

**ASHLAND CITY COUNCIL
BUSINESS MEETING DRAFT MINUTES
Tuesday, January 3, 2023**

View on Channel 9 or Channels 180 and 181 (Charter Communications) or live stream via
rvtv.sou.edu select RVTV Prime.

HELD HYBRID (Limited In-Person Social Distancing Seating and Zoom Meeting Access)
The Business Meeting will be held in Council Chambers, 1175 E. Main Street.

Written and oral testimony will be accepted for public input. For written testimony, email public-testimony@ashland.or.us using the subject line: Ashland City Council Public Testimony. For oral testimony, fill out a Speaker Request Form at ashland.or.us/speakerrequest and return to the City Recorder.

6:00 PM Regular Business Meeting*

I. CALL TO ORDER

Mayor Akins called the Council Meeting to Order at 6:00 PM.

II. NEWLY ELECTED OFFICIALS' OATH OF OFFICE

City Recorder Melissa Huhtala read the Oath of Office to newly elected officials: Tonya Graham, Eric Hansen and Robert Kaplan.

III. PLEDGE OF ALLEGIANCE

Councilor Graham led the Pledge of Allegiance.

IV. ROLL CALL

Councilors' Hyatt, Graham, Moran, Hansen, DuQuenne and Kaplan were present.

V. MAYOR'S ANNOUNCEMENTS

Land Acknowledgement**

VI. APPROVAL OF MINUTES

1. Minutes of the December 19, 2022 Study Session Meeting
2. Minutes of the December 20, 2022 Business Meeting
3. Minutes of November 14, 2022 Study Session

**Hyatt/Graham moved to approve the Minutes as amended. Discussion: None. All Ayes.
Motion passed unanimously.**

Minutes of Boards, Commissions and Committees***

VII. SPECIAL PRESENTATIONS

1. City Council Orientation / Training

Mayor Akins moved this item to the end of the meeting.

VIII. CITY MANAGER REPORT

Acting City Attorney Doug McGeary introduced Assistant City Attorney Carmel Zahran.

McGeary spoke regarding the 5G.

Lessard spoke regarding water treatment.

Council and Staff discussed Emergency Shelters.

Council discussed City Manager Contract.

Council and Staff went over the Look Ahead.

IX. PUBLIC FORUM

Linda Peterson-Adams – Ashland – Spoke regarding a life lost on Ashland Street last week. (*see attached*).

Miriam Reed – Ashland – Spoke suggesting educating fiber optics.

Tom Anderson – Ashland – spoke regarding telecommunications and the impact of 5G.

Ian Cropper – Ashland – Spoke regarding the Draft Ordinance. He spoke to refrain from perusing this item further.

Sasha Sky –Ashland – Spoke regarding 5G health issues.

Paul Mozina – Spoke requesting the City give input regarding 5G tower.

Kelly Marcotulli – Ashland – Spoke regarding against 5G.

X. **CONSENT AGENDA**

1. East Main Street Banner Request for the Ashland Little League
Graham/DuQuenne moved to approve the Consent Agenda. Discussion. None. All Ayes. Motion passed unanimously.

XI. **PUBLIC HEARINGS**

1. Land Use Appeal for Mixed Use Development at 165 Water Street, 160 Helman Street and 95 Van Ness Avenue

Mayor Akins opened the Public Hearing at 6:44 PM.

Mayor Akins read the script (*see attached*).

ABSTENTIONS, CONFLICTS, EX PARTE CONTACTS

Hyatt spoke that she is the liaison to the Planning Commission. She spoke that she is nonbiased to this item.

Moran spoke that he is the liaison to the Historic Commission and is nonbiased to this item.

STAFF REPORT

Interim Planning Director Brandon Goldman and Senior Planner Derek Severson gave a Staff Report and presented a PowerPoint (*see attached*).

Items discussed were:

- Appeals on the Record
- Four Grounds of Appeal
- Magnolia Terrace Site Plan
- Helman Street Elevations from March
- Helman Streetscape
- Helman Street Elevations
- Applicant's Revised Helman Street Designs
- Rendering of Revised Designs on Helman
- Typical Wall Section
- Appropriate Adjustments
- First Street Example- "Plaza North"
- Building Mass in the Transit Triangle
- Residential Buffering in the Croman Overlay Zone
- Appropriate adjustments
- First Ground for Appeal
- Second Ground for Appeal

- Third Ground for Appeal
- Fourth Ground for Appeal
- Staff Recommendation
- Potential Motions

APPLICANT/APELLANT'S PRESENTATION

Amy Gunter & Legal Counsel for the appellant Mike Reeder presented a PowerPoint (*see attached*).

Items discussed were:

- Site Layout
- Grounds for appeal
- Zoning and historic Overlays
- Underlying Zoning Standards
- Historic District Design Standards Compliance
- Solution to concerns of massing & scale
- Previously approved on Helman Façade

Council discussed options.

Public Testimony

Mark Broullar– Ashland – Spoke regarding residential structures. He spoke regarding housing types.

Council questions of Staff

Council and Staff discussed the context, standards and zones.

Council discussed options.

Appellant:

Discussed the code provisions and boundaries.

Mayor Akins closed the Public Hearing at: 8:54 PM.

Council Deliberation:

Council discussed the project and options moving forward.

Hyatt/Kaplan moved to reverse the decision of the Planning Commission and support the written appeal, and direct staff to prepare written findings for adoption of Council that include traditional conditions of planning action approval that are included in planning actions in the Staff Report and that southern most building be set back 6 feet, that there be a 6 foot plaza in front of the building in the middle and that northern building be set back stepped back 6 feet and that the treatments on the front of the buildings are appropriately differentiated going forward. Discussion: Hyatt spoke that we have exceptional volunteers in the City. She spoke that it needs to be addressed. Graham spoke in support of the motion. Roll Call Vote: Hyatt, Kaplan, DuQuenne, Hansen and Graham: YES. Motion passed unanimously.

2. First Reading of Ordinance 3217 - Middle Housing Land Division Ordinance

Hyatt/ DuQuenne moved approval of first reading of Ordinance 3217 and scheduling of its second reading and adoption of written findings for January 17, 2023. Discussion: Hyatt spoke to the importance of this Ordinance. DuQuenne spoke in agreement with Hyatt and spoke to the importance of this issue.

Council moved to suspend the rules to allow a citizen to speak on this topic.

Public Input:

Amy Gunter – Rogue Planning Development Services – Gunter spoke regarding surveyor language. She also spoke regarding street designed standards.

Council moved to adjourn the Business Meeting.

3. Public Hearing and First Reading of Ordinance 3205 - Housing in Employment Lands Code Amendments

XII. UNFINISHED BUSINESS

XIII. NEW AND MISCELLANEOUS BUSINESS

XIV. ORDINANCES, RESOLUTIONS AND CONTRACTS

- 1. Professional Services Contract with RH2 Engineering for the design of Talent-Ashland-Phoenix (TAP) Intertie System Improvements**

XV. OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

XVI. ADJOURNMENT OF BUSINESS MEETING

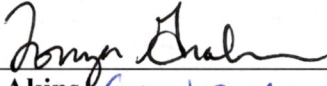
The Council Meeting was adjourned at 9:30 PM

Respectfully Submitted by:


City Recorder ~~Melissa Huhtala~~

Aiissa Kolodzinski
Nunc Pro Tunc

Attest:


Mayor ~~Akins~~

Graham
Nunc Pro Tunc

- * Items on the Agenda not considered due to time constraints are automatically continued to the next regularly scheduled Council meeting [AMC 2.04.030.(D)(3)]

**** LAND ACKNOWLEDGEMENT**

We acknowledge and honor the aboriginal people on whose ancestral homelands we work—the Ikirakutsum Band of the Shasta Nation, as well as the diverse and vibrant Native communities who make their home here today. We honor the first stewards in the Rogue Valley and the lands we love and depend on: Tribes with ancestral lands in and surrounding the geography of the Ashland Watershed include the original past, present and future indigenous inhabitants of the Shasta, Takelma, and Athabaskan people. We also recognize and acknowledge the Shasta village of K'wakhakha - "Where the Crow Lights" - that is now the Ashland City Plaza.

- ***Agendas and minutes for City of Ashland's Boards and Commissions meetings may be found at the City's website, <https://www.ashland.or.us/Agendas.asp> . Use the View By box to select the Board or Commission information you are seeking.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Manager's office at (541) 488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title I).

