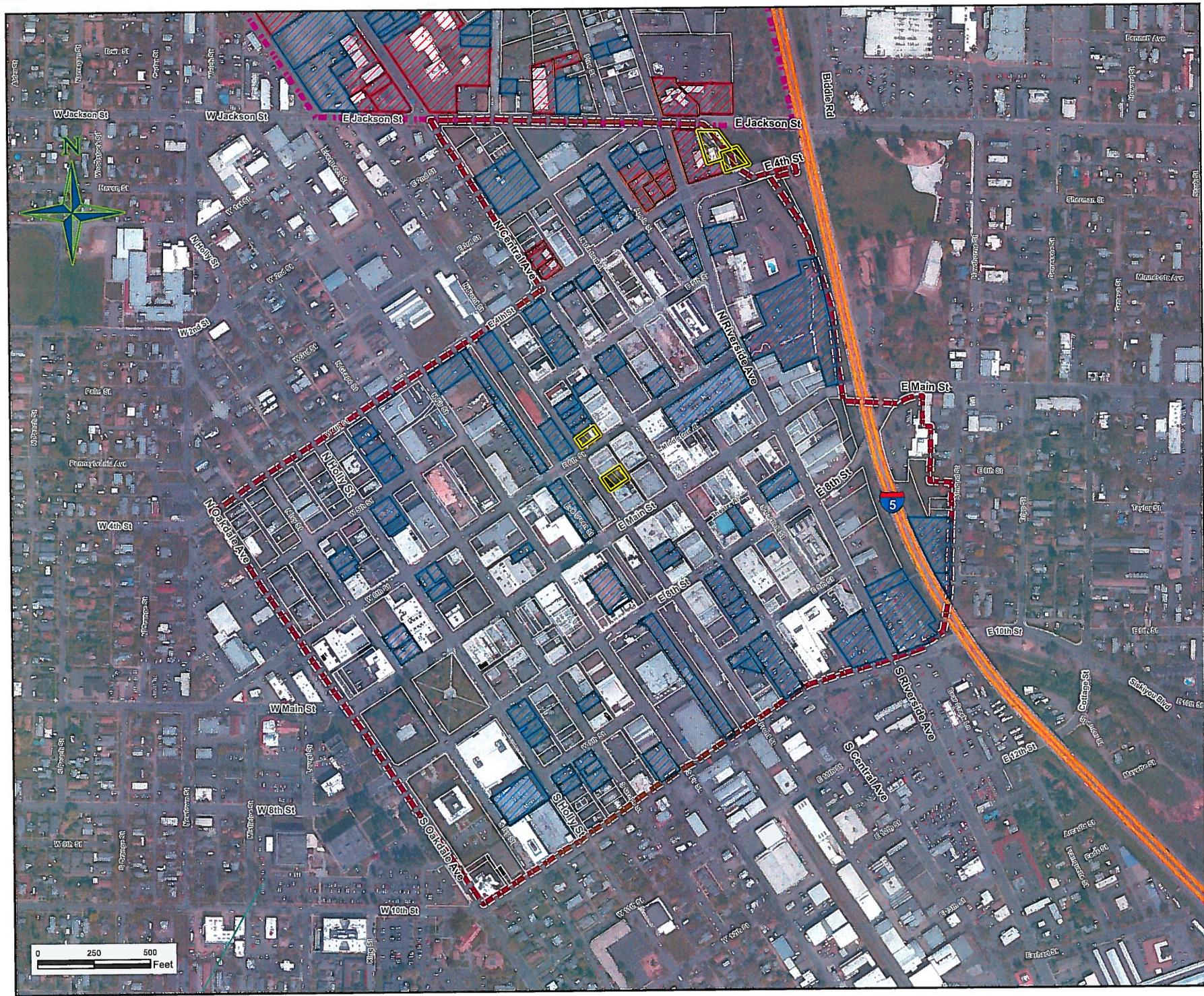
Figure 2

- Legend**
-  Automotive-related Business
 -  Parking Lot
 -  Drive-thru
 -  MURA Taxlots
 -  Liberty Park Boundary
 -  Central Business Zoning Overlay

