

Council Communication

October 18, 2016, Business Meeting

Discussion of removing public art review and approval requirements from Chapter 18 of the Ashland Municipal Code

FROM:

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SUMMARY

This is a discussion to determine if review and approval of public art on historic structures should be removed from Ashland Land Use Ordinance (ALUO) 18.5.2, Site Design Review, and moved to the portions of the Ashland Municipal Code that govern the Historic Commission (AMC 2.24) and the Public Art Commission (AMC 2.29).

BACKGROUND AND POLICY IMPLICATIONS:

Under Ashland's municipal code, the installation of public art on structures listed on the National Historic Register and on contributing properties within a Historic District requires a land use application and site design review. At its June 20, 2016, meeting, the City Council discussed removing this requirement from the ALUO (AMC 18.5.2) and ensuring that the Historic Commission review process is preserved elsewhere in the Ashland Municipal Code. Council directed staff to return with proposed ordinances modifications and to provide the proposed changes to the Historic Commission for its review and input. The proposed changes, (attachment #1), were provided to the Historic Commission on September 6. The Public Art Commission reviewed the proposed changes at its September 16 meeting and is in support of the changes.

Removing public art from ALUO 18.5.2 eliminates the requirement for a land use application, associated community development fees and written findings, and removes the possibility of a land use appeal. Inserting the review requirement into AMC 2.24 and AMC 2.29 preserves the requirement that the Historic Commission review public art proposed for installation on the exterior of structures listed on the National Register or to a contributing property.

At the June 20 meeting, the Council heard input from resident Barry Thalden, who donated the mural on Calle Guanajuato. Because the mural was proposed for installation on a structure listed on the National Historic Register, it triggered a site design review by the Historic Commission. Mr. Thalden explained the detailed and involved process he was required to follow to get approval for the mural and he provided a flow chart of the process (attachment #6).

The following proposed changes are consistent with the Council discussion and direction to staff.

Proposed ordinance changes



Remove (boldface and strike-through) and add (boldface underlined):

18.5.2.020 .A. 4

Site Design Review is required for the following types of project proposals.

A Commercial, Industrial, Non-Residential and Mixed Uses

- 4) Any exterior change, ~~including installation of Public Art~~, **with the exception of public art** to a structure which is listed on the National Register of Historic Places or to a contributing property within a Historic District on the National Register of Historic Places that requires a building permit.

The removal of the phrase ‘*including installation of Public Art*’ from the Site Design Review process:

1. Removes the requirement of a land use application, associated fees and written findings.
2. Removes public art from the land use appeal process.
3. Reduces the timeframe from 120+ days to 30+ days.

Add to [2.24 Historic Commission](#)

2.24.060 The Historic Commission shall review public art proposed for installation on the exterior of structures listed on the National Register of Historic Places or to a contributing property within a Historic District on the National Register of Historic Places.

- A. **The Historic Commission shall review the proposed public art using criteria standards stated in AMC 18.4.2 Building Placement, Orientation, and Design and provide its comments to the Community Development Director no later than seven days after its next scheduled meeting.**
- B. **The Director of Community Development shall review the Historic Commission comments as they relate to AMC 18.4.2 and then forward a recommendation to the City Council and the Public Art Commission within 30 days of receiving the comments.**
- C. **The Community Development Department will notice the project so that neighbors can submit comments for consideration.**

The addition of the above language:

1. Preserves the current practice of reviewing the project using the criteria stated in AMC 18.4.2.
2. Preserves the current practice of the Historic Commission working with the planning staff.
3. Preserves the current practice of the Director of Community Development providing guidance to the Historic Commission and review of their input.
4. Preserves the current practice of reviewing the project using the criteria stated in AMC 18.4.2. Building Placement, Orientation, Design.
5. Shortens the current timeline from 120+ days to 30+ days.
6. Removes the process from the land use ordinance.
7. Providing the comments to the PAC affords it the opportunity to tweak the design to accommodate the HC concerns.

Add to [2.29 Public Art Commission](#)

2.29.165 Review by City Commissions



- A. **The Historic Commission shall review public art proposed on structures listed on the National Register of Historic Places and on contributing properties within a Historic District (AMC 2.24.060) using criteria listed in AMC 18.4.2.**
- B. **The Public Art Commission will seek input from the Historic Commission prior to issuing a Call for Artists for public art to be sited in a historic district.**
- C. **The Public Art Commission shall provide proposed public art concepts to all City Commissions for review. City Commissions may review the artist concept using their existing powers and criteria, and in their advisory role, provide written input for consideration by the City Council. City Commissions may not participate in the creative design process.**

The addition of the above language:

1. Ensures the Historic Commission reviews public art proposed for structures on the national register and on contributing properties using criteria in AMC 14.2
2. Ensures all city commission have an opportunity to review proposed concepts using their existing powers and criteria
3. Ensures the Public Art Commission distributes the concepts
4. Cross references 2.29 with 2.24
5. This does not require the Public Art Commission to make a presentation to the Historic Commission or to other commissions.

Other

Removing public art from the land use code removes public art from the land use appeal process.

During the June 20 discussion some Council members expressed interest in retaining an appeal process even if the proposed ordinance changes are made.

An appeal is a criteria-based objection of a decision.

In land use, depending on the type of planning action, a decision might be made by the Community Development Director, the Hearings Board or the Planning Commission. Those decisions can be appealed to the next level up from the decision maker to the City Council and then to the Land use Board of Appeals (LUBA) and then to the Supreme Court. This process can take months and sometimes years.

For non-land use decisions, AMC 2.30.020, the Uniform Administrative Appeals Process states that a person can appeal the decision of a Department Head or Director to the City Administrator.

For public art, the only decision maker is the City Council (AMC 2.29) and the Council decision is final. There is not another decision maker above the Council or below. If, however, the Council wants another decision maker in the process in order to create an appeal process the Council could assign the decision making authority to the Community Development Director for public art proposed on historic structures and contributing properties. Doing so would allow for an appeal of the Director's decision to the City Administrator and then to the City Council. The appeal would be based on the criteria used by the Historic Commission to review the proposal.

Council Consideration



If the Council chooses not to remove proposed public art on listed historical structures or contributing properties from the land use code, staff recommends:

- 1) Waiving the planning fee associated with the land use process via resolution and;
- 2) Directing the planning staff to develop an application specifically related to public art.

Clarification

There are two paths for public art installations:

- 1) Projects initiated by the Public Art Commission. These projects involve an RFQ process or a direct commission. The Public Art Commission has and will continue to seek input from the Historic Commission when drafting an RFQ or awarding a direct commission for public art to be installed in historic districts. The Historic Commission along with all commissions will be provided the public art concepts for review and input using their existing criteria.
- 2) A private donor seeks approval of the Public Art Commission to install public art. The Public Art Commission reviews the proposal and if it meets with the guidelines listed in 2.29.130 the PAC will direct the donor to the next step in the process. Currently, if the donation is proposed for installation on a structure listed on the National Historic Register or on a contributing property, the donor becomes a land use applicant per ALUO 18.5.2.020.

COUNCIL GOALS SUPPORTED:

14. Encourage and/or develop public spaces that build community and promote interaction.

FISCAL IMPLICATIONS:

None

STAFF RECOMMENDATION AND REQUESTED ACTION:

Staff recommends Council direct staff to prepare ordinance changes for first reading.

SUGGESTED MOTION:

I move to direct staff to prepare ordinance changes to the above referenced chapters of the Ashland Municipal Code relating to review and approval of public art.

ATTACHMENTS:

- 1) Proposed changes sent to HC
- 2) AMC 18.5.2.020.A
- 3) AMC 18.4.2.050 Building Placement, Orientation, and Design – Historic District Development
- 4) AMC 2.24 Historic commission
- 5) AMC 2.29 Public Art Commission
- 6) Thalden flow chart
- 7) Memo from Historic Commission



Proposed Changes – City Council meeting on October 18, 2016

18.5.2.020.A.4 Site Design Review
Remove and **Add:**
 Site Design Review is required for the following types of project proposals.
 A. Commercial, Industrial, Non-residential and Mixed uses
 4. Any exterior change, **including installation public art**, add **with the exception of public art** to a structure on the National Register of Historic Places or to a contributing property within a Historic District on the National Register of Historic Places that requires a building permit.

2.24 Historic Commission
Add:
2.24.060
The HC shall review public art proposed for installation on the exterior of structures listed on the National Register of Historic Places or to a contributing property within a Historic District on the National Register of Historic Places.
 A. **The HC shall review the proposed public art using the design standards stated in AMC 18.4.2. Building Placement, Orientation, Design and provide their comments to the Director of Community Development no later than seven days after their next scheduled meeting.**
 B. **The Director of Community Development shall review the HC comments as they relate to 18.4.2 and forward a recommendation to the City Council and the PAC within 30 days of receiving the comments.** *NOTE: Providing the comments to the PAC affords the PAC the opportunity to revise the proposal to accommodate the HC concerns.*
 C. **The Community Development Department will notice the project pursuant to 18.5.1.050.B.1**

2.29 Public Art Commission
Add:
2.29.165 City Commissions
 A. **The Historic Commission shall review public art proposed on structures listed on the National Register of Historic Places and on contributing properties within a Historic District (AMC 2.24.060) using criteria listed in AMC 18.4.2.**
 B. **The Public Art Commission will seek input from the Historic Commission prior to issuing a Call for Artist for public art to be sited in a historic district.**
 C. **The Public Art Commission shall provide proposed public art concepts to all City Commissions for review. City Commissions may review the artist concept using their existing powers and criteria, and in their advisory role, provide written input for consideration by the City Council. City Commission may not participate in the creative design process.**

What does this accomplish?

- 1) Removes public art from the Land Use Code and the requirement of land use application, associated fees, and written findings and removes public art from the land use appeal process.
- 2) Reduces the timeframe from 120+ days to 30 days.
- 3) Preserves the current practice of HC reviewing the project using the design standards in AMC 18.4.2, with guidance from the Community Development Director
- 4) Ensures the HC has input on Call for Artists (RFQs or RFPs) prior to publishing
- 5) Affords all city commissions the opportunity to review proposed public art.

18.5.2 – Site Design Review

Chapter 18.5.2 – Site Design Review

Sections:

18.5.2.010	Purpose
18.5.2.020	Applicability
18.5.2.030	Review Procedures
18.5.2.040	Application Submission Requirements
18.5.2.050	Approval Criteria
18.5.2.060	Public Improvements Guarantee
18.5.2.070	Expiration and Extensions
18.5.2.080	Power to Amend Plans

18.5.2.010 Purpose

The purpose and intent of this chapter is to regulate the manner in which land in the City is used and developed, to reduce adverse effects on surrounding property owners and the general public, to create a business environment that is safe and comfortable, to further energy conservation efforts within the City, to enhance the environment for walking, cycling, and mass transit use, and to ensure that high quality development is maintained throughout the City.

18.5.2.020 Applicability

Site Design Review is required for the following types of project proposals.

- A. Commercial, Industrial, Non-Residential, and Mixed Uses.** Site Design Review applies to the following types of non-residential uses and project proposals, including proposals for commercial, industrial, and mixed-use projects, pursuant to section 18.5.2.030 Review Procedures.
1. New structures, additions, or expansions in C-1, E-1, HC, CM, and M-1 zones.
 2. New non-residential structures or additions in any zone, including public buildings, schools, churches, and similar public and quasi-public uses in residential zones.
 3. Mixed-use buildings and developments containing commercial and residential uses in a residential zoning district within the Pedestrian Place Overlay.
 4. Any exterior change, including installation of Public Art, to a structure which is listed on the National Register of Historic Places or to a contributing property within an Historic District on the National Register of Historic Places that requires a building permit.
 5. Expansion of impervious surface area in excess of ten percent of the area of the site, or 1,000 square feet, whichever is less.
 6. Expansion of any parking lot, relocation of parking spaces on a site, or any other change that alters or affects circulation onto an adjacent property or public right-of-way.
 7. Any change of occupancy from a less intense to a more intensive occupancy, as defined in the building code, or an change in use that requires a greater number of parking spaces.