Linda Adams Thank you for having me at the first Council business meeting of 2023.

A life was lost on Ashland Street last week. Whatever the details regarding this tragic crash, we should not accept it as inevitable. It was an unnecessary tragedy. Instead of putting the burden or fault on the vulnerable person killed or the person operating the motor vehicle, we should be placing it firmly on the culture of the car and the infrastructure that supports it. We will continue to see walkers, scooters, rollers and bicyclists killed and injured in traffic until the City addresses the design of its streets to slow traffic and provide places for pedestrians and bicyclists to safely walk, cross and ride.

Three initiatives, Complete Streets(as mentioned in the Croman Mill Development Concepts) VisionZero, and Safe Systems approaches now form the ethical backbone of decision making in transportation design. From the Federal Highway Administration to the Oregon transportation department to our own Transportation Advisory Committee, the vision is the same: to ensure that we will have the opportunity to conveniently and safely use the transportation mode of our choice, and allow us to move toward a less auto-dependent community."

When Safety for our most vulnerable is made a priority through resolving to reach the goal of Zero fatalities through an action plan that slows traffic, locates critical areas of concern and provides the infrastructure necessary to support those plans, we have made the right choice, we are on the right path.

Currently Ashland has several options for action that citizens can learn, participate in or join with others to make our Streets For Everyone. Public Works is currently in the design process for two major roadway rehabilitation projects on North Mountain and Ashland Street, the latter combined with a major ODOT project. After reorganization of the City Commission system, the newly formed Transportation Advisory Committee is in need of applicants. The Ashland Climate Collaborative has an action team called Streets for Everyone where you can sign up for information. Through the City Public Works Director and the School District a State Safe Routes to School program planning grant is in process. Changes to the Transportation Planning Rule and the Climate Friendly and Equitable Communities Rulemaking have moved into planning discussions.

Our own Transportation System Plan Update should begin soon with ample opportunity for public engagement.

Finally, there is pilot program started by the Transportation Commission which is gathering data to reveal problem/ dangerous intersections and roadways. This will provide more information to use in developing projects that make our streets safer. If you have been involved in a near miss or unreported incident, please go to this site: gis.ashland.or.us/nearmiss

Kent Chamberlain's death was preventable. It was no accident. The pain, suffering and cost it has caused need not be in vain. Please slow down and participate in city initiatives that prioritize safely traveling on our streets.



165 Water Street Appeal

January 3, 2023
Ashland City Council Hearing

Appeals on the Record (18.5.1.060.I)

REVIEW IS LIMITED TO EXISTING RECORD

The review of a decision of the Planning Commission by the City Council shall be confined to the record of the proceeding before the Commission.

REVIEW IS LIMITED TO 4 GROUNDS FOR APPEAL

Review shall be limited to those issues clearly and distinctly set forth in the Notice of Appeal. No issue may be raised on appeal to the Council that was not raised before the Commission with sufficient specificity to enable the Commission and the parties to respond.



Appeals on the Record (18.5.1.060.

PER AMC 18.5.1.060.I.5.b

*In their review “the Council shall not re-examine issues of fact and shall limit its review to determining **whether there is substantial evidence to support the findings of the Planning Commission**, or to determining if errors in law were committed by the Commission. Review shall in any event be limited to those issues clearly and distinctly set forth in the notice of appeal.”*



Four Grounds for Appeal

1. That the staff report was not received seven days prior to the hearing.
2. That staff presented new information during the public hearing.
3. That a member of the Historic Commission had *ex parte* contact with a member of the public outside of the public hearing.



Four Grounds for Appeal

4. That the standard in **AMC 18.4.2.050.B.1** addressing Transitional Areas (*“For projects located at the boundary between zones or overlays, appropriate adjustments to building form, massing, height, scale, placement, or architectural and material treatment may be considered to address compatibility with the transitional area while not losing sight of the underlying standards or requirements applicable to the subject property.”*) was misapplied by the Planning Commission.

Magnolia Terrace

Site Plan

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BUILDING HEIGHT
ALL BUILDINGS ARE 38'-4" FROM T.O. RIDGE TO T.O. MAIN FLOOR
MAXIMUM BUILDING HEIGHT ALLOWED IS 40'-0"

LOT COVERAGE
SITE AREA 51,887
BUILDING FOOT PRINTS 2,565 SQ. FT. X 8 = 20,520
UPPER PARKING 9,246
LOWER PARKING 7,478
PEDESTRIAN PLAZAS/PATHS 2,383
TOTAL 40,234/81,887 = 77.7%



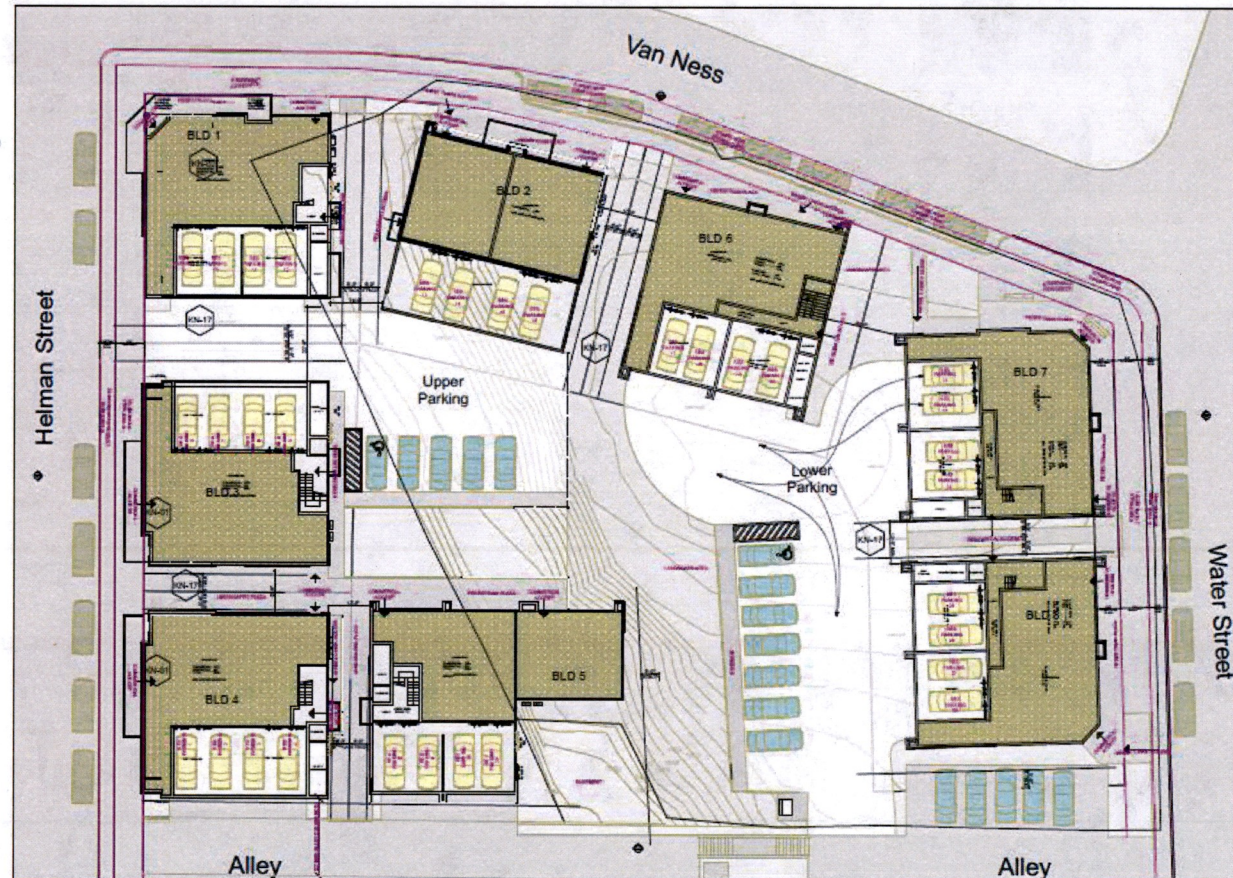
COMMERCIAL PARKING CALCULATION
(OFFICE): (2,91X8) + (3,22X2) = 34 SPACES

17 ON SITE SPACES PROVIDED
19 OFF SITE SPACES PROVIDED
36 TOTAL PARKING SPACES PROVIDED

(RESIDENTIAL): 8 BUILDINGS X 4 SPACES = 32 SPACES
32 SPACES PROVIDED (GARAGE PARKING)