Liberty Park/ CB Overlay Study	Central Business Zoning Overlay	
	# of Taxlots	Acres
Automotive-related	9	1.84
Parking Lot	80	22.82
Drive-thru	4	0.80



6/3/19



The Medford Land Development Code requires Historic Review for any proposed exterior alteration and/or new construction within a Historic Preservation Overlay. Most Historic Review applications for exterior alterations require formal review by the LHPC at a public hearing, but a limited number of alterations can currently be reviewed and approved by the Planning Director, according to standards adopted by the LHPC. Minor Historic Review allows historic property owners to obtain the necessary approvals for exterior alterations in a timely and fairly inexpensive manner, which helps to promote the proper treatment and preservation of historic resources within the city.

At present, the types of alterations that can be approved by the Planning Director as a Minor Historic Review are the following [MLDC §10.188(C)(3)]:

- Changes in roofing materials and exterior paint colors in residentially-zoned Historic Preservation Overlay Districts as per the Paint and Roofing Approval Criteria adopted in December 2007;
- Changes in exterior paint colors in commercially-zoned Historic Preservation Overlay Districts, when new paint colors are chosen from the adopted color palette;
- Changes in awning fabric materials without a change in the shape of the awning frame, in Historic Preservation Overlay Districts, if the new fabric is either solid or striped and the fabric colors are chosen from the adopted color palette;
- Change of sign face/copy as defined in Section 10.1010.

PROPOSAL

The proposed amendment was discussed with the LHPC at study sessions in January and May of this year. The LHPC members were supportive of the idea of making more minor projects eligible for administrative approval under the Minor Historic Review process (subject to specific standards for each type of project), and staff formally presented draft code amendment language to the LHPC at their regular meeting of June 4, 2019. The LHPC voted to forward a positive recommendation for the code amendment to the Planning Commission, who will be reviewing the proposal at a study session on June 10, 2019.

In their discussions on the proposal, there was a divergence of opinions amongst the LHPC members on the matter of how exterior paint color changes should be handled. Staff's recommendation is to remove paint colors from the list of exterior alterations subject to Historic Review, a recommendation that is echoed by the State Historic Preservation Office (SHPO). This recommendation is driven by the facts that paint is a temporary alteration that can be readily changed at any point in time without permanent damage to the building, and because paint also serves to act as a protective barrier against damage from weather and deterioration over time. Finally, the seemingly infinite number of available paint colors and the subjectivity involved in their review makes their regulation

an unnecessary burden from the point of view of staff and the SHPO. Two of the LHPC members voiced support for removing paint colors from the list of alterations subject to Historic Review, while two members supported keeping the current adopted color palette. The fifth member of the Commission was undecided, and felt that either approach would ultimately work.

The new types of projects proposed for inclusion under Minor Historic Review are listed below, and a complete copy of the proposed code amendment text is attached for review as Exhibit A.

- Fencing in residentially-zoned Historic Preservation Overlay Districts, if the fencing will be visible from the public right-of-way (no regulation of fencing that is not visible from the right-of-way);
- New signage;
- Limited modifications to non-contributing and non-historic buildings.

TIMELINE

The proposed amendment is scheduled for a Planning Commission hearing on June 27, 2019, and a City Council hearing on August 1, 2019.

EXHIBITS

- A. Draft code amendment text

10.108 Land Use Review Procedure Types.

Table 10.108-1 identifies the procedural type, applicable standards, and approving authority for each type of land use review as well as whether the 120-day rule in Section 10.104(D) is applicable. Each procedural type is subject to specific due process and administrative requirements of this chapter.