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8. Any change in use of a lot from one general use category to another general use category, e.g., from residential to commercial, as defined in the zoning regulations of this ordinance.
9. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from site design review per section 18.5.2.020.C.
10. Installation of wireless communication facilities in accordance with section 18.4.10.

B. Residential Uses. Site Design Review applies to the following types of residential uses and project proposals, pursuant to section 18.5.2.030 Review Procedures.

1. Two or more dwelling units, including the addition of an accessory residential unit, on a lot in any zoning district.
2. Construction of attached (common wall) single-family dwellings (e.g., townhomes, condominiums, rowhouses) in any zoning district.
3. Any exterior change, including installation of Public Art, to a structure individually listed on the National Register of Historic Places that requires a building permit.
4. Any change to off-street parking or landscaping in a residential development where such parking or landscaping is provided in common area (e.g., shared parking) and is approved pursuant to chapter 18.3.9 Performance Standards Option.
5. Any change in use that requires a greater number of parking spaces.
6. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from Site Design Review per section 18.5.2.020.C.
7. Installation of wireless communication facilities (e.g., accessory to a residential use), in accordance with section 18.4.10.

C. Exempt From Site Design Review. The following types of uses and projects are exempt from Site Design Review, but are required to comply with the applicable provisions of part 18.4 Site Development and Design Standards.

1. Detached single-family dwellings and associated accessory structures and uses, except that accessory residential units require Site Design Review pursuant to section 18.2.3.040.
2. Land divisions and property line adjustments, which are subject to review under chapter 18.5.3.
3. The following mechanical equipment.
 - a. Private, non-commercial radio and television antennas not exceeding a height of 70 feet above grade or 30 feet above an existing structure, whichever height is greater, and provided no part of such antenna shall be within the setback yards required by this ordinance. A building permit shall be required for any antenna mast or tower over 50 feet above grade or 30 feet above an existing structure when the same is constructed on the roof of the structure.
 - b. Not more than three parabolic disc antennas, each under one meter in diameter, on any one lot or dwelling unit.
 - c. Roof-mounted solar collection devices in all zones, with the exception of E-1 and C-1 zoned

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properties located within designated historic districts. The devices shall comply with solar setback standards described in chapter 18.4.8 and the height standards of the respective zoning district.

- d. Roof-mounted solar collection devices on E-1 and C-1 zoned properties located within designated historic districts if the footprint of the structure is not increased, the plane of the system is parallel to the slope of the roof and does not extend above the peak height of the roof or existing parapets, or is otherwise not visible from a public right-of-way. The devices shall comply with solar setback standards described in chapter 18.4.8 and height requirements of the respective zoning district.
- e. Installation of mechanical equipment other than those exempted in 18.5.2.020.C.3, subsections a – d, above, and which is not visible from a public right-of-way, except alleys, or adjacent residentially zoned property and consistent with other provisions of this ordinance, including solar access in chapter 18.4.8, and noise and setback requirements of subsection 18.2.4.020.B. See also, screening standards for mechanical equipment in subsection 18.4.4.030.G.4.
- f. Routine maintenance and replacement of existing mechanical equipment in all zones.

18.5.2.030 Review Procedures

- A. Type I Review.** Except as provided by 18.5.2.030, subsections B - G, below, applications for Site Design Review are subject to the Type I procedure, pursuant to section 18.5.1.050.
- B. C-1, E-1, HC, and M-1 Zones.** In the C-1, E-1, HC, and M-1 zones, but not within the Downtown Design Standards or Detail Site Review overlays, new structures or additions greater than 15,000 square feet in gross floor area, or greater than 50 percent of an existing building's gross floor area are subject to Type II review.
- C. Downtown Design Standards Overlay.** In the Downtown Design Standards overlay, new structures or additions greater than 2,500 square feet in gross floor area, or greater than ten percent of an existing building's gross floor area are subject to Type II review.
- D. Detail Site Review Overlay.** In the Detail Site Review overlay, new structures or additions greater than 10,000 square feet in gross floor area, or longer than 100 feet in length or width are subject to Type II review.
- E. Residential Site Review.** Residential structures or additions greater than 10,000 square feet in gross floor area, other than single-family homes or accessory uses on individual lots, are subject to Type II review.
- F. Croman Mill District.** In the Croman Mill district, new structures or additions greater than 15,000 square feet in gross floor area are subject to Type II review.
- G. Landscape and Irrigation Plan Amendments.** Minor amendments to landscape and irrigation plans approved pursuant to chapter 18.4.4 to improve fire safety, public safety, water conservation, or energy efficiency may be processed as Ministerial or Type I actions.

18.5.2.040 Application Submission Requirements

The following information is required for Site Design Review application submittal, except where the Staff Advisor determines that some information is not pertinent and therefore is not required.

- A. General Submission Requirements.** Information required for Type I or Type II review, as applicable (see sections 18.5.1.050 and 18.5.1.060), including but not limited to a written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards.
- B. Site Design Review Information.** In addition to the general information required for Site Design Review, the applicant shall provide the following information.
1. Basic Plan Information. Plans and drawings shall include the project name, date, north arrow, scale, and names and addresses of all persons listed as owners of the subject property on the most recently recorded deed. The scale of site and landscaping plans shall be at least one inch equals 50 feet or larger, and of building elevations one inch equals ten feet or larger.
 2. Site Analysis Map. The site analysis map shall contain the following information.
 - a. Vicinity map.
 - b. The property boundaries, dimensions, and area of the site shall be identified.
 - c. Topographic contour lines at 5-foot intervals or less, except where the Staff Advisor determines that larger intervals will be adequate for steeper slopes.
 - e. Zone designation of the and adjacent to the proposed development, including lands subject to overlay zones including but not limited to lands subject to Detail Site Review, Downtown Design Standards, Historic District, Pedestrian Place, Physical and Environmental Constraints, and Water Resource Protection Zones overlays (see part 18.3 Special Districts and Overlays).
 - f. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site.
 - g. The location and size of all public and private utilities, on and adjacent to the subject site, including:
 - i. Water lines;
 - ii. Sewer lines, manholes and cleanouts;
 - iii. Storm drainage and catch basins; and
 - iv. Fire hydrants.
 - h. Site features, including existing structures, pavement, drainage ways, rock outcroppings, areas having unique views, and streams, wetlands, drainage ways, canals and ditches.
 - i. The location, size, and species of trees six inches DBH or greater, including trees located on the subject site and trees located off-site that have drip lines extending into the subject site.
 3. Proposed Site Plan. The site plan shall contain the following information.

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- a. The proposed development site, including boundaries, dimensions, and gross area.
 - b. Features identified on the existing site analysis maps that are proposed to remain on the site.
 - c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development.
 - d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements.
 - e. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements, including:
 - i. Connection to the City water system and meter locations;
 - ii. Connection to the City sewer system;
 - iii. Connection to the City electric utility system and meter locations;
 - iv. New and/or replaced fire hydrants and vault locations;
 - v. The proposed method of drainage of the site; and
 - vi. The opportunity-to-recycle site and solid waste receptacle, including proposed screening.
 - f. Location of drainage ways and public utility easements in and adjacent to the proposed development.
 - g. Setback dimensions for all existing and proposed structures.
 - h. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access.
 - i. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls), including accessible parking by building code.
 - j. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails.
 - k. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.
 - l. Location of outdoor lighting.
 - m. Location of mail boxes, if known.
 - n. Locations of bus stops and other public or private transportation facilities.
 - o. Locations, sizes, and types of signs.
4. Architectural drawings. Architectural drawings, as applicable.
- a. Exterior elevations of all proposed buildings, drawn to a scale of one inch equals ten feet or greater; such plans shall indicate the material, color, texture, shape, and design features of the building, and include mechanical devices not fully enclosed in the building.

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- b. Exterior elevations of other proposed structures, including fences, retaining walls, accessory buildings, and similar structures.
 - c. The elevations and locations of all proposed signs for the development.
 - d. For non-residential developments proposed on properties located in a Historic District, section drawings including exterior walls, windows, projections, and other features, as applicable, and drawings of architectural details (e.g., column width, cornice and base, relief and projection, etc.) drawn to a scale $\frac{3}{4}$ of an inch equals one foot or larger.
5. Preliminary Grading and Drainage Plan. A preliminary grading and drainage plan prepared by an engineer shall be submitted with the application for Site Design Review where a development site is $\frac{1}{2}$ of an acre or larger as deemed necessary by the Staff Advisor. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed, and temporary and permanent erosion control measures. Surface water detention and treatment plans may also be required, in accordance with chapter [18.4.6 Public Facilities](#).
6. Erosion Control Plan. An erosion control plan addressing temporary and permanent erosion control measures, which shall include plantings where cuts or fills (including berms), swales, storm water detention facilities, and similar grading is proposed. Erosion control plans in Hillside Lands shall also conform to section [18.3.10.090 Development Standards for Hillside Lands](#).
7. Landscape and Irrigation Plans.
- a. Landscape and irrigations plans shall include the following information.
 - i. The location, size, and species of the existing and proposed plant materials, and any other pertinent features of the proposed landscaping and plantings.
 - ii. A tree protection and removal plan consistent with chapter [18.4.5](#) for sites with trees that are to be retained, protected, and removed.
 - iii. At time of building permit submittals, an irrigation plan including a layout of irrigation facilities.
 - b. When water conserving landscaping is required pursuant to section [18.4.4.030](#), the landscape plan shall contain the following additional information.
 - i. Information from proposed site plan.
 - ii. Landscape contact person, including address and telephone number.
 - iii. Identification of cut and fill areas.
 - iv. Location of underground utilities and all transformer and utility meter locations.
 - v. Slopes exceeding ten percent and grade changes in root zones of plants to be retained on site.
 - vi. Inventory of existing plant materials on site identifying that will remain and will be removed.

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- vii. Composite plant list including quantity, size, botanical name, common name, variety, and spacing requirements of all proposed plant material.
 - viii. Mulch areas labeled according to material and depth.
 - ix. Shrub and tree planting and staking detail.
 - x. Root barrier design, installation specifications, and details.
 - xii. Design and installation specifications of any proposed tree grates.
- c. When water conserving landscaping is required pursuant to section 18.4.4.030, the irrigation plan included with the building permit submittals shall contain the following additional information.
- i. Information from proposed site plan.
 - ii. Irrigation contact person, including address and telephone number.
 - iii. For lots with a landscaped area greater than 5,000 square feet, a grading plan and topographic map showing contour intervals of five feet or less.
 - iv. Identification of water source and point of connection including static and operating pressure.
 - v. If Talent Irrigation District (TID) is used, list the size and type of filtration method.
 - vi. Area of irrigated space in square feet.
 - vii. Size, type, brand, and location of backflow device, as well as make, model, precipitation rate, and location of sprinkler heads.
 - viii. Layout of drip system showing type of emitter and its outputs, as well as type of filtration used.
 - ix. Piping description including size schedule or class, type of mounting used between piping and sprinkler head, depth of proposed trenching, and provisions for winterization.
 - x. Size, type, brand, and location of control valves and sprinkler controllers.
 - xi. Size, type, depth, and location of materials for under paving sleeves.
 - xii. Type and location of pressure regulator.
 - xiii. Type and location of rain sensor.
 - xiv. Monthly irrigation schedule for the plant establishment period (6 – 12 months) and for the first year thereafter.
 - xv. Water schedule for each zone from the plan.
8. Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in section 18.5.2.050. Specifically, the narrative shall contain the following.
- a. For commercial and industrial developments:
 - i. The square footage contained in the area proposed to be developed.