BIKE PARKING: 2 PER RESIDENTIAL UNIT IN GARAGE
SEE LANDSCAPE PLANS FOR ON-SITE BIKE SPACES

**NOTE: SEE LANDSCAPE AND CIVIL PLANS FOR SITE DESIGN
AND/OR OTHER PARKING, LANDSCAPE, AND/OR
DESIGNATED TRAVEL AREAS, TRAMPOLINE, ETC.**

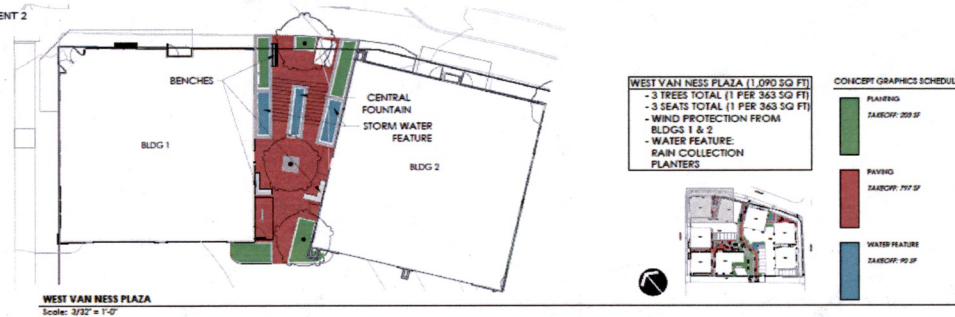


Magnolia Terrace

Phase I Plaza Space

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ATTACHMENT 2



FOUNTAIN



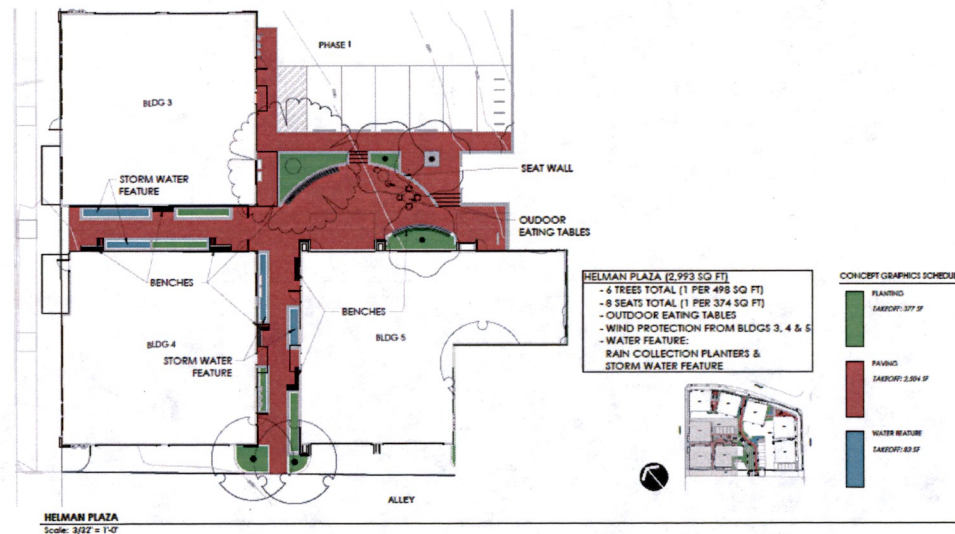
STORM WATER FEATURE



BENCHING PLAZA



BENCHING AT WALL

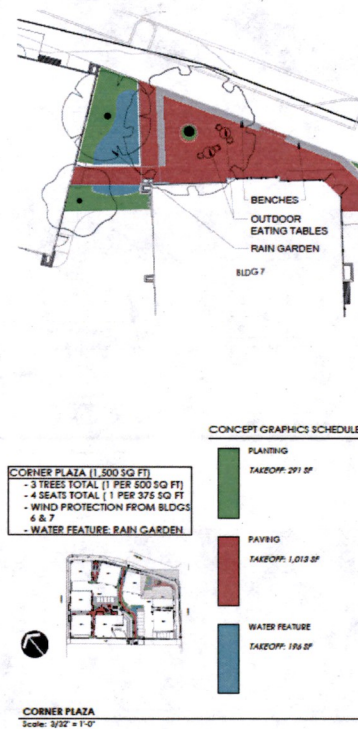
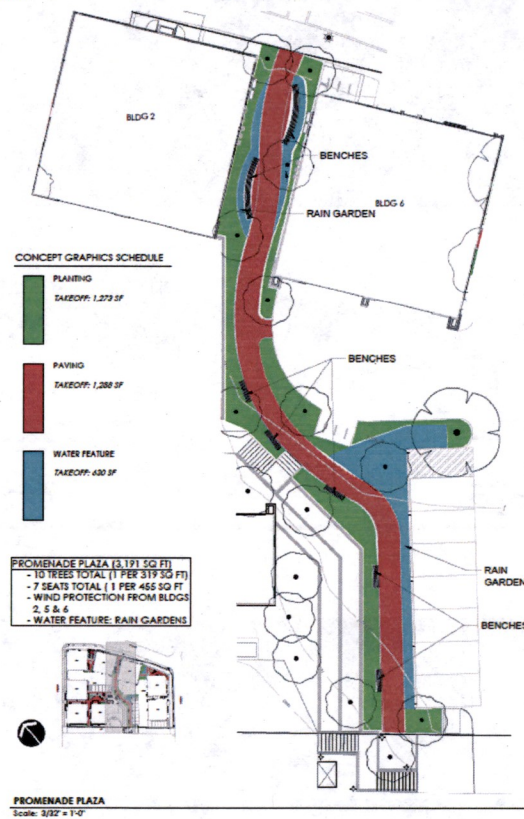


Magnolia Terrace

Phase II Plaza Space

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ATTACHMENT 5



BENCHED PLAZA



BRIDGE @ RAIN GARDEN



STORMWATER FOUNTAIN



RAIN GARDEN



LINEAR PLAZA

Magnolia Terrace

Helman Street Elevations from March

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ASHLAND



Magnolia Terrace

Helman Streetscape (Opposite Side)

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Magnolia Terrace

Helman Street Elevations

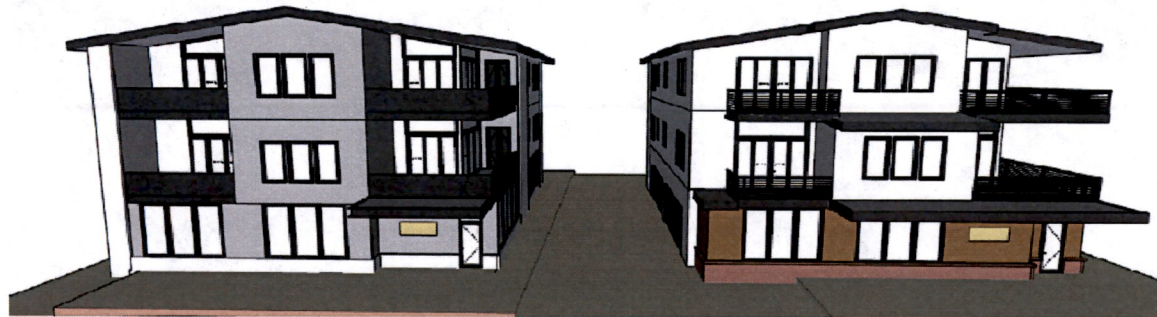
CITY OF
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Magnolia Terrace

Applicant's Revised Helman Street Designs

- The façade was stepped back to reduce the presence of the height. The center bay on Buildings 3 & 4 steps back three feet for the third floor from the wall plane of the second floor, and a shed roof has been added that emphasize the step back.
- Roofline was cut back to reduce the massing of the overhang.
- Surface and material changes to Buildings 3 & 4.
- Brick base was added.
- The pedestrian overhang length on the ground floor was increased to add shadow lines and increase the pedestrian scale of the building when at the sidewalk.
- White and lighter materials were used on the third story to fade the building away.
- Open wire or mesh railings were proposed instead of the previous solid panels.