Table 10.108-1. Land Use Review Procedures				
Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
Annexation	IV	Urbanization, 10.216	City Council	No
Appeal of Final PUD Plan Decision	I	10.140(F)(3)	Planning Commission	No
Appeal of Minor Historic Review Decision	I	10.140(F)(4)	LHPC	No
Appeal of Type II Decision	III	10.140(G)	Planning Commission	Yes
Appeal of Type III Decision	IV	10.140(H)	City Council	Yes
Appeal of Type IV Decision	IV	10.140(I)	LUBA	No
Comprehensive Plan Amendment, Major	IV	Review & Amendment, 10.220	City Council	No
Comprehensive Plan Amendment, Minor	IV	Review & Amendment, 10.222	City Council	No
Conditional Use Permit	III	10.184	Planning Commission	Yes
De Minimis Revision(s) to an Approved PUD Plan	I	10.198	Planning Director	No
Exception	III	10.186	PC/LHPC/SPAC	Yes
Final PUD Plan	I	10.196	Planning Director	No
Final Plat, Subdivision or Partition	I	10.160	Planning Director	No
General Land Use Map Amendment, Major	IV	GLUP, Review & Amendment, 10.220	City Council	No
General Land Use Map Amendment, Minor	IV	GLUP, Review & Amendment, 10.222	City Council	No
Historic	III	10.188	LHPC	Yes
Land Development Code Amendment	IV	10.218	City Council	No
Minor Historic Review	I	10.148 10.188(C)(3)	Planning Director	No
Major Modification to a Site Plan & Architectural Review Approval	III	10.200(H)(1)	SPAC	Yes

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Exhibit A

10.110 **Designation and Duties of Approving Authorities.**

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(M) The Landmarks and Historic Preservation Commission, Other Duties

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(3) To adopt approval criteria for Minor Historic Review of alterations and/or new construction of residential fencing, roofing materials, exterior colors, signage, awnings, and non-contributing and non-historic buildings ~~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.

* * *

(6) To support the enforcement of all state laws related to historic preservation.

(7) To identify and evaluate properties in the City and maintain a Historic Resource Survey consistent with the Standards of the Oregon State Historic Preservation Office (SHPO).

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10.188 **Historic Review.**

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(C) Historic Review, Approval Criteria.

* * *

(3) Minor Historic Review.

~~Minor Historic Review of certain exterior alterations may be conducted by the Planning Director, according to standards adopted by the Landmarks and Historic Preservation Commission. The Planning Director shall approve a Minor Historic Review application if the proposal conforms to approval criteria adopted by the Landmarks and Historic Preservation Commission. These approval criteria are available at the Planning Department.~~

~~Minor Historic Review shall be limited to the review of:~~

- ~~(a) Changes in roofing materials and exterior paint colors in residentially zoned Historic Preservation Overlay Districts as per the Paint and Roofing Approval Criteria adopted in December 2007;~~
- ~~(b) Changes in exterior paint colors in commercially zoned Historic Preservation Overlay Districts, when new paint colors are chosen from the adopted color palette;~~
- ~~(c) Changes in awning fabric materials without a change in the shape of the awning frame, in Historic Preservation Overlay Districts, if the new fabric is either solid or striped and the fabric colors are chosen from the adopted color palette;~~

~~(d) Change of sign face/copy as defined in Section 10.1010.~~

Within Historic Preservation Overlay Districts, certain exterior alterations may be approved by the Planning Director as a Type I land use action when the proposal is in conformance with the applicable standards of this section. Any proposal that is determined by the Planning Director to not be in conformance with the applicable standards shall be subject to Historic Review by the Landmarks and Historic Preservation Commission as per Section 10.188(C)(2). Applications for Minor Historic Review shall be limited to the following:

(A) Exterior Paint Colors.

Option 1 (existing process): Changes in exterior paint colors shall be approved when the new paint colors are selected from the adopted color palette which is available at the Planning Department. No more than three individual colors, hues, or tones may be selected from the adopted color palette.

Option 2: Changes in exterior paint colors will be exempt from Historic Review.

(B) Residential Fencing. Fences may be added to sites in residentially-zoned Historic Preservation Overlay Districts, and to sites within the Downtown Historic District that contain a legal or legal non-conforming residential structure, in accordance with the following:

(1) Fencing that is not visible from the public right-of-way (excluding alleys) is not restricted in the use of materials, and is exempt from historic review.

(2) Materials – fencing that is visible from the public right-of-way (including alleys) shall be constructed of natural wood, metal (wrought iron, aluminum, or steel), rusticated stone, or brick. Chain link and/or vinyl fencing is not permitted.

(3) Fencing shall be in accordance with Section 10.732, Fencing of Lots.