- ii. The percentage of the lot covered by structures.
 - iii. The percentage of the lot covered by other impervious surfaces.
 - iv. The total number of parking spaces.
 - v. The total square footage of all landscaped areas.
- b. For residential developments:
- i. The total square footage in the development.
 - ii. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, e.g., ten one-bedroom, 25 two-bedroom, etc).
 - iii. Percentage of lot coverage by structures; streets, roads, or drives; public use areas, common area/private recreation areas, landscaping, and parking areas.

18.5.2.050 Approval Criteria

An application for Site Design Review shall be approved if the proposal meets the criteria in subsections A, B, C, and D below. The approval authority may, in approving the application, impose conditions of approval, consistent with the applicable criteria.

- A. Underlying Zone.** The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- B. Overlay Zones.** The proposal complies with applicable overlay zone requirements (part 18.3).
- C. Site Development and Design Standards.** The proposal complies with the applicable Site Development and Design Standards of part 18.4, except as provided by subsection E, below.
- D. City Facilities.** The proposal complies with the applicable standards in section 18.4.6 Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.
- E. Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1 or 2, below, are found to exist.
1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
 2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site

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Development and Design Standards.

18.5.2.060 Public Improvements Guarantee

Public improvements required as part of a Site Design Review approval shall be subject to the performance guarantee and warranty bond provisions of chapter 18.4.6 Public Facilities, as applicable.

18.5.2.070 Expiration and Extensions

Site Design Review approvals are subject to sections 18.1.6.030 Permit Expiration and 18.1.6.040 Permit Extension.

18.5.2.080 Power to Amend Plans

When approving an application to modify a Site Design Review approval pursuant to chapter 18.5.6, the Planning Commission or Staff Advisor may include any or all of the following conditions as they find necessary to meet the intent and purpose and the criteria for approval.

- A. Require the value of the landscaping to be above two percent, but not greater than five percent of the total project costs as determined from the building permit valuation.
- B. Require such modifications in the landscaping plan as will ensure proper screening and aesthetic appearance.
- C. Require plantings and ground cover to be predominant, not accessory, to other inorganic or dead organic ground cover.
- D. Require the retention of existing trees, rocks, water ponds or courses, and other natural features.
- E. Require the retention and restoration of existing historically significant structures on the project site.
- F. Require the City Engineer's approval of a grading plan or drainage plan for a collection and transmission of drainage.
- G. Require the modification or revision of the design or remodeling of structures, signs, accessory buildings, etc., to be consistent with the Site Development and Design Standards.
- H. Require the modification of the placement of any new structures, new accessory uses, parking, and landscaping on the project site to buffer adjacent uses from the possible detrimental effects of the propose development.
- I. Restrict heights of new buildings or additions over 35 feet and increase setbacks up to 20 feet.
- J. Require on-site fire hydrants with protective barricades.
- K. Require the type and placement or shielding of lights for outdoor circulation and parking.
- L. Require new developments to provide limited controlled access onto a major street by means of traffic signals, traffic controls and turning islands, landscaping, or any other means necessary to ensure the viability, safety, and integrity of the major street as a through corridor.

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- M.** Require pedestrian access, separate pedestrian paths, sidewalks, and protection from weather in new developments.
- N.** Require developments to provide access to improved City streets and, where possible, provide access to the lower order street rather than a major collector or arterial street.

18.4.2 – Building Placement, Orientation, and Design

18.4.2.050 Historic District Development

A. Purpose, Applicability, and Background

1. Purpose and Intent. Ashland's Historic District is very important to all of the City's residents. Not only does this area contain the City's beginnings, but it is also the area of some of the most prominent landmarks in Ashland including the Plaza, East Main Street commercial area, Lithia Park, and many important residential districts. For the most part, the main architectural themes have already been laid down and must be considered in the design of any new structures or renovation of existing structures. This does not mean that all new structures must be a lavish imitation of an architectural style whose heyday is past, but sensitivity to surrounding buildings and the existing land use patterns is essential to the successful development.

While it is critical that buildings be made habitable and safe, it is equally imperative that the architectural character of a building be respected in the process of structural improvements. Unfortunately, this has not always been done in Ashland. The architectural merit of a building has too often been sacrificed for a more contemporary design. For this purpose, the following standards were conceived as a guide to design decisions in the hope that the architectural integrity of Ashland's homes and commercial buildings will no longer be unnecessarily lost.

It is suggested that you think of your building as a whole – a single unit with no removable parts. Every change that you make can chip away at the integrity of the whole, like surgery. Efforts to personalize and update the building will leave you with an assortment of miscellaneous parts that bear no relation to each other or to the original design. Wrought iron columns, asbestos shingles, and aluminum frame windows have only one thing in common – the local hardware store. Older buildings in Ashland were built one at a time and such added options can obscure their individuality.

2. Applicability. The City of Ashland has adopted ordinances to assure that all development in the Historic District overlay remains compatible with the existing integrity of the Historic District.

- a. In new construction of single-family residences, the Historic Commission will use these standards to make recommendations to the applicant.
- b. If a development requires a Type I, II, or III review procedure (e.g., Site Design Review, Conditional Use Permit) and involves new construction, or restoration and rehabilitation, or any use greater than a single-family use, the authority exists in the law for the Staff Advisor and the Planning Commission to require modifications in the design to match these standards. In this case the Historic Commission advises both the applicant and the Staff Advisor or other City decision maker.

18.4.2 – Building Placement, Orientation, and Design

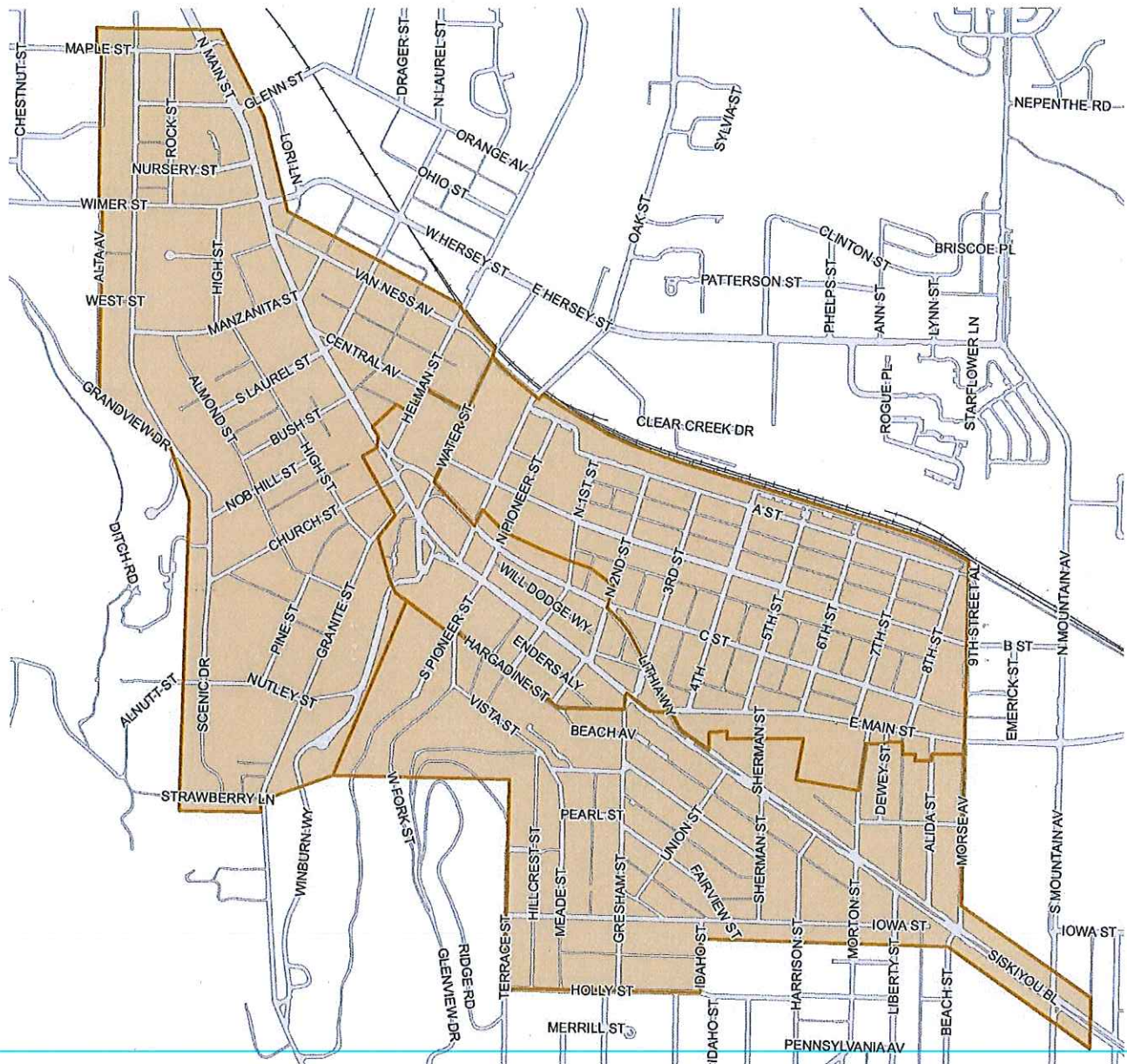


Figure 18.4.2.050
Historic District Overlay

B. Historic District Design Standards. In addition to the standards of part 18.4, the approval authority uses the following standards for new construction, and restoration and rehabilitation of existing buildings within the Historic District overlay.

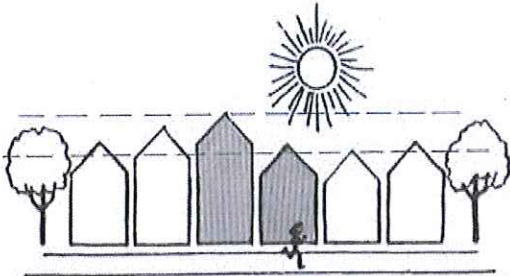
1. Transitional Areas. For projects located at the boundary between zones or overlays, appropriate adjustments to building form, massing, height, scale, placement, or architectural and material treatment may be considered to address compatibility with the transitional area while not losing

18.4.2 – Building Placement, Orientation, and Design

sight of the underlying standards or requirements applicable to the subject property.

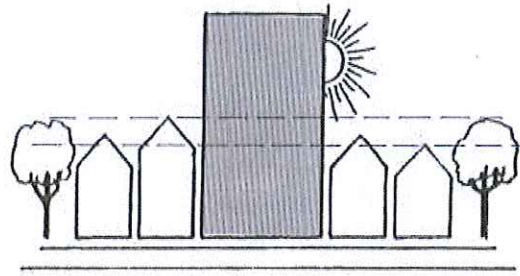
2. Height.

RECOMMENDED



Construct new buildings to a height within the range of historic building heights on and across the street.

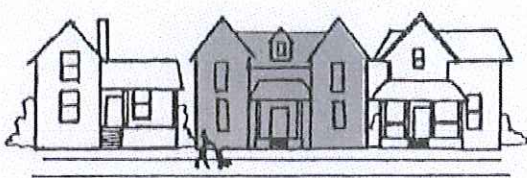
AVOID



New construction that varies in height (i.e., too high or too low) from historic buildings in the vicinity.

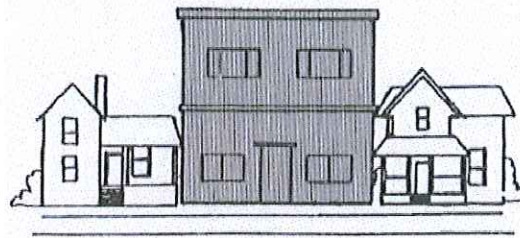
3. Scale.