March
Building 3 (Helman Street)
Original Elevation

April
Building 3 (Helman Street)
Revised Elevation

Magnolia Terrace

Rendering of Revised Designs on Helman



Magnolia Terrace

Rendering of Revised Designs on Helman

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Magnolia Terrace

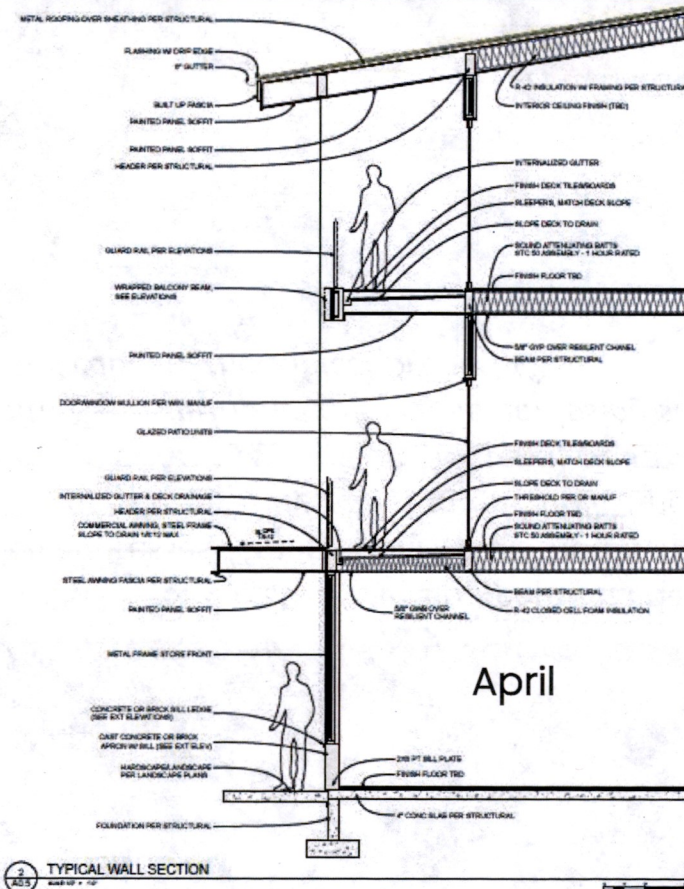
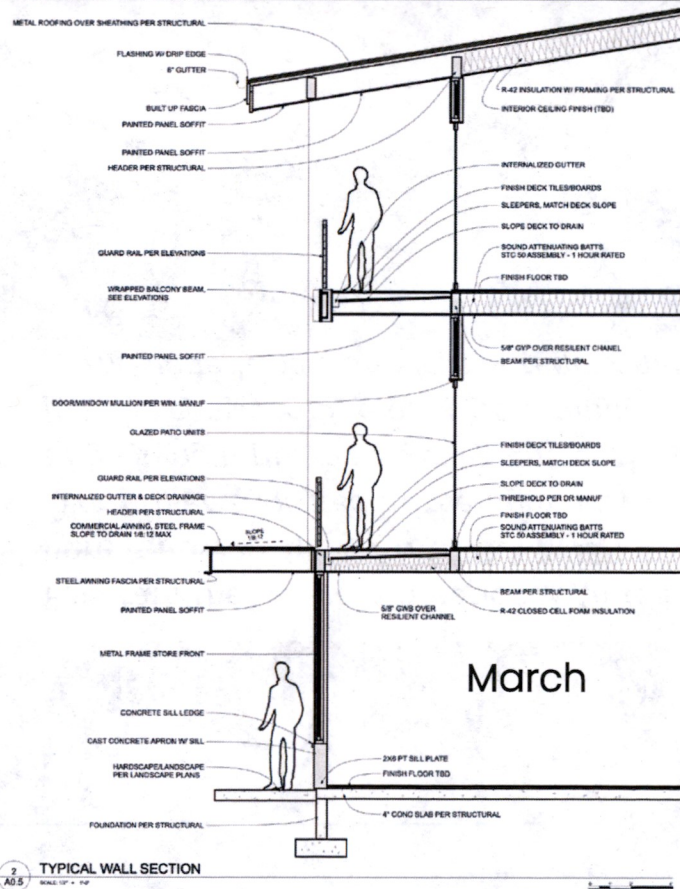
Rendering of Revised Designs on Helman



Magnolia Terrace

Typical Wall Section

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Magnolia Terrace

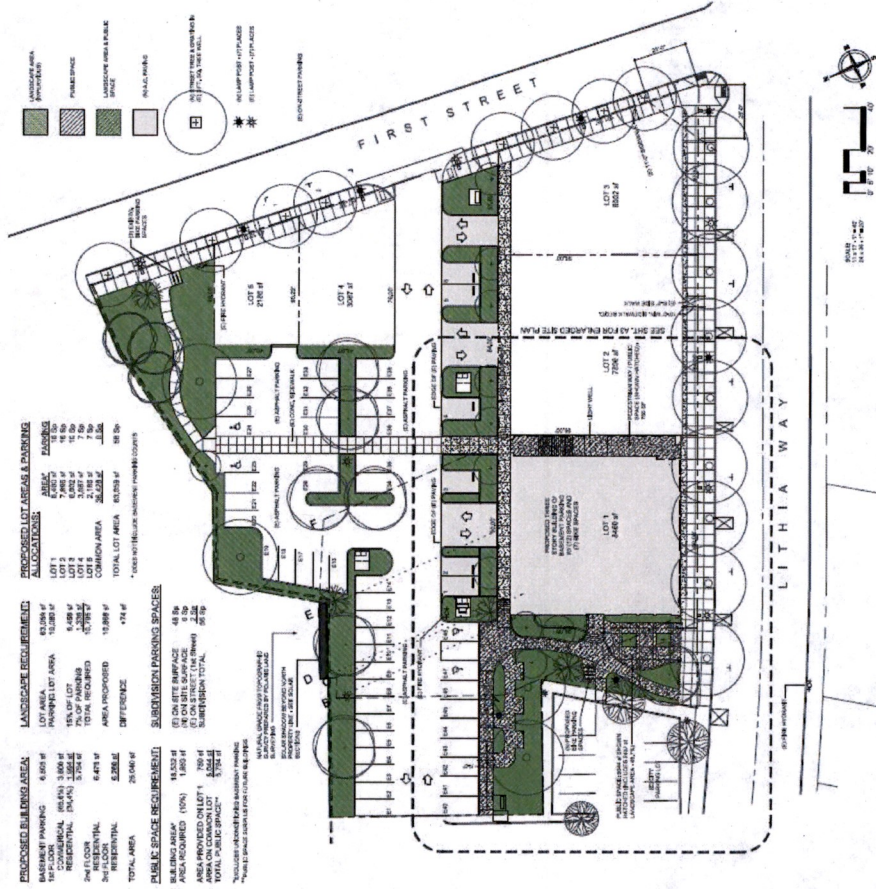
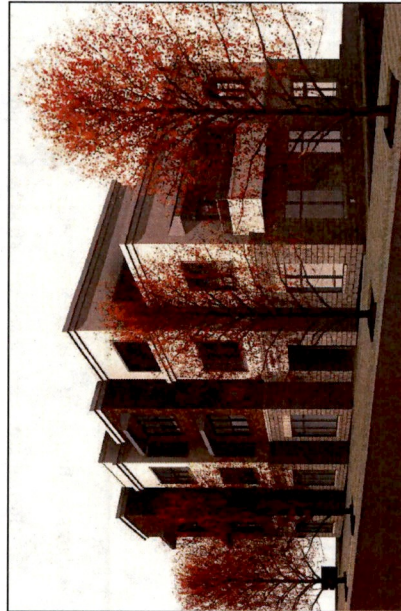
"Appropriate Adjustments"

CITY OF
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For staff, the key consideration with regard to the Historic District Development Standards here is how to apply **AMC 18.4.2.050.B.1** which addresses "**Transitional Areas**" noting that, *"For projects located at the boundary between zones or overlays, appropriate adjustments to building form, massing, height, scale, placement, or architectural and material treatment may be considered to address compatibility with the transitional area while not losing sight of the underlying standards or requirements applicable to the subject property."*



A Street Example

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Magnolia Terrace

Building Mass in the Transit Triangle (AMC 18.3.14.060)

1. **Building Mass.** Building facades within 25 feet of a residential zone or facing a street shall meet one of the following standards to reduce building mass. This standard applies along the perimeter of the development and shall not apply between buildings or lots within a development. See minimum side or rear yard requirement for buildings abutting a residential zone in table 18.3.14.050.

