

**MINUTES FOR THE REGULAR MEETING
ASHLAND CITY COUNCIL
October 7, 2014
Council Chambers
1175 E. Main Street**

CALL TO ORDER

Mayor Stromberg called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers.

ROLL CALL

Councilor Voisin, Morris, Lemhouse, Slattery, Rosenthal, and Marsh were present.

Mayor Stromberg moved agenda item #1 regarding the Rogue Valley Transit District (RVTD) Levy under Ordinances, Resolutions, and Contracts ahead of the Mayor's Announcements.

ORDINANCES, RESOLUTIONS AND CONTRACTS

1. Approval of a resolution titled, "A resolution supporting the Rogue Valley Transportation District's five-year serial levy"

Julie Brown/Rogue Valley Transportation District/3200 Crater Lake Avenue, Medford OR/Explained Rogue Valley Transportation District (RVTD) placed a ballot measure on the ballot for .13 cents per \$1,000 that would create an increase in property taxes of less than \$20 for the average household. The five-year levy would generate \$1,600,000 a year and cover evening and Saturday service after the CMAQ grant expired. RVTD did not have additional funding to continue providing for those services. Over the last year, ridership on evening and Saturday service totaled approximately 200,000 rides, 89,000 of that amount specifically for Saturday service. Currently Saturday service ran hourly and was starting to encounter capacity issues. In addition to evening and Saturday service, RVTD was looking at long range plans and two of the first tier needs in the five-year transit plan was providing a route to the RCC campus in White City. The other route that would come from the levy was a cross-town service in East Medford in a low-income area. The funds would also enhance runtimes for specific routes.

Connie Skillman/RVTD Board of Directors/635 Oak Knoll Drive/Further explained how RVTD services benefited senior citizens. If the levy did not pass, evening and Saturday service would end mid 2015.

Ms. Brown clarified funds from the levy would go to Valley Lift and fixed route service, not administration. RVTD could only use property tax money, not fair box funds.

Don Morris/1644 Ross Lane/Explained how the levy benefited low-income people, seniors, and rippled out to the community.

Elizabeth Hallett/738 Mt. Meadows Circle/Urged Council to support the resolution. It would reduce the carbon footprint. She spoke on behalf of other seniors in the community and students who needed public transportation to get to the community college.

Donna Swanson/863 Plum Ridge Drive/Bus transportation to and from Ashland was important to the lifeblood of the city. It allowed visitors to take advantage of the cultural opportunities in the community. Bus transportation was a viable alternative to the limited parking in the area.

Councilor Voisin/Marsh m/s to approve Resolution 2014-17. DISCUSSION: Councilor Voisin explained that supporting the resolution as a Council they were not telling people how to vote just showing the public they supported the levy. Councilor Marsh thought Council should be cautious supporting ballot measures that did not emanate from Council. In the case of this levy, Council was on record in the past with City actions that supported moving forward. The pilot was successful and now was the time to step up and that meant showing support for the ballot measure. Councilor Lemhouse supported the ballot measure and RVTD but would not support the resolution. He did not think it was appropriate for Council to take a position on a ballot measure nor was it appropriate for a single Councilor to write a resolution and have it placed on the agenda. **Roll Call Vote: Councilor Voisin, Morris, Marsh, Rosenthal, YES; Councilor Lemhouse and Slattery, NO. Motion passed 4-2.**

MAYOR'S ANNOUNCEMENTS

Mayor Stromberg announced vacancies on the Wildfire Mitigation, Forest Lands, Historic, Public Arts, Tree, and Transportation Commissions.

APPROVAL OF MINUTES

The minutes of the Study Session of September 15, 2014, Executive Session of September 16, 2014 and Business Meeting of September 16, 2014 were approved as presented.

SPECIAL PRESENTATIONS & AWARDS

The Mayor's proclamation of October 5 – 11, 2014, as Fire Prevention Week was read aloud.

PUBLIC FORUM

Roy Laird/419 Willow Street/Owned the Ashland Book Exchange and explained when they went to replace the awning above the store the City notified them they needed to either remove a mural that had been there for ten years or get the Public Arts Commission to accept the mural as public art. Having the Public Arts Commission make a decision would take time and be expensive. The business owner declined to proceed through the Public Arts Commission due to the five year easement provision with the City. He asked Council modify and expand the ordinance to allow for smaller murals and grandfather existing murals that met the basic criteria.

Janet Boggia/818 Palmer Road/Spoke as a citizen who loved the mural outside the Ashland Book Exchange. This was a situation where the parameters of an ordinance did not fit the situation. She supported Mr. Laird's suggestions on modifying the ordinance.