RECOMMENDED



Height, width, and massing of new buildings conform to historic buildings in the immediate vicinity.

AVOID

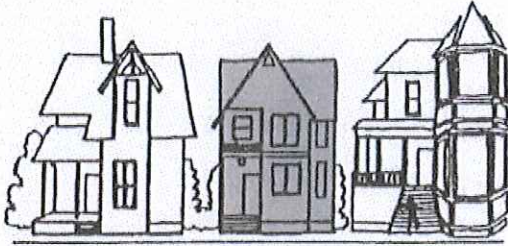


Height, width, or massing of new buildings that is out of scale with historic buildings in the vicinity.

18.4.2 – Building Placement, Orientation, and Design

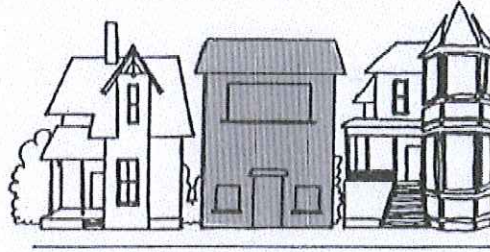
4. Massing.

RECOMMENDED



Small, varied masses consistent with historic buildings in the immediate vicinity.

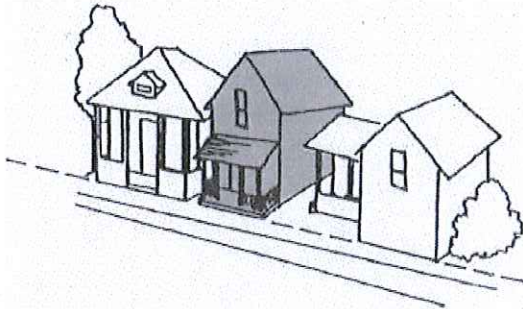
AVOID



Single, monolithic forms that are not relieved by variations in massing.

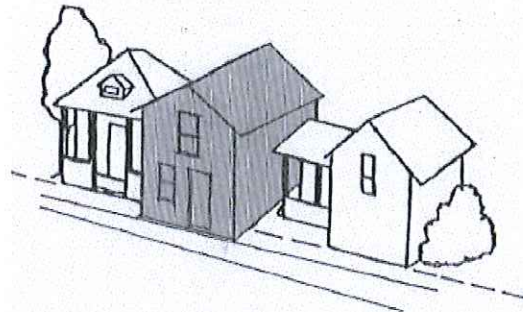
5. Setback.

RECOMMENDED



Front walls of new buildings are in the same plane as facades of adjacent historic buildings.

AVOID

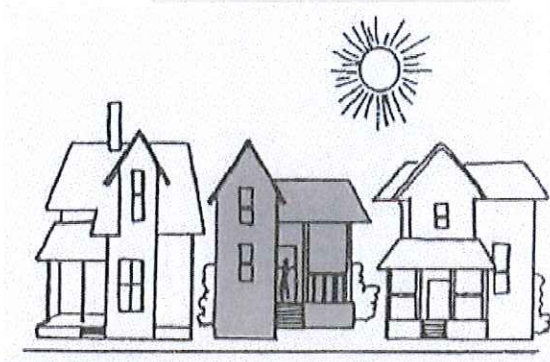


Front walls that are constructed forward of or behind setback line of adjacent historic buildings.

18.4.2 – Building Placement, Orientation, and Design

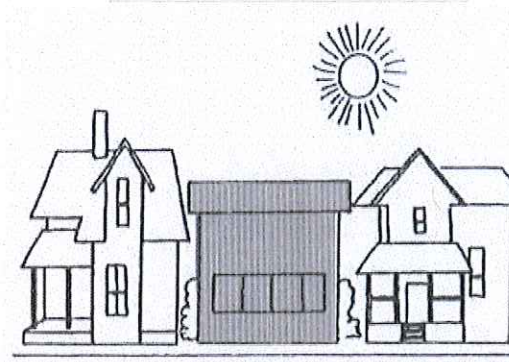
6. Roof.

RECOMMENDED



Roof shape, pitches, and materials consistent with historic buildings in the immediate vicinity.

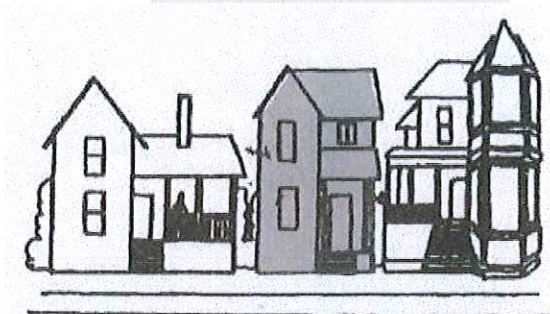
AVOID



Roof shapes, pitches, or materials not historically used in the immediate vicinity.

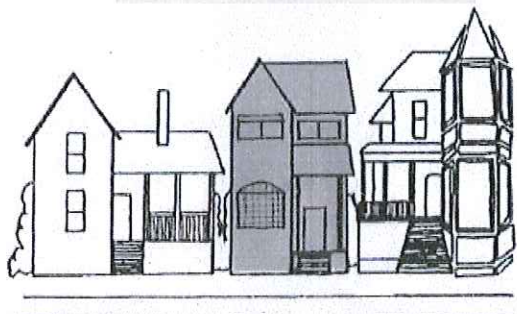
7. Rhythm of Openings.

RECOMMENDED



Pattern or rhythm of wall to door/window openings on the primary façade or other visually prominent elevation is maintained. Maintain compatible width-to-height ratio of bays in the façade.

AVOID

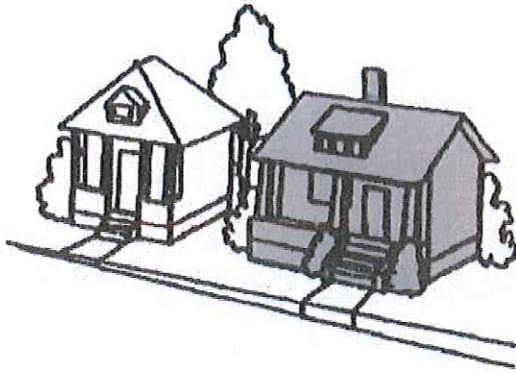


A pattern or rhythm of window/door openings that is inconsistent with adjacent historic buildings.

8. Base or Platforms.

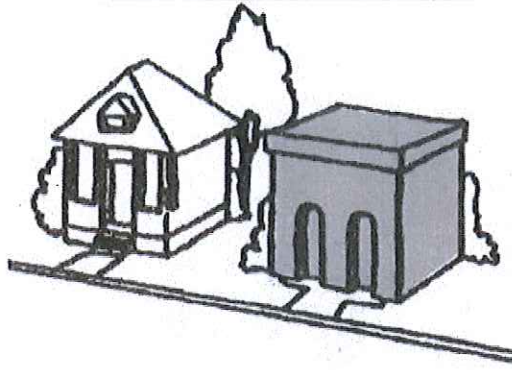
18.4.2 – Building Placement, Orientation, and Design

RECOMMENDED



A clearly defined base, or platform characteristic of historic buildings in the immediate vicinity.

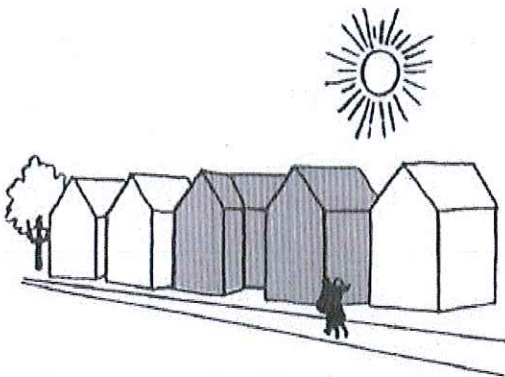
AVOID



Walls that appear to rise straight out of the ground without a distinct platform or base at the ground level.

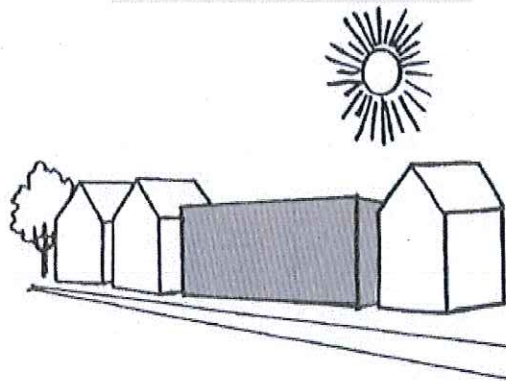
9. Form.

RECOMMENDED



Form (i.e., vertical/horizontal emphasis of building) that is consistent with that of adjacent historic buildings.

AVOID

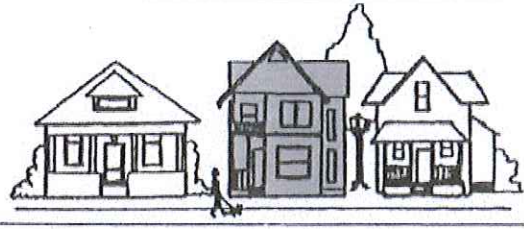


Form that varies from that of existing adjacent historic buildings.

10. Entrances.

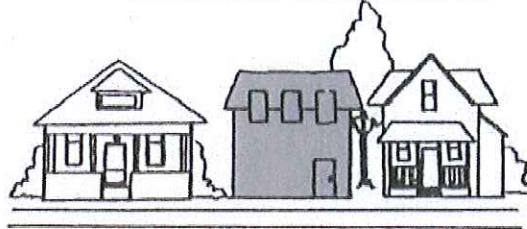
18.4.2 – Building Placement, Orientation, and Design

RECOMMENDED



Well-defined primary entrances with covered porches, porticos, and other architectural features compatible but not imitative of historic counterparts.

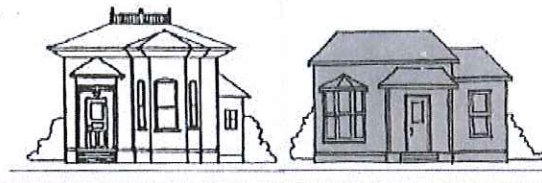
AVOID



Façades with minimally defined primary entrances.

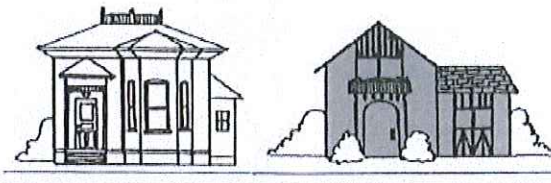
11. Imitation of Historic Features.

RECOMMENDED



Accurate restoration of original architectural features on historic buildings. New construction, including additions, that is clearly contemporary in design, which enhances but does not compete visually with adjacent historic buildings.

AVOID

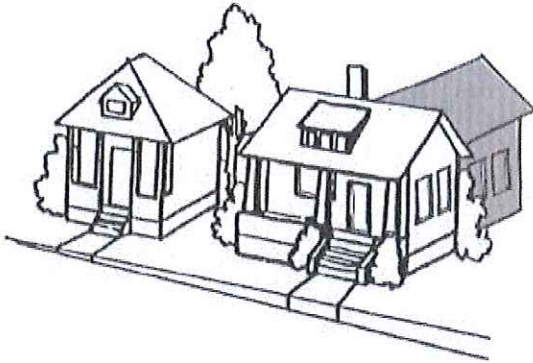


Replicating or imitating the styles, motifs, or details of historic buildings.