- Incorporate a step-back of ten feet for that portion of a building which is over 25 feet or two stories in height, whichever is greater. The building step-back requirement does not apply to parapets. See Figure 18.3.14.060.A.1.a.
- Buildings over 25 feet or two stories in height shall incorporate offsets, jogs, or other distinctive changes on building facades within 25 feet of a residential zone or facing a street.

Appeal Ground #2

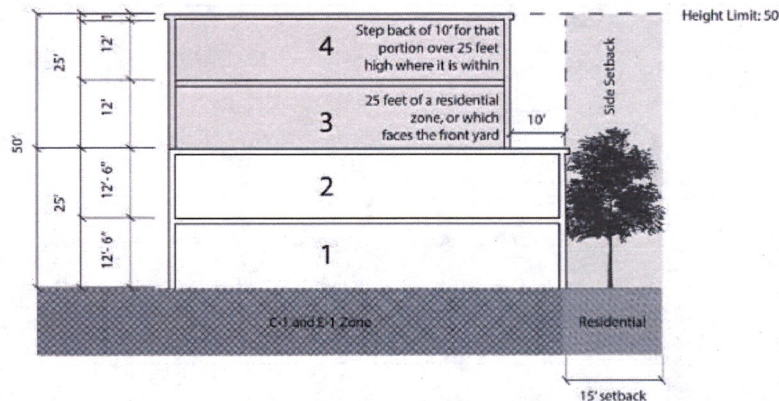


Figure 18.3.14.060.A.1.a.

Transit Triangle provides for a ten-foot step back where over 25 feet or two stories and facing a street at the perimeter of a development.

Magnolia Terrace

Residential Buffering in the Croman Overlay Zone

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ASHLAND

Figure 18.3.2.060.B.7.c. Residential Buffer Zone

- B. 7. c. i. Maximum Height. The maximum height allowance without a performance standards bonus for all structures within the Residential Buffer Zone is 35 feet in the NC zone and 40 feet in the MU zone, and the maximum height with a bonus is 40 feet in accordance with subsection 18.3.2.060.C.13.
- ii. Upper Floor Setback Requirements. Buildings taller than two stories must step back the third story by at least six feet measured from the façade facing the street, alleyway, park or common open space.

Appeal Ground #2

Croman includes an upper floor setback requirement in its residential buffer zone. Buildings taller than two stories must step back the third story by at least six feet from the façade facing the street.

Magnolia Terrace

"Appropriate Adjustments"

AMC 18.4.2.050.B.1 Transitional Areas. *For projects located at the boundary between zones or overlays, appropriate adjustments to building form, massing, height, scale, placement, or architectural and material treatment may be considered to address compatibility with the transitional area while not losing sight of the underlying standards or requirements applicable to the subject property.*

For staff, this standard is about a finding the right balance between the allowances of the underlying zone and appropriate design adjustments to achieve compatibility with the surroundings historic neighborhood. For neighbors [*who spoke in opposition*] and the Historic Commission, the design revisions did not go far enough in making the necessary "appropriate adjustments" to address compatibility. More needs to be done with the "building form, massing, height, scale, placement, or architectural and material treatment" to better respond to the historic neighborhood context while still developing to the vision of the Employment zone. Staff recommend[ed] that the Planning Commission consider whether a more substantial third-floor step back would better address the buildings' massing and [also look at] whether some additional parkrow and sidewalk width, or front plaza space, would work to provide some additional buffer space and better accommodate street tree growth which would ultimately support greater tree canopy as a further buffer.





First Ground for Appeal

1. That the staff report was not received seven days prior to the hearing.

Second Ground for Appeal

2. That staff presented new information during the public hearing.

Third Ground for Appeal

3. That a member of the Historic Commission had *ex parte* contact with a member of the public outside of the public hearing.



Fourth Ground for Appeal

4. That the standard in **AMC 18.4.2.050.B.1** addressing Transitional Areas (*“For projects located at the boundary between zones or overlays, appropriate adjustments to building form, massing, height, scale, placement, or architectural and material treatment may be considered to address compatibility with the transitional area while not losing sight of the underlying standards or requirements applicable to the subject property.”*) was misapplied by the Planning Commission.



Staff Recommendation

That the Council affirm the decision of the Planning Commission to deny the application without prejudice, reject the appeal and direct staff to prepare findings for adoption by Council. Staff have discussed the project with the applicant and believe that there are acceptable design revisions which can be reached to resolve the issues. A denial without prejudice allows the applicant to redesign the project with amendments to better address compatibility with the transitional area here and to reapply immediately.



Potential Motions...

I move to affirm the decision of the Planning Commission to deny the application without prejudice, reject the appeal and direct staff to prepare written findings reflecting the original Planning Commission decision from May 10, 2022 for adoption by Council.

I move to reverse the decision of the Planning Commission and support the written appeal, and direct staff to prepare written findings for adoption by Council (*include specific direction as to where the original decision was found to be in error relative to the four identified appeal issues*).

ANY QUESTIONS?





165 Water Street Appeal

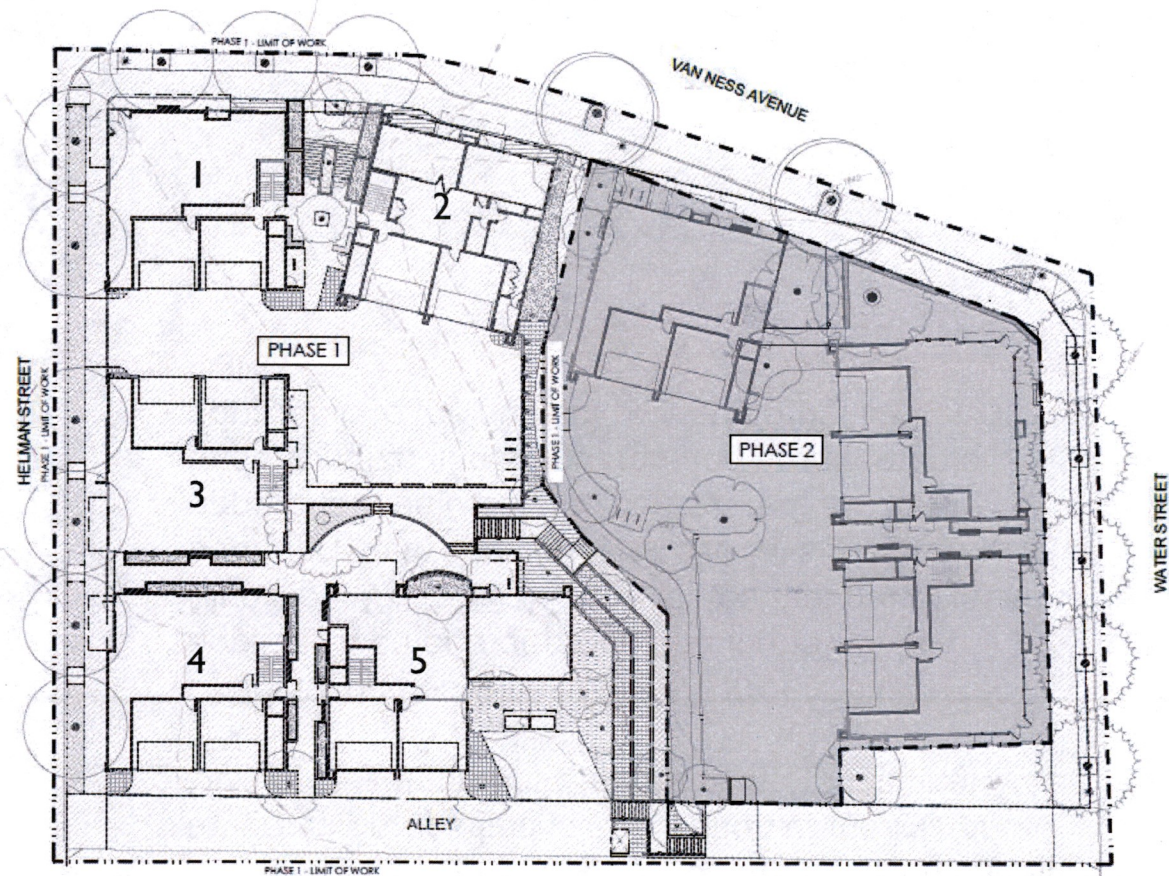
January 3, 2023
Ashland City Council Hearing