Councilor Marsh/Rosenthal m/s to add a discussion regarding small wall graphics to the agenda. Discussion: Councilor Marsh had some ideas on dealing with small wall graphics. Councilor Rosenthal supported the motion to get more information on the process and background. Councilor Slattery liked the mural and supported reviewing the issue. Councilor Voisin thanked Mr. Laird and Ms. Boggia for coming forward. **Voice Vote: Councilor Rosenthal, Morris, Lemhouse, Slattery, Voisin, and Marsh, YES. Motion passed.**

CONSENT AGENDA

- 1. Approval of commission, committee, and board minutes**
- 2. Approval of contract-specific procurement for construction phase inspections and project management of Ashland Creek Park construction**
- 3. Approval of contract-specific procurement for architectural and engineering services of Ashland Creek Park construction**
- 4. Liquor License Application for Erika Lowe dba Mystic Treats**

Councilor Slattery pulled Consent Agenda items #2 and #3 for discussion. Parks Superintendent Bruce

Dickens addressed the contracts for Ashland Creek Park construction and explained both awards exceeded the threshold of \$35,000 due to unplanned events that included archeological finds, asbestos, and a drain issue. Parks Director Michael Black added staff would reevaluate the process and update checklists if needed.

Councilor Rosenthal/Slattery m/s to approve Consent Agenda. Voice Vote: all AYES. Motion passed.

PUBLIC HEARINGS (None)

UNFINISHED BUSINESS

1. Discussion of an ordinance replacing Title 18 Land Use of the Ashland Municipal Code with a reformatted and amended Land Use Ordinance

Community Development Director Bill Molnar provided background on the amendments and Planning Manager Maria Harris identified the following key amendments:

- **Cottage housing**

Staff thought a maximum of 800-square feet was a good start given the cost per square foot of an average house. Some cities allowed a 500-square foot minimum. Most communities used an 800-1,000 square foot requirement. Market rate developers were not very interested in building cottage housing. The interest came primarily from individuals. Council comment thought cottages needed to compete, they were more expensive to build, and restrictions made them less desirable, and suggested having different requirements in zones. Overall, the amendment needed further development.

- **Solar orientation standards**

Council expressed concern the City would regulate floor plans. Staff clarified the applicant would meet the standard and the City would check through the building permit process, similar to the lot coverage, building height, and building separation checks the City conducted. In the land division phase the developer would lay out lot and streets for the orientation with a condition as part of the land or subdivision that at the time the building permit came in the southerly portions of the inside of the building were the more habitable spaces. The Planning Commission would make the judgments on conditions and permits. Council was concerned the standards would eliminate shared driveways and adjacent garages. Staff explained other cities used it as density bonus program where the applicant met standards like solar and could increase density. Council had issues with interior floor plan requirements and thought it would be difficult to enforce and should be market driven instead. Council supported the street and building orientation and thought the architect should design the garage and floor plan.

- **Affordable housing density bonus**

Council was concerned changing density in the WR and R zones. Staff explained the different levels of affordability, System Development Charges, and the City's role in verifying and ensuring applicants applying for an affordable housing unit met the qualifications initially and yearly. Council consensus moved the amendment forward.

- **Total density bonus**

Typically, density bonuses occurred in performance standards, developments, and ownership type housing. The performance standard allowed up to a 35% bonus for affordable housing and up to 60% for a total bonus. Allowing an affordable housing development a 60% total density bonus would decrease unit size. The Planning Commission would look into whether it made sense to allow a full density bonus to affordable developers in the development of affordable housing and how it would affect affordable units. Other Council comments thought the bulk of affordable housing would occur through annexations. Council consensus moved the amendment forward.

- **Side yard setback abutting residential zones**

Council consensus moved the amendment forward.

- **Building height in commercial zones**

Mark Knox/485 W Nevada Street/Addressed vertical construction and suggested two amendments. One would change the parapet height from 3-feet to 5-feet to allow more articulation and artistic character between buildings and hide mechanical equipment. The other amendment would make the 15-foot height increase in commercial zones out right, not require a conditional use permit (CUP), and allow 55-foot building heights. This amendment would also apply the 15-foot increase throughout the city and require a CUP. It would increase density along corridors that were apt to use public transportation or be affordable.

Councilor Slattery/Marsh m/s to suspend Council Rules. All AYES. Motion passed.

Mr. Knox further explained the 55-feet with a CUP outside of the downtown area would include the 100-feet away from a residential zone provision. A CUP would cause the applicant to justify why they deserved the extra height. Council questioned language that revoked a CUP if the building was vacant for six months and how that would apply to this proposal.

Councilor Rosenthal/Voisin m/s to reinstate Council Rules. All AYES. Motion passed.