18.4.2 – Building Placement, Orientation, and Design

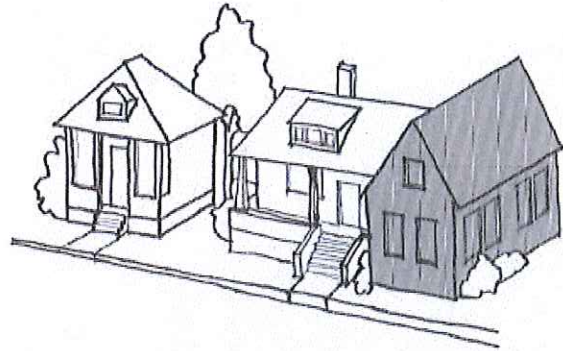
12. Additions.

RECOMMENDED



Additions that are visually unobtrusive from a public right-of-way, and do not obscure or eliminate character defining features of historic buildings.

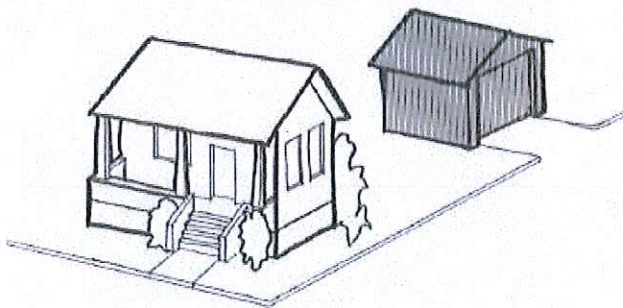
AVOID



Additions on the primary façade or any elevation that is visually prominent from a public right-of-way, and additions that obscure or destroy character defining features.

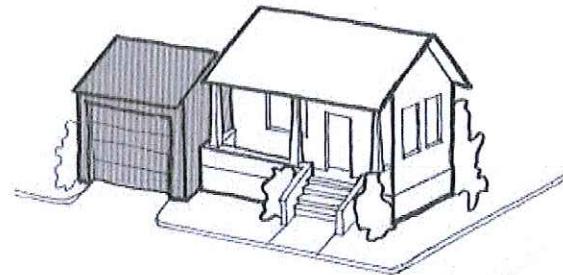
13. Garage Placement.

RECOMMENDED



Garage placed behind the primary historic building with access from a side street or alley if available.

AVOID



Garage placed beside or in front of the primary historic building.

C. Rehabilitation Standards for Existing Buildings and Additions.

1. Purpose. Because there is so much activity these days in the improvement of older housing, new terminology has been introduced. The difference between “restoring”, “rehabilitating”, and “remodeling” may seem academic, but each results in a major difference in the way the job or project may turn out. See also, definitions of restoration and rehabilitation in part 18.6.

18.4.2 – Building Placement, Orientation, and Design

To “restore” is to return a building to its original condition as if it were a precious museum piece. This technique is typically used for structures of particular significance, such as historic landmarks where accuracy will serve an educational purpose as well as a visual one. Restoration is the most painstaking improvement process and usually the most expensive because it requires technical skill and historical precision for successful results. It can involve the removal of extraneous elements as well as the recreation of original features which may have become deteriorated or been destroyed. A fine example of a restoration project in Ashland is the Swedenberg home found on Siskiyou Boulevard. Great care has been taken to assure that the architectural integrity of the building exterior is practically identical to that when it was built in the early 1900s.

Remodeling a building is normally at the opposite end of the improvement spectrum from restoration. Unless it is done with sensitivity, to remodel a building is to redesign it so that the generic features are obliterated and the basic character destroyed in the name of modernization. A remodeling job is often considered a success if the original structure is unrecognizable in the end result. Remodeling is appropriate only for buildings which are not historic and have fallen into a state of disrepair due to vacancy or vandalism. Remodeling can also be a proper course of action when a non-historic structure undergoes a change in use, say from a single-family residence to commercial office space.

Unfortunately, it is quite common for a house to be remodeled and totally divested of its valuable characteristics when conditions do not require such radical treatment. Hence, the expression “remodel” can have bad connotations. To many people it suggests a waste of valuable resources. It is possible, however, to remodel with sensitivity, especially with the help of a talented architect.

To “rehabilitate” is to take corrective measures which will make a structure livable again. Some aspects of rehabilitation entail renovation and the introduction of new elements. For example, it is likely that inadequate electrical circuits would be required to be brought up to code to ensure safety and to provide adequate service for today’s modern appliances. When rehabilitating a building, it is essential to protect those portions or features which convey its historical, cultural, and architectural character. These are the very features through which the visual integrity and the economic value of the building are preserved. Modern elements shall only be introduced when absolutely necessary and in a manner which is sympathetic to the original design. An excellent example of a successful rehabilitation is the Ashland Community Center on Winburn Way.

The rewards of sensitive home improvements are many. First there is the satisfaction of knowing you have done the job right. Second, there is the gratification from compliments of other people who appreciate what you have done. Third, there is the pleasure of living in an attractive, comfortable and historically preserved home. While these benefits are difficult to measure, such restoration or rehabilitation can result in significant economic benefits. A perceptive combination of restoration and remodeling will actually contribute to the resale value of your home. Finally, a good rehabilitation project can be surprisingly influential on an entire neighborhood.

2. Rehabilitation Standards. In addition to the standards of part 18.4, the approval authority uses the following standards for existing buildings and additions within the Historic District Overlay.

18.4.2 – Building Placement, Orientation, and Design

These standards apply primarily to residential historic districts, residential buildings in the Downtown Historic District, and National Register-listed historic buildings not located within the Historic District Overlay. The purpose of the following standards is to prevent incompatible treatment of buildings in the Historic District Overlay and to ensure that new additions and materials maintain the historic and architectural character of the district.

- a. Historic architectural styles and associated features shall not be replicated in new additions or associated buildings.
- b. Original architectural features shall be restored as much as possible, when those features can be documented.
- c. Replacement finishes on exterior walls of historic buildings shall match the original finish. Exterior finishes on new additions to historic buildings shall be compatible with, but not replicate, the finish of the historic building.
- d. Diagonal and vertical siding shall be avoided on new additions or on historic buildings except in those instances where it was used as the original siding.
- e. Exterior wall colors on new additions shall match those of the historic building.
- f. Imitative materials including but not limited to asphalt siding, wood textured aluminum siding, and artificial stone shall be avoided.
- g. Replacement windows in historic buildings shall match the original windows. Windows in new additions shall be compatible in proportion, shape and size, but not replicate original windows in the historic building.
- h. Reconstructed roofs on historic buildings shall match the pitch and form of the original roof. Roofs on new additions shall match the pitch and form of the historic building, and shall be attached at a different height so the addition can be clearly differentiated from the historic building. Shed roofs are acceptable for one-story rear additions.
- i. Asphalt or composition shingle roofs are preferred. Asphalt shingles which match the original roof material in color and texture are acceptable. Wood shake, woodshingle, tile, and metal roofs shall be avoided.
- j. New porches or entries shall be compatible with, but not replicate, the historic character of the building.
- k. New detached buildings shall be compatible with the associated historic building and shall conform to the above standards.
- l. The latest version of the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* shall be used in clarifying and determining whether the above standards are met.

18.4.2 – Building Placement, Orientation, and Design

18.4.2.060 Downtown Ashland

A. Purpose, Intent, and Background.

1. Purpose and Intent. The purpose of the Downtown Design Standards is to respect the unique heritage and to enhance the appearance and livability of the area as it develops and changes. Section 18.4.2.060 implements the Ashland Downtown Plan. The design standards contained in this section are based on the Downtown Plan; where the intent of this section is unclear, the approval authority shall refer to the Downtown Plan in interpreting this section.

Based upon common features found in the downtown, the standards provide a foundation for prospective applicants, citizens, and community decision makers to direct change in a positive and tangible way. It is not the intent of the Downtown Design Standards to freeze time and halt progress or restrict an individual property owner's creativity, but rather to guide new and remodeled proposals to be in context with their historic surroundings. Personal choice should be and can be expressed within the framework of the standards.

While many communities across America are attempting to create or re-create an urban downtown of their own, the Downtown Design Standards attempt to preserve what Ashland already has; a main street historical district with diverse individual buildings that collectively create an organized, coordinated, and ageless rhythm of buildings. As a collective group, the downtown can retain its sense of place, its economic base, its history, and its citizen's vision.

2. History. Ashland's downtown is without doubt the most important 55 acres in the city. For over 100 years, it has been the community's economic center. The downtown boasts one of the most beautiful parks in the country, and the Oregon Shakespeare Festival annually draws thousands of theater goers. Ashland's charm, cultural offerings, and lovely location have not been lost on those who visit, and during the last two decades the City's population has risen from 11,000 to 16,000. However, downtown economic growth has significantly exceeded population growth. The downtown retail spaces have increased, office spaces have doubled and tourist traffic has grown over 600 percent. Downtown automobile traffic has nearly doubled and pedestrian traffic counts have risen over 200 percent to 900 percent.

Such growth demands changes in planning and development, but Ashland's citizens insist that these changes allow the downtown to maintain its integrity and its unique character. Community participation has always been integral to Ashland's development. Citizens' affection for the city and desire to increase the culture, physical grace, and the economy have encouraged residents to support Southern Oregon University, Lithia Park, the Oregon Shakespeare Festival, and numerous other community enterprises and improvements.

Historically the city center, the downtown began at the Plaza area and extended southeast along East Main Street. Only about one-half mile long, the area now extends from the intersection of Helman and North Main Streets on the northwest to the Ashland Library on the southeast. It is approximately one-quarter mile wide and extends from Hargadine Street to "B" Street. Main areas are the Plaza, including the entrance to Lithia Park and Guanajuato Way, the Oregon Shakespeare Festival theaters, the East Main Street business district, the business area around the Ashland Library, Lithia Way/"C" Street, the property surrounding the old armory, and the Newbry property – the large vacant parcel of land bounded by the viaduct and by Helman Commercial, and Water Streets, known as the Water Street Annex.

18.4.2 – Building Placement, Orientation, and Design

Three large historic buildings will probably see more intense uses in the next twenty years – the Masonic Lodge, the Elks Lodge, and the Mark Anthony Hotel. Other buildings will undoubtedly redevelop, and conformance with both the city's historic guidelines and the downtown development criteria should insure that the developments are positive.

This downtown area is the employment center of the community, and in 1988 employed 25 percent of all city employees. Sixty-three percent of these were employed by restaurants, the Oregon Shakespeare Festival, and retail businesses which cater primarily to tourists in the summer months.

With 197 businesses, the downtown is also a thriving business center. The businesses are diverse ranging from light manufacturing and auto repair to tourist gift shops and law offices. Retail businesses comprise most of the square footage and are concentrated along Main Street. Many of these retail businesses are specialty stores which attract consumers throughout southern Oregon and northern California. Catering to the local tourist and regional markets has preserved the downtown's economic vitality and health.

In addition to being the employment and business center, the downtown is also the community's social and arts and entertainment center. Increased pedestrian amenities and bike paths have encouraged residents and tourists alike to enjoy the downtown by foot or bicycle or simply by sitting on the many benches and planters which have been furnished. The Oregon Shakespeare Festival, several smaller theatres, nightclubs, and restaurants provide tourist and residents with numerous opportunities for a pleasurable night out.

The combination of these factors – economic health, cultural artistic offerings, attractiveness, location, and a pleasant pedestrian and bicycling environment – have endowed Ashland with the attractive qualities of a tourist town and the advantages of being a real center for a rural town.

There are, of course, some problems which exist as a result of growth and change. The major problems which have been identified are:

Economic: The need to be less dependent on the tourist industry, particularly a single facet of that sector – the Oregon Shakespeare Festival – and to promote growth in the retail and services sectors, especially those that service the local, tourist, and regional markets.

Automobile and Traffic: Parking is a problem throughout the year, but particularly during the peak tourist summer months. Although facts indicate that parking demand is not entirely met by existing facilities, it may not be financially or environmentally wise to accommodate the highest peak days. As traffic congestion continues to increase, the city and residents will have to adapt to different traffic patterns and use alternative forms of transport in order to alleviate the problem.