MAGNOLIA TERRACE

APPEAL



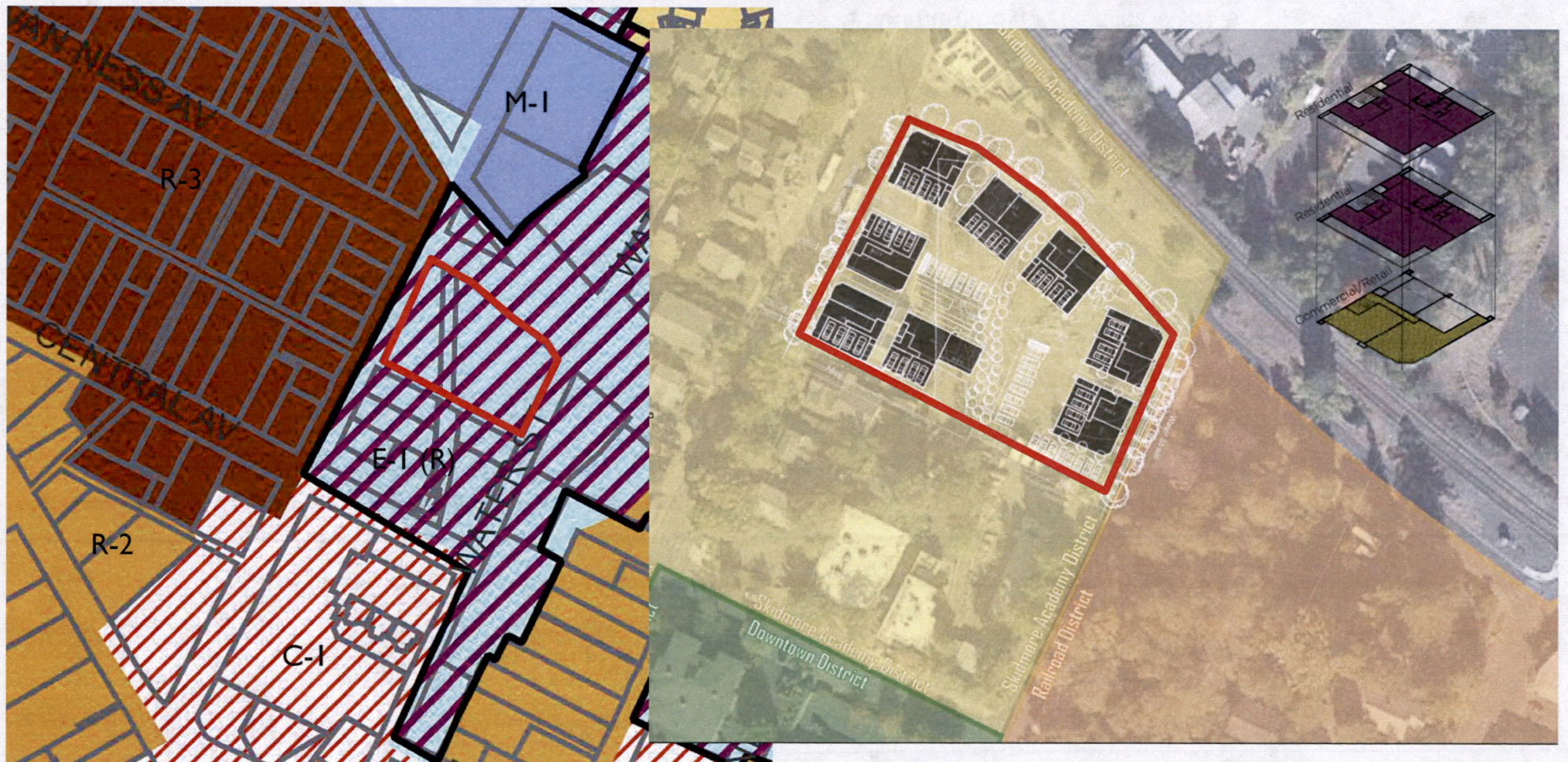
SITE LAYOUT



GROUNDS FOR APPEAL

- The specific ground for which the decision should be reversed or modified is Application of the Historic District Development Standards in Transitional Areas
- Denial on this grounds is an error because the applicable criteria or procedure in the Ashland Municipal Code 18.4.2.050 states that projects at the boundary between zones or overlays may have appropriate adjustments considered, but the underlying zoning standards and requirements applicable to the subject property must be kept in sight.

ZONING AND HISTORIC OVERLAYS



UNDERLYING ZONING STANDARDS

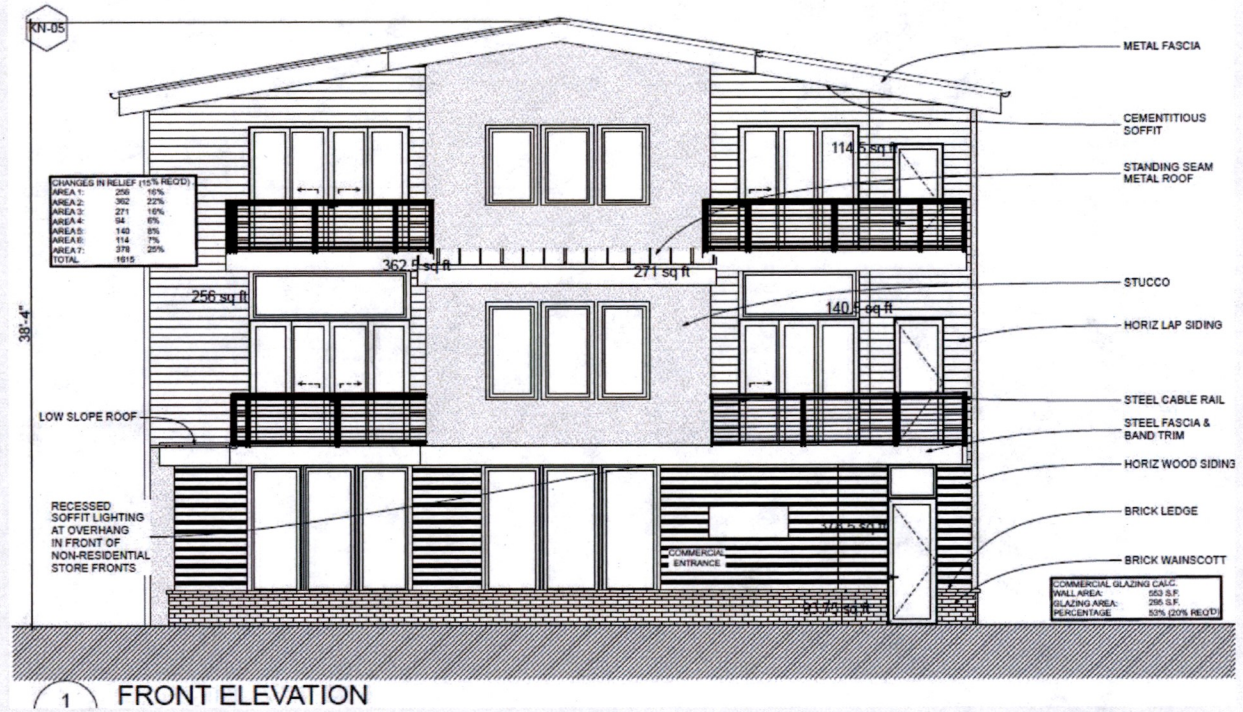
SUBJECT PROPERTY, ADJACENT PROPERTIES TO SOUTH AND WEST

- **18.2.6 STANDARDS FOR NON-RESIDENTIAL ZONES**
- Purpose: 18.2.6 sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development, for Ashland's base employment zones, pursuant to the Comprehensive Plan and the purposes of this ordinance.
- No minimum lot area, lot width or lot depth
- There is no minimum front, side, or rear yard required, except where buildings on the subject site abut a residential zone, in which case a side of not less than 10 ft and a rear yard of not less than 10 ft per story is required.
- Maximum height of 40-feet
- Minimum Floor Area Ratio of $\frac{1}{2}$ the acreage of the property
- Minimum Landscape area of 15%
- Maximum coverage area of 85%