Council noted potential fire safety and seismic concerns and the ability to provide safety in either event. Fire Chief John Karns confirmed the Fire Department did not have an aerial device and the tallest ladder was 28-feet enabling the Fire Department to access most two story roofs. There were three aerial ladders in Jackson County. The preferred vehicle was a Quint fire truck that cost \$800,000 - \$1,200,000.

Other Council comments thought the extra 15-feet in height should be allowed in selected areas and not widespread, and that the CUP needed clear benchmarks for developers to meet. Alternately, the height allowance would provide tools for developers to work within the City's infill strategy. Council agreed on the parapet increase.

NEW AND MISCELLANEOUS BUSINESS

1. Discussion regarding wall/graphic murals

Council and staff discussed adding the topic to the next Study Session. City Administrator Dave Kanner explained staff had not taken any formal action regarding the mural at the Ashland Book Exchange. During the summer, an illegal wall graphic went on another building. Staff refrained from code enforcement because it was unfair to take action against one if the City did not take code enforcement action against all. City Attorney Dave Lohman clarified the City was not authorizing anyone to put up a wall graphic contrary to the current ordinance and if they did it was at their own risk and they would have to take it down. Council agreed.

UNFINISHED BUSINESS - continued

1. Discussion of an ordinance replacing Title 18 Land Use of the Ashland Municipal Code with a reformatted and amended Land Use Ordinance

- **Building separation in large-scale commercial development**

Staff questioned the validity of the standard originally established in the early 1990s. From a design standpoint, it was good to have certain spaces with bigger buildings. It was also better to leave it to the design professionals then arbitrarily setting gaps between buildings because they shared a lot. Projects with buildings 10,000 square-feet or greater were required to provide one square foot of plaza space for

every 10 square-feet of floor area. Shopping center type buildings were subject to large-scale development standards that included plaza requirements, off-sets, more articulation in building design, and more focus on pedestrian environment. Council consensus removed the amendment from the ordinance.

- **Accessory residential unit review process**

It was important accessory residential units (ARU) remained compatible. Staff clarified an ARU had to meet design standards specific to location. An ARU in the historic district would have to meet the Historic Design Standards. Outside of the historic district, the site review would be more flexible. The review process for a conditional use permit was generally administrative approval, noticed to everyone within 200-feet, with the possibility of a public hearing before the Planning Commission. The notice to people living within 200-feet occurred in the conditional use permit (CUP) and site review. The approval criteria for a CUP was more discretionary and open ended. Appeals went before the Planning Commission. Council consensus moved the amendment forward.

- **Threshold for public hearing for review of new buildings and additions in commercial and employment zones**

There were two notices involved in a Type 1 application, a notice of application and a notice of decision. A person could request to go before a Planning Commission Hearing. Council consensus moved the amendment forward.

- **Porous pavement exemption from lot coverage in residential zones**

Staff explained the difference between commercial and residential use of porous pavement was commercial zones worked within the boundaries under lot coverage, did not remove landscaping and residential zones actually removed landscaping for porous pavement. The Planning Commission exempted porous pavement from residential zones for long term maintenance reasons not whether porous pavement worked. Council thought the amendment went against small lot development and allowed residential to go further than normal regarding lot coverage. Staff responded the Planning Commission considered that but focused more on the amendment allowing enough flexibility so the applicant would not have to go through Type 2 variance. Council consensus moved the amendment forward.

- **Front porch setback in residential zones**

Council consensus moved the amendment forward.

- **Building separation in residential**

Staff confirmed the amendment removed language regarding the 20-feet between principle buildings accessed by a shared corridor. Council consensus moved the amendment forward.

- **Building street frontage requirement for development in commercial and employment zones**

Issues were national chains wanted the parking lot to dominate the streetscape. Council consensus moved the amendment forward.

Council agreed to review the remaining items at next Council meeting:

- **Residential buildings in mixed-use development in commercial and employment zones**
- **Plaza/public space requirement for large-scale commercial development**
- **Definitions of hotel and motel**
- **Effective date of Type II decisions**
- **Conditional use permit approval criteria**

OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

Councilor Slattery explained he would support the RVTD Levy.

Councilor Voisin noted the Transportation Commission would send Council a recommendation for a pedestrian crossing on North Main sometime in November. In addition, the 2014-15 Winter Homeless and Emergency Shelter Volunteer information was available with a training Monday, October 13, 2014 at 7:00 p.m. at the Presbyterian Church, Calvin Hall at 1615 Clark Avenue.

Councilor Morris thought Council should have a Study Session on what the Council endorsed and discuss a process for endorsement.

Councilor Rosenthal wanted a Study Session on the selection and approval of proclamations.

ADJOURNMENT OF BUSINESS MEETING

Meeting was adjourned at 10:27 p.m.

Barbara Christensen, City Recorder

John Stromberg, Mayor