Pedestrian Traffic: The substantial increase in pedestrian traffic has spurred improvements in pedestrian amenities such as benches, planter, and fountains to encourage pedestrian flow through the length of the downtown. Ongoing renovation will be needed to help accommodate the ever-growing number of people.

3. Background. The Downtown Design Standards were adopted by the City Council on August 7, 1998 (Ordinance No. 2825).

18.4.2 – Building Placement, Orientation, and Design

B. Applicability. Chapter 18.4.2.060 applies to all development within the Downtown Design Standards overlay as shown in Figure 18.4.2.060.B.

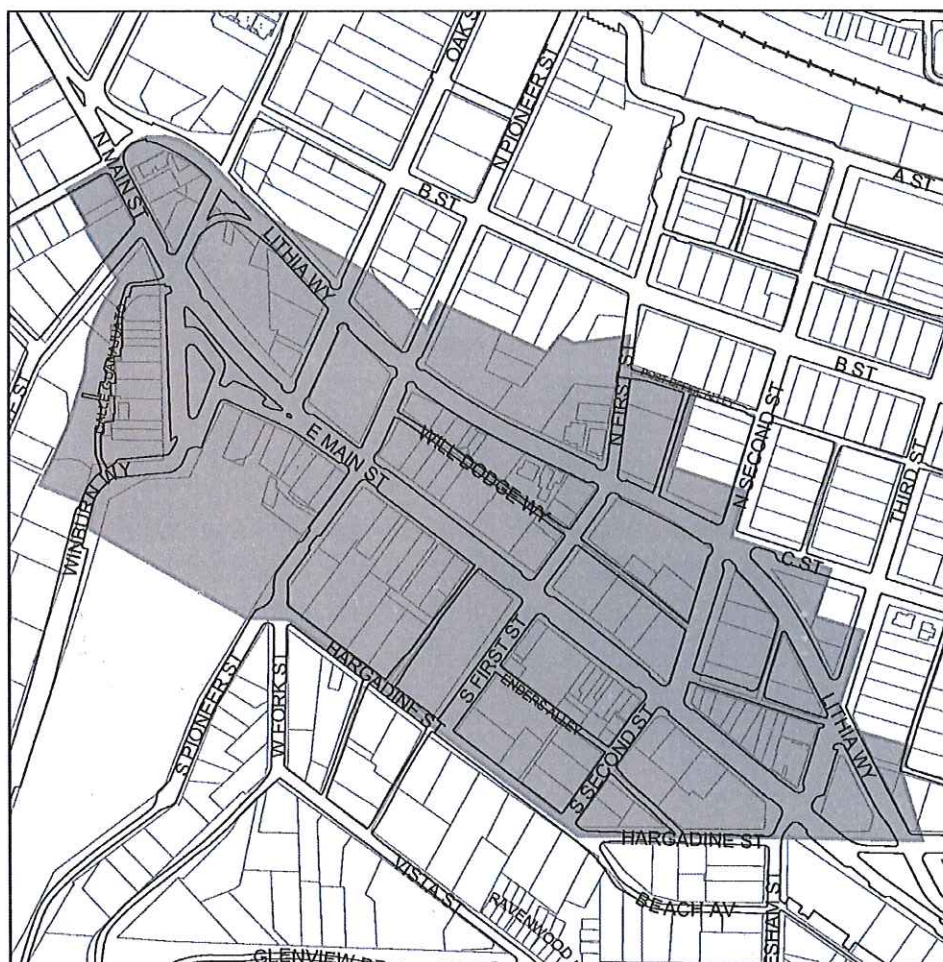


Figure 18.4.2.060.B
Downtown Design Standards Overlay

C. Downtown Design Standards.

1. **Height.** Building height shall vary from adjacent buildings, using either stepped parapets or slightly dissimilar overall height to maintain the traditional staggered streetscape appearance as illustrated in Figures 18.4.2.060.C.1, 5, and 10. Avoid treatment shown in Figure 18.4.2.060.C.3. An exception to this standard would be buildings that have a distinctive vertical division/façade treatment that visually separates it from adjacent buildings. Multi-story development is encouraged in the downtown as illustrated in Figures 18.4.2.060.C 1, 5, 6, and 10.

18.4.2 – Building Placement, Orientation, and Design

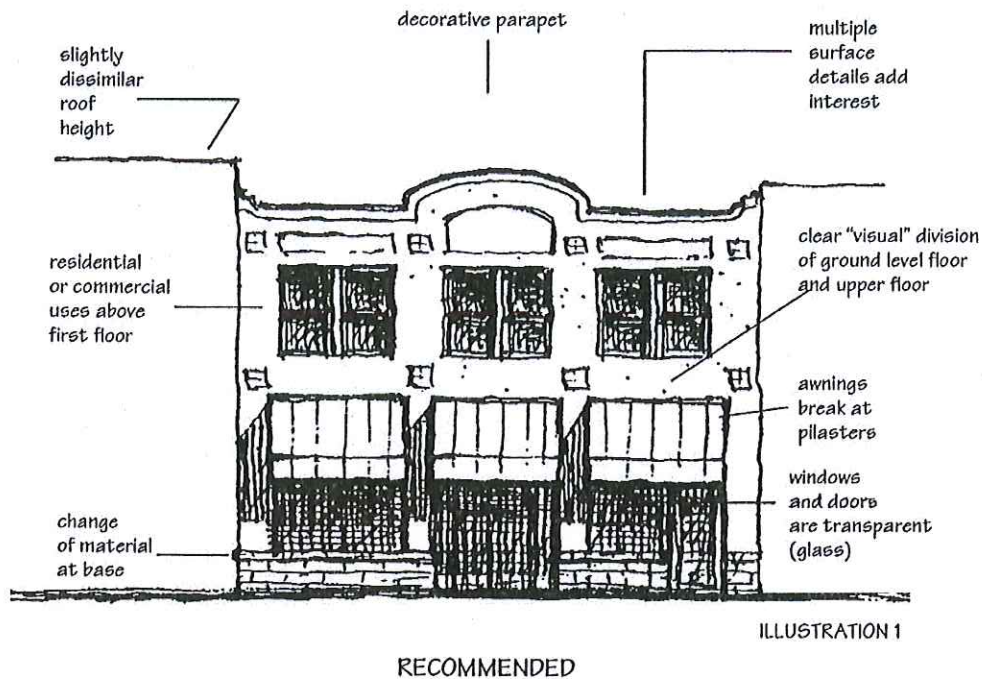


Figure 18.4.2.060.C.1

2. Setback.

- a. Except for arcades, alcoves, and other recessed features, building shall maintain a zero setback from the sidewalk or property line as illustrated in Figures 18.4.2.060.C.2, 5, 6 and 10. Areas having public utility easements or similar restricting conditions shall be exempt from this standard.
- b. Ground level entries should be recessed from the public right-of-way and have detailing and materials that create a sense of entry as illustrated in Figures 18.4.2.060.C.2, 5, 6, and 10. Avoid treatment shown in Figure 18.4.2.060.C.3.
- c. Recessed or projecting balconies, verandas, or other useable space above the ground level on existing and new buildings shall not be incorporated in a street facing elevation. Avoid treatments shown in Figure 18.4.2.060.C.4 and 7.

18.4.2 – Building Placement, Orientation, and Design

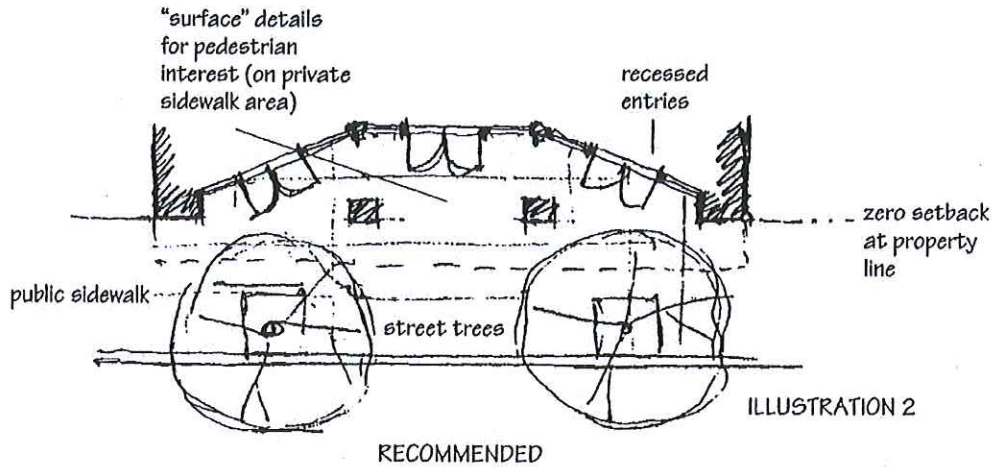


Figure 18.4.2.060.C.2

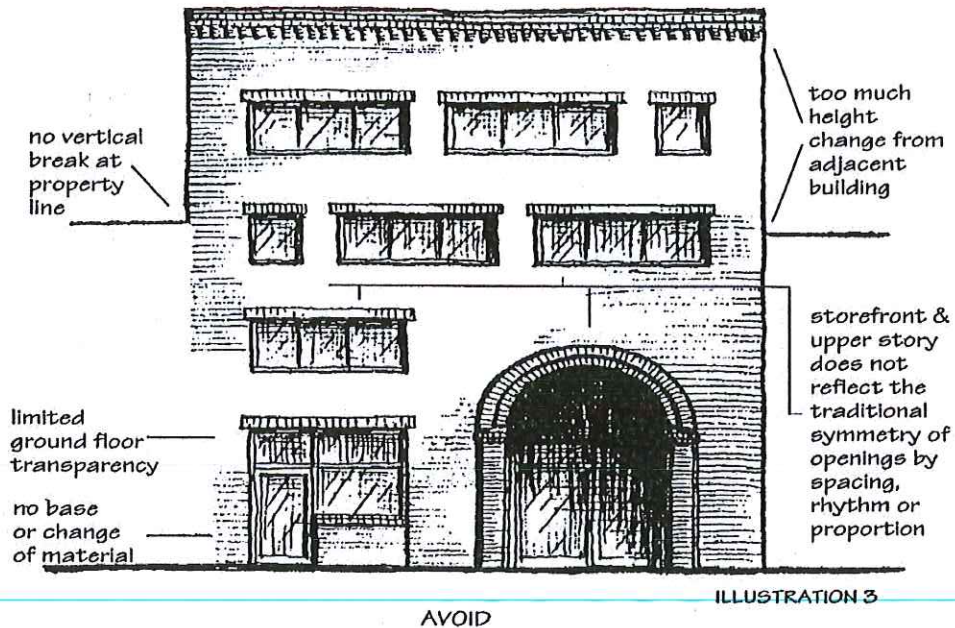


Figure 18.4.2.060.C.3

3. Width

- a. The width of a building shall be extended from side lot line to side lot line as illustrated in Figures 18.4.2.060.C.5. An exception to this standard would be an area specifically designed as plaza space, courtyard space, dining space, or rear access for pedestrian walkways.
- b. Lots greater than 80 feet in width shall respect the traditional width of buildings in the

18.4.2 – Building Placement, Orientation, and Design

downtown area by incorporating a rhythmic division of the façade in the building's design as illustrated in Figures 18.4.2.060.C.5, and 10. Avoid treatment shown in Figure 18.4.2.060.C.3.