HISTORIC DISTRICT DESIGN STANDARDS COMPLIANCE

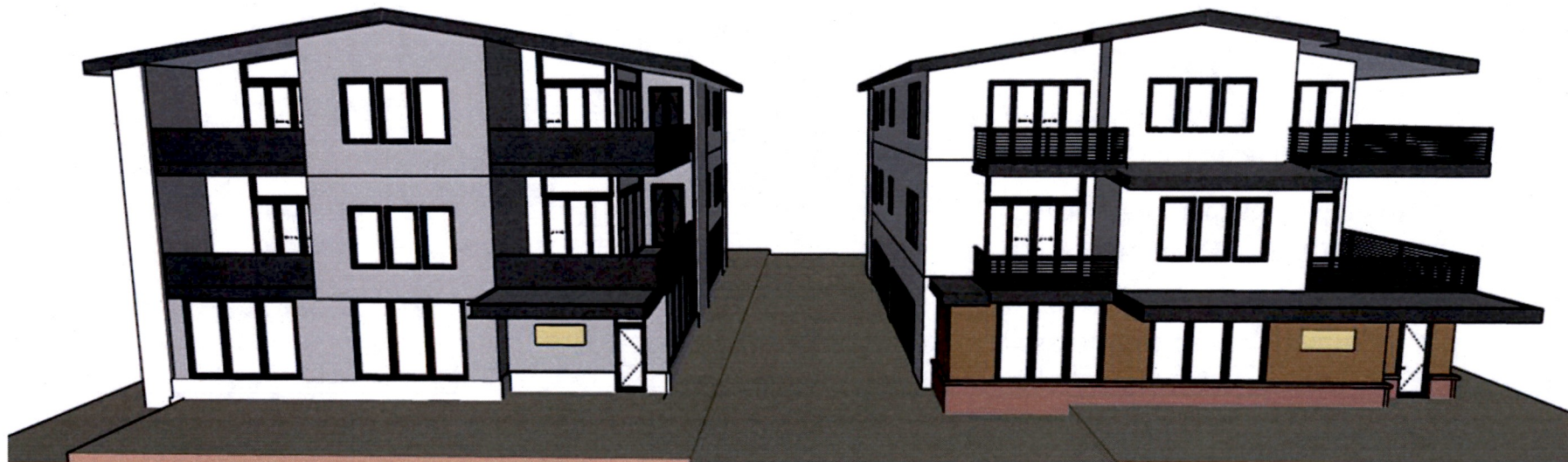
- AMC 18.4.2.050.B
- 1. Transition Zone compliance
- 2. Height: All buildings are less than the maximum in the zone which is 40'.
- 3 & 4. Massing and Scale:
 - The roofline has been cut back substantially to reduce the massing of the overhang.
 - The center bay of the third floor on Buildings 3 and 4 steps back three feet from the wall plane of the second floor and a shed roof has been added that emphasize the step back.
 - Recessed corners on ground floor to provide variation in the façade.



HISTORIC DISTRICT DESIGN STANDARD COMPLIANCE



- 6. Roof: The shape, pitch and materials are consistent with buildings in the vicinity
- 7. Rhythm of Openings: The proposed pattern of wall to door and window openings on the street frontages are clearly defined.
- 8. Base or Platforms: Buildings 3 & 4 both include a brick base to ground the building.
 - The use of a darker material on the lower levels enhances and adds strength to the base.
- 9. Form: The proposal has a form appropriate in a commercial zone.
- 10. Entrances: The commercial entrances are well defined and covered.

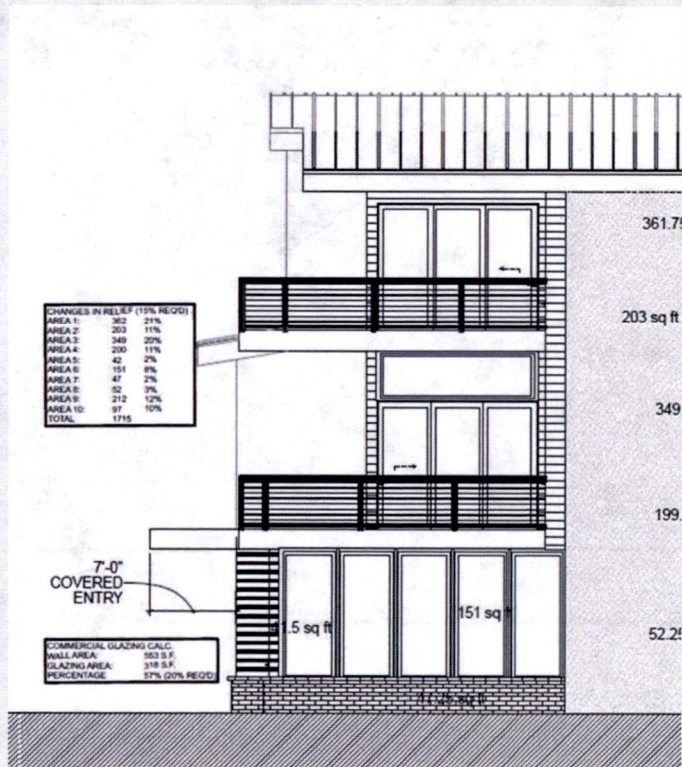


Building 3 (Helman Street)
Original Elevation

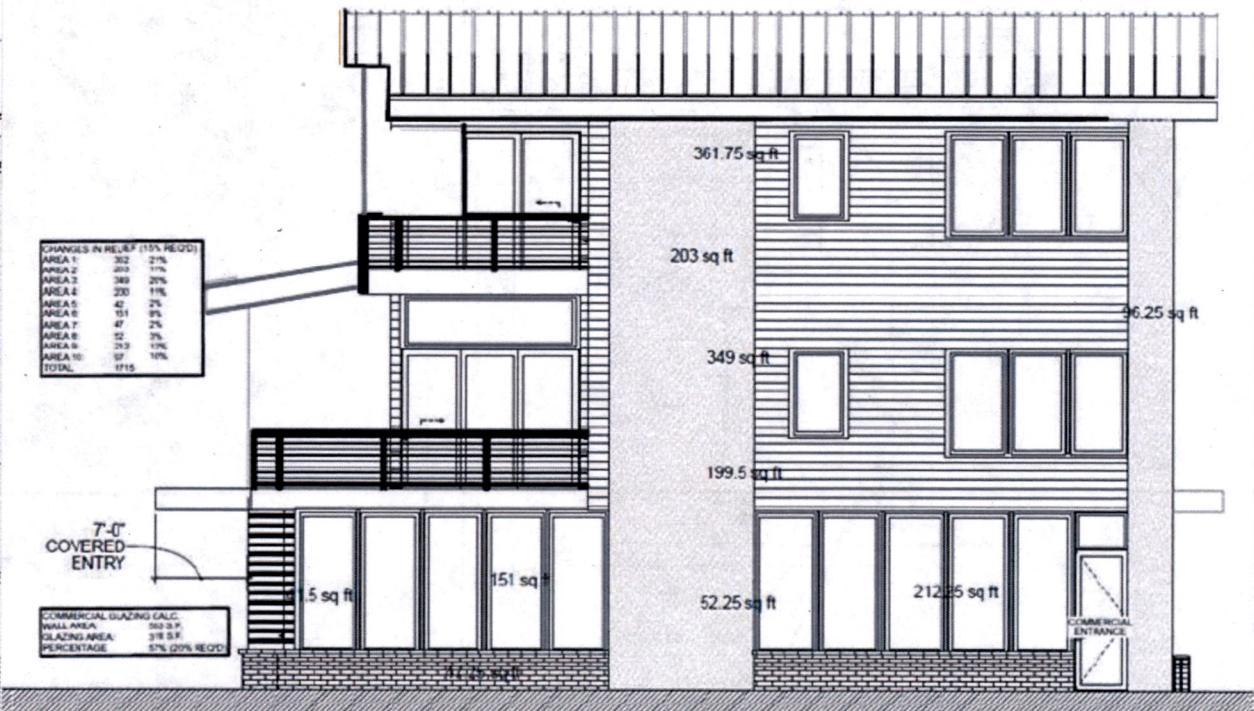
Building 3 (Helman Street)
Revised Elevation