(C) Residential Roofing. Changes in roofing materials in residentially-zoned Historic Preservation Overlay Districts, and to sites within the Downtown Historic District containing a legal or legal non-conforming residential structure, shall be approved when in conformance with the following:

(1) Materials – the following roofing materials are permitted:

(a) Wood shakes and shingles (must have Class A or B fire rating)

(b) Architectural grade fiberglass composition (asphalt) shingles

(c) Asphalt/multi-layer asphalt shakes

(2) Design – changes in roofing materials shall meet the following design criteria:

(a) Use of straight-cut “butt” end shingles, or shake profiles only. Fancy pattern end cut shingles may be used when they replicate the historically documented roofing character of the subject property.

(b) Use of a single color/pattern.

(c) Use of high-profile ridge or edge treatments is not permitted unless it replicates the historically documented roofing character of the subject property.

(D) Signage. New signage shall be approved when in conformance with the following:

(1) Sign Types and Area – the type of sign and the aggregate area of all signs shall be within the allowances of the zoning district and/or overlay district of the subject property, as outlined in Article VI of this chapter.

(2) Placement - signage shall be installed within appropriate “sign areas” as defined by the architecture of the building façade.

(a) No sign shall be placed or located so as to obscure or cover a vertical architectural

- element such as a column or pilaster.
- (b) Signage shall fit entirely within a building's horizontal divisions.
 - (c) Where no architectural divisions exist or are evident, signage shall be proportionately scaled to the façade and placed to respect window and door openings.
 - (d) No sign shall cover the entire width of any façade.
 - (e) On masonry buildings, signs shall be attached into mortar joints, not into masonry, with sign loads properly calculated and distributed.
 - (f) The bottom edge of projecting signs shall be set a minimum of 7 feet above the sidewalk, and any projecting sign proposed to be located within the clear vision triangle as defined in Section 10.735, must be reviewed and approved by the Public Works Director or their designee for compliance with that section.
 - (g) Projecting signs shall not be permitted within two feet of the face of curb or a streetlight, and shall not interfere with any traffic sign or device.
- (3) Materials – signage shall be constructed from the following:
- (a) Metal (iron, steel, brass, copper, aluminum, and other natural finishes)
 - (b) Painted metal, including powder coated or enameled metals
 - (c) Wood (painted or natural, including carved or sand-blasted lettering)
 - (d) Vinyl or other sheet claddings (for backing panels or cut lettering only)
 - (e) Glass
 - (f) Fiberglass, high-density foam, and similar “cast” or formed materials to create three-dimensional objects, including individual lettering.
- (4) Illumination – the following types of sign illumination are permitted:
- (a) Exposed neon (or LED) tubing
 - (b) Exposed incandescent bulbs
 - (c) Indirect illumination (e.g. gooseneck fixtures)
 - (d) Back lit/Halo lit
- (E) Awnings. Changes in awning fabric materials shall be approved when there is no change in the shape of the existing awning frame, and if the new fabric is either solid or striped and the fabric colors are chosen from the adopted color palette which is available at the Planning Department.
- (F) Modification of Non-Contributing and Non-Historic Buildings. Certain modifications to the exterior of Non-Contributing and Non-Historic buildings within the Historic Preservation Overlay District shall be approved when in conformance with the following.
- (1) Windows – changes to existing windows are permitted as follows:
- (a) Windows dating from the historic period of significance shall, if possible, be retained and repaired or restored.
 - (b) Replacement windows shall be of the same proportions and configuration as the existing windows being replaced.
 - (c) Glass block, tinted, mirrored, opaque, or colored glass is not permitted unless it is the historic glazing type.
- (2) Doors – replacement of doors is permitted as follows:
- (a) Doors dating from the historic period of significance shall, if possible, be retained and repaired or restored.
 - (b) Replacement doors shall be of the same proportions and configuration as the existing doors being replaced.
- (3) Mechanical Equipment and Service Areas – The addition and/or replacement of

mechanical equipment, including, but not limited to, heating and cooling systems, and solar panels, and service areas, including, but not limited to trash receptacle enclosures, is permitted as follows:

- (a) Mechanical equipment shall be concealed from view in accordance with Section 10.782.
- (b) New skylights and vents shall be placed behind and below the parapet level so they are not visible from the right-of-way.
- (c) Service areas shall be concealed from view in accordance with Section 10.781

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DRAFT