4. Openings

- a. Ground level elevations facing a street shall maintain a consistent proportion of transparency (i.e., windows) compatible with the pattern found in the downtown area as illustrated in Figures 18.4.2.060.C.1, 5, 6, and 10.
- b. Scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, column, and other building features shall be visually compatible with the original architectural character of the building as illustrated in Figures 18.4.2.060.C.5 and 6. Avoid treatments shown in Figure 18.4.2.060.C.4 and 9.
- c. Upper floor windows orientation shall primarily be vertical (height greater than width) as illustrated in Figures 18.4.2.060.C.1, 5, and 6. Avoid treatment shown in Figure 18.4.2.060.C.8.
- d. Except for transom windows, windows shall not break the front plane of the building as illustrated in Figure 18.4.2.060.C.5.
- e. Ground level entry doors shall be primarily transparent as illustrated in Figures 18.4.2.060.C.10. Avoid treatment shown in Figure 18.4.2.060.C.4.
- f. Windows and other features of interest to pedestrians such as decorative columns or decorative corbelling shall be provided adjacent to the sidewalk as illustrated in Figures 18.4.2.060.C.1 and 5. Avoid treatments shown in Figure 18.4.2.060.C.4 and 7. Blank walls adjacent to a public sidewalk are prohibited.

18.4.2 – Building Placement, Orientation, and Design

- b. A clear visual division shall be maintained between ground level floor and upper floors as illustrated in Figures 18.4.2.060.C.1, 5, 6, and 10.
- c. Buildings shall provide a foundation or base, typically from ground to the bottom of the lower window sills, with changes in volume or material, in order to give the building a sense of strength as illustrated in Figures 18.4.2.060.C.1, 5, and 10. Avoid treatments shown in Figure 18.4.2.060.C.4 and 8.

6. Vertical Rhythms

- a. New construction or storefront remodels shall reflect a vertical orientation, either through actual volumes or the use of surface details to divide large walls, so as to reflect the underlying historic property lines as illustrated in Figures 18.4.2.060.C.5 and 6. Avoid treatment shown in Figure 18.4.2.060.C.3.

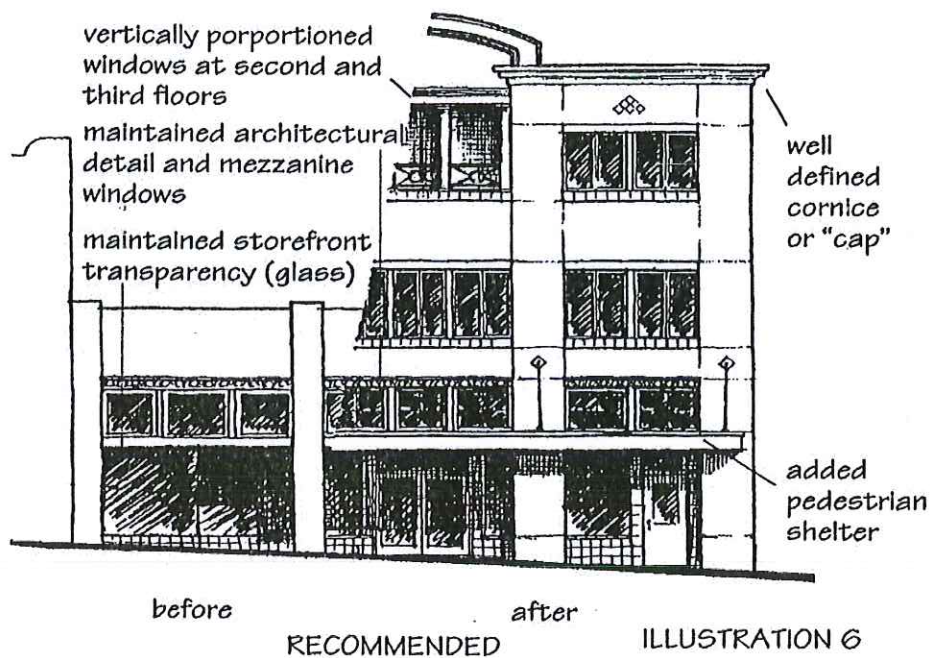


Figure 18.4.2.060.C.6

- b. Storefront remodeling or upper story additions shall reflect the traditional structural system of the volume by matching the spacing and rhythm of historic openings and surface detailing as illustrated in Figure 18.4.2.060.C.6. Avoid treatments shown in Figure 18.4.2.060.C.4 and 9.
7. Roof Forms. Sloped or residential style roof forms are discourage in the downtown area unless visually screened from the right-of-way by either a parapet or a false front. The false front shall incorporate and well defined cornice line or cap along all primary elevations as illustrated in Figures 18.4.2.060.C.1, 5, and 10. Avoid treatment shown in Figure 18.4.2.060.C.7.

18.4.2 – Building Placement, Orientation, and Design

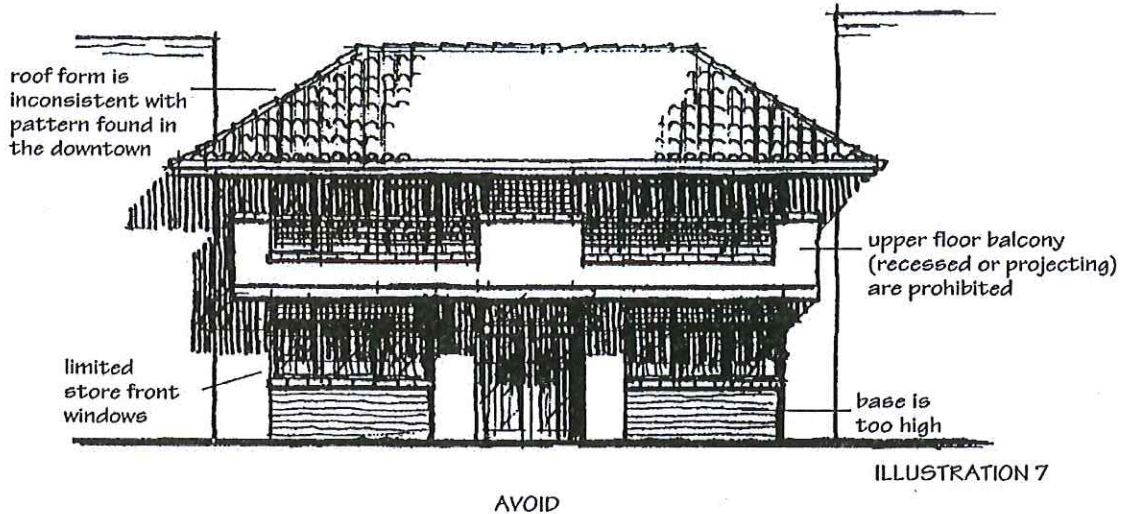


Figure 18.4.2.060.C.7

8. Materials

- a. Exterior building materials shall consist of traditional building materials found in the downtown area including block, brick, painted wood, smooth stucco, or natural stone. Avoid treatments shown in Figure 18.4.2.060.C.4 and 9.
- b. In order to add visual interest, buildings are encouraged to incorporate complex paneled exteriors with columns, framed bays, transoms, and windows to create multiple surface levels as illustrated in Figures 18.4.2.060.C.1, 5, and 10. Avoid treatments shown in Figure 18.4.2.060.C.7, 8, and 9.

18.4.2 – Building Placement, Orientation, and Design

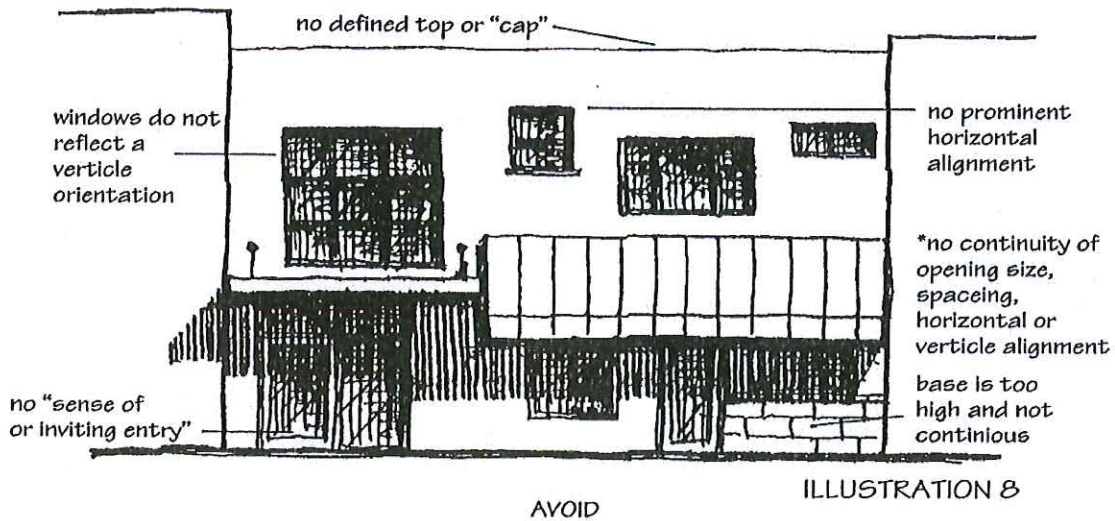


Figure 18.4.2.060.C.8

9. Awnings, Marquees, or Similar Pedestrian Shelters

- a. Awnings, marquees, or similar pedestrian shelters shall be proportionate to the building and shall not obscure the building's architectural details. If mezzanine or transom windows exist, awning placement shall be placed below the mezzanine or transom windows where feasible as illustrated in Figures 18.4.2.060.C.1, 5, 6, and 10. Avoid treatments shown in Figures 18.4.2.060.C.4 and 9.
- b. Except for marquees, similar pedestrian shelters such as awnings shall be placed between pilasters as illustrated in Figures 18.4.2.060.C.1 and 5. Avoid treatment shown in Figure 18.4.2.060.C.9.
- c. Sidewalk coverings along storefronts shall have prominent horizontal lines at similar levels as illustrated in Figure 18.4.2.060.C.5. Avoid treatment shown in Figure 18.4.2.060.C.8.

10. Other

- a. Non-street or alley facing elevations are less significant than street facing elevations. Rear and sidewalls of buildings should therefore be fairly simple (e.g., wood, block, brick, stucco, cast stone, masonry clad, with or without windows).
- b. Visual integrity of the original building shall be maintained when altering or adding building elements. This shall include such features as the vertical lines of columns, piers, the horizontal definition of spandrels and cornices, and other primary structural and decorative elements as illustrated in Figure 18.4.2.060.C.6. Avoid treatments shown in Figure 18.4.2.060.C.4 and 9.