SOLUTION TO CONCERNS OF MASSING & SCALE

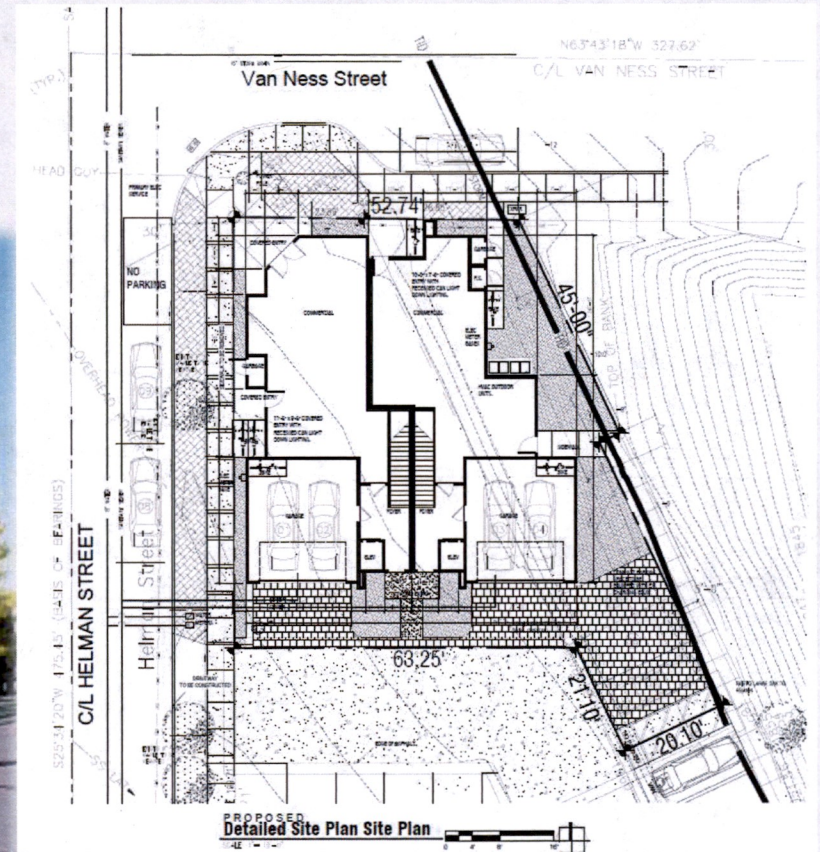


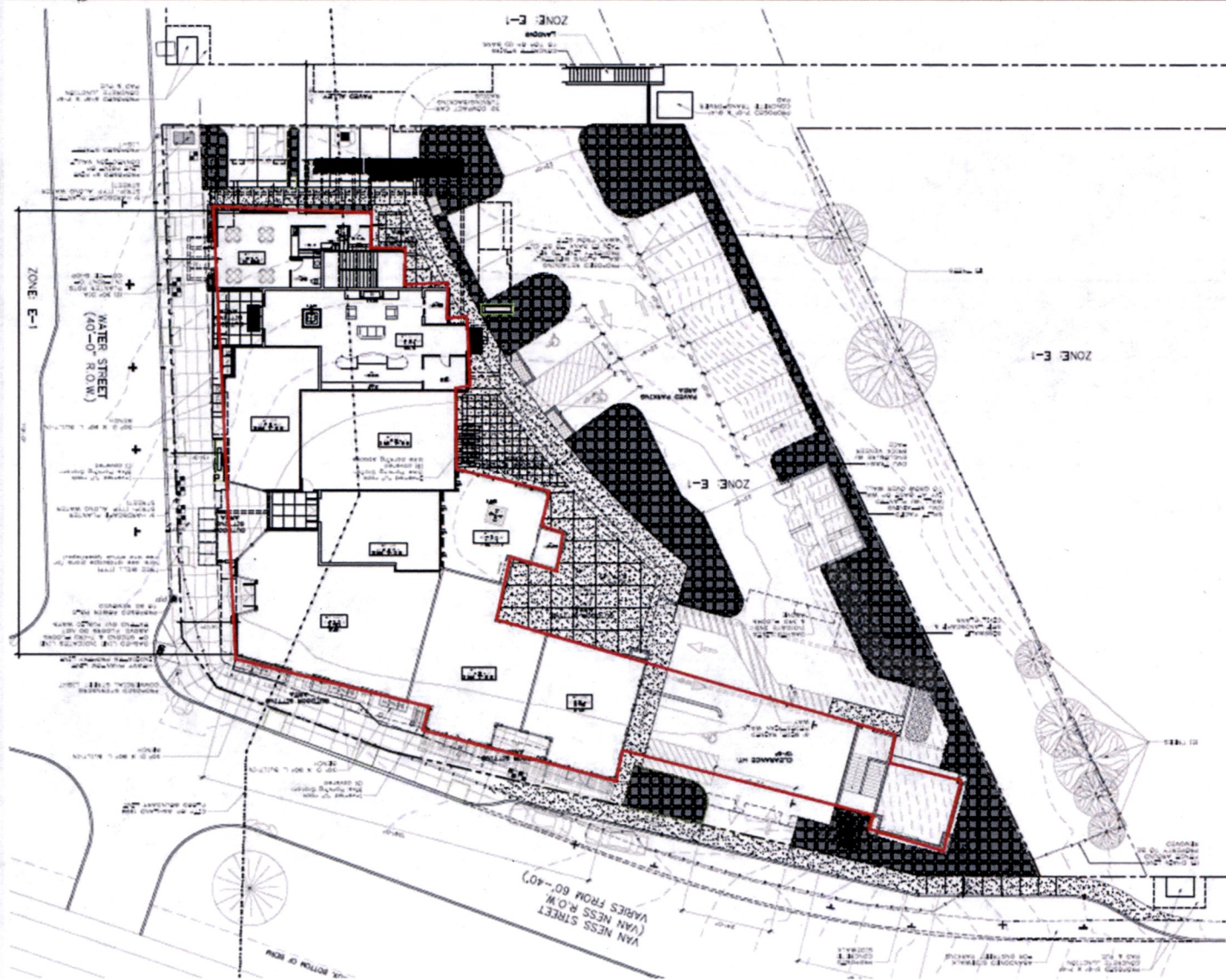
2 RIGHT ELEVATION



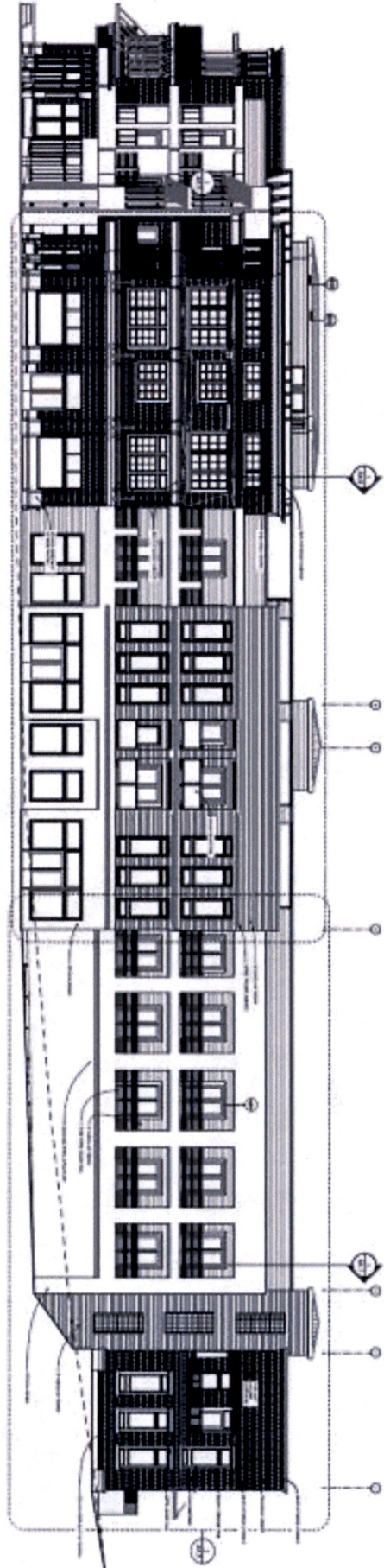
2 RIGHT ELEVATION

PREVIOUSLY APPROVED ON
HELMAN FACADE





3 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



3 EAST ELEVATION
SCALE: 1/8" = 1'-0"