18.4.2 – Building Placement, Orientation, and Design

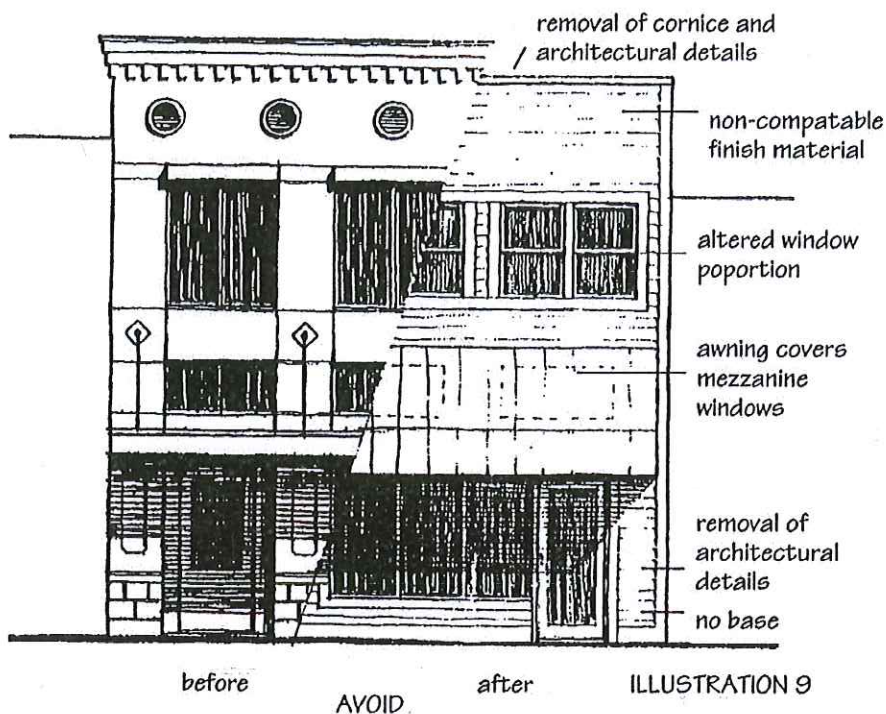


Figure 18.4.2.060.C.9

- c. Restoration, rehabilitation, or remodeling projects shall incorporate, whenever possible, original design elements that were previously removed, remodeled, or covered over as illustrated in Figure 18.4.2.060.C.6. Avoid treatments shown in Figure 18.4.2.060.C.4 and 9.
- d. Parking lots adjacent to the pedestrian path are prohibited. An exception to this standard would be paths required for handicapped accessibility.
- e. Pedestrian amenities such as broad sidewalks, surface details on sidewalks, arcades, alcoves, colonnades, porticoes, awnings, and sidewalk seating shall be provided where possible and feasible.
- f. Uses that are exclusively automotive such as service stations, drive-up windows, auto sales, and tire stores are discouraged in the downtown. The City shall use its discretionary powers, such as Conditional Use Permits, to deny new uses, although improvements to existing facilities may be permitted.

18.4.2 – Building Placement, Orientation, and Design

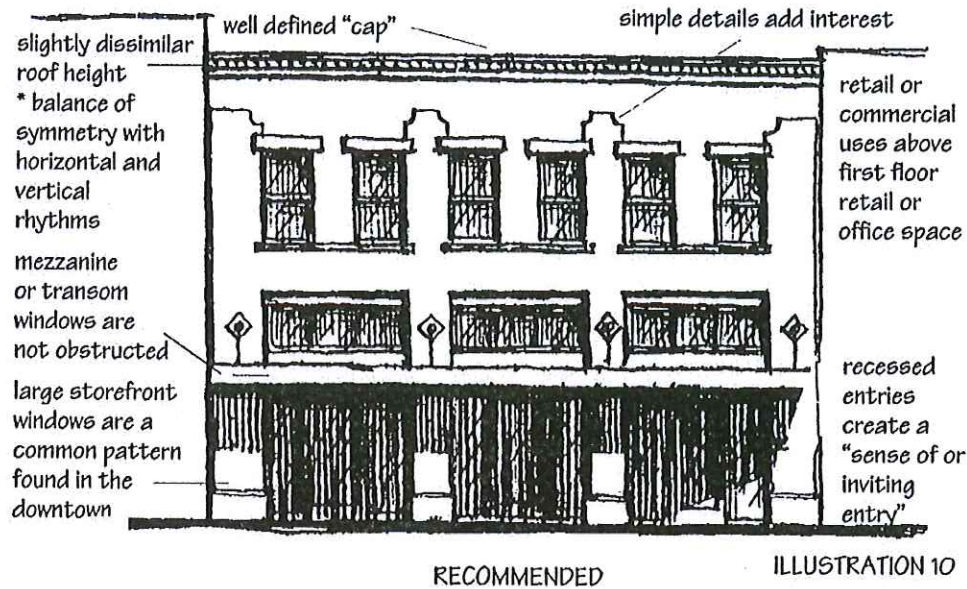
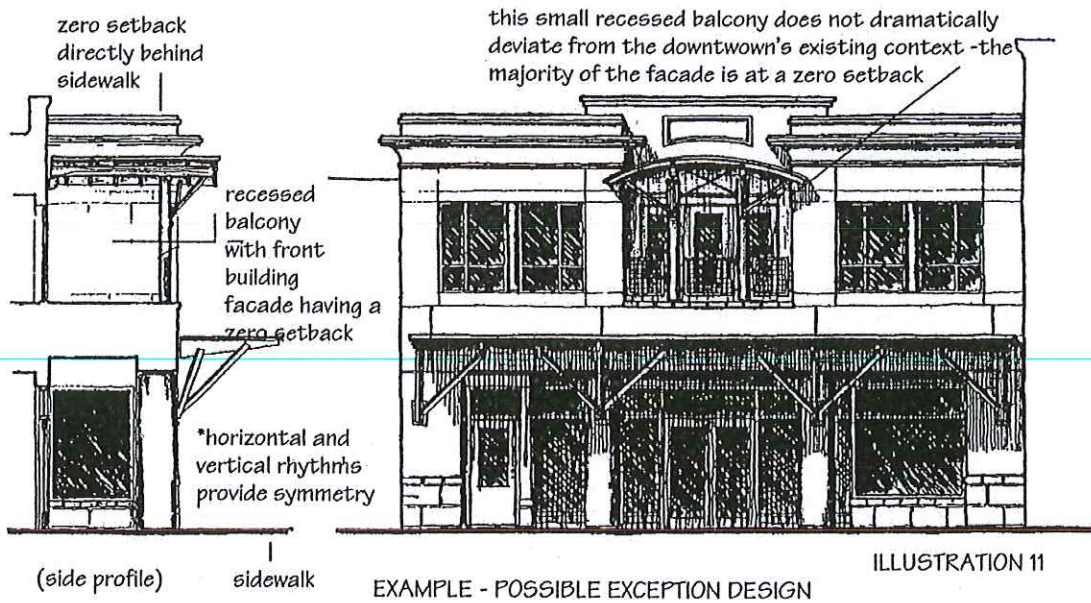


Figure 18.4.2.060.C.10

11. Exception to Standards. An exception to the Downtown Design Standards may be granted pursuant to 18.5.2.050.E Exception to the Site Development and Design Standards.

Figure 18.4.2.060.C.11



2.24 Historic Commission

2.24.010 Established - Membership

There is established a Historic Commission which will consist of nine (9) voting members, and certain non-voting ex officio members including the Chairperson of the Planning Commission, a representative from the Ashland City Council, and a representative of the Ashland Building Division. To qualify the Historic Commission as a Certified Local Government (CLG) Commission, some of the members should meet the professional qualifications under State Historic Preservation Office requirements.

(Ord 3003, 2010)

2.24.040 Powers and Duties - Generally

The powers, duties, and responsibilities of the Historic Commission shall be as follows:

- A. To survey and recommend to the City Council, areas or properties of significant historical value and interest to be designated historical properties;
- B. To draft and recommend ordinances and other measures designed to protect and foster interest in the improvement of designated historical properties;
- C. To review literature and sources of funding concerning the protection and improvement of designated historic properties;
- D. To review and make recommendations concerning the improvement of designated historic properties in connection with the issuance of building permits, zone changes, conditional use permits, variances, sign permits, and site reviews;
- E. To review and recommend project applications for funding;
- F. To promote public support in the preservation of Ashland's historic past;
- G. Advise citizens on aesthetic standards for historic areas.

(Ord 3010, 2010)

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2.29 Public Art

2.29.005 Definitions

A. "Acquisition" means the inclusion of an artwork in the Ashland Public Art Collection by any means including direct purchase, commission or acceptance of a gift.

B. "Artwork" means visual works of public art as defined herein.

C. "Ashland Public Art Collection" means all public art acquired by the City by any means.

D. "Capital improvement program (CIP)" means the city's program for advance planning of capital improvements.

E. "City project" or "project" means any capital improvement project in an amount over \$25,000 paid for wholly or in part by the city of Ashland to purchase or construct any public building, decorative or commemorative public structure, sidewalk, or multi-use pathway construction, park facility construction, or any portion thereof, within the limits of the city of Ashland. "City project" or "project" does not include public utility improvements, (e.g. electric, water, sewer, or stormwater), LID improvements, including but not limited to streets, sidewalks and associated improvements, property acquisition, earth work, emergency work, minor alterations, rehabilitation, minor or partial replacement, remodeling or ordinary repair or maintenance necessary to preserve a facility. Notwithstanding the above limitation, the Council or responsible contracting officer may include any new city street or utility project (limited to water, sewer and storm water projects) in an amount over \$25,000 as a city project under this article, by either vote of the Council or inclusion in the contract solicitation documents prepared by the responsible contracting officer.

F. "Commission" means the Ashland Public Arts Commission created by AMC 2.17.010, consisting of seven members appointed by the mayor and confirmed by the Council.

G. "Eligible funds" means a source of funds for projects from which art is not precluded as an object of expenditure.

H. "Participating department" means the department that is subject to this article by its sponsorship of a city project.

I. "Percent for art" means the program established by this article to set aside a percentage of the total cost of city projects for public art.

J. "Public art" means all forms of original works of art in any media that has been planned and executed with the specified intention of being sited or staged on City Property or on property owned or controlled by the City of Ashland, usually outside and accessible to the public.

K. "Public art account" means the city of Ashland public art account in the city budget established by this article into which all moneys donated, appropriated or derived pursuant to the percent for art program shall be deposited. Funds within the public art account shall be utilized for the purposes outlined in this article.

L. "Removal" means the exclusion of an artwork from the Ashland public art collection by the removal and disposal through any available means, such as relinquishing title through sale, gift or destruction.

M. "Selection Panel" means a group of individuals selected by the Commission that will evaluate the proposals associated with a particular project in a public meeting.

N. "TOT Funds" means the portion of transient occupancy tax funds allocated for public art.

O. "Commercial Development Fee" means funds deposited by a commercial developer into the Public Art account when the developer prefers not to incorporate public art into the project and follow the public art process for art acquisition and approval.

P. "Total cost" means the entire amount of the city' s financial contribution toward construction and maintenance of a project.

(Ord 3003, 2010)

2.29.100 Process for acquiring public art

A. General. The Public Art Commission will call for entries by issuing a request for proposal, a request for qualification or by invitation. The call for entries will include specific guidelines and criteria for the specific project. Every call for entry must comply with the City' s public contracting rules.

1. Acquisition. Acquisition of public art will generally result from:

- a. The commissioning or purchasing of a work of public art by the city using city funds or donated funds, in accordance with public contracting laws and AMC Chapter 2.50; or
- b. An offer made to the city to accept a work of public art as a gift, donation, or loan.

2. Removal. Removal of public art may be by request or owing to some damage or destruction of the artwork.

B. Selection Panel. A selection panel, separate from the Public Art Commission, consisting of art professionals and enthusiasts, residents near the proposed site, community members, and city administrators will be chosen to evaluate the proposals received from artists. A different selection panel shall be chosen for each project by the Commission after the following notifications have been made:

1. An ad is placed in a newspaper of general circulation in the city,
2. Postcards are sent out to all property owners located within 300 feet of the proposed site, and
3. A notice is placed on the city' s website.

The Commission shall pick the Selection Panel by examining applications received from interested parties.

C. Evaluation of Acquisition Proposals. Proposals which meet the minimum requirements set forth in the call for entries will be given to the Selection Panel for review. The proposals for acquisition shall be evaluated based upon criteria set forth in the call for entries at a public meeting. The Selection Panel will evaluate the proposals and make a recommendation to the

Public Art Commission regarding which proposals to accept. The Commission shall forward that recommendation to the City Council for final selection. This ordinance does not exclude land use approval processes when required for the use or structure.

D. Removal and Disposal Process. Except as provided in AMC 2.29.140(B), neither the Council nor the Commission is bound to follow any particular process for removal and disposal of art in the Ashland Public Art Collection.

(Ord 3003, 2010)

2.29.110 Review process for gifts or donations

The Commission may solicit gifts and bequests of public art or funds to benefit the Ashland Public Art Collection. The Council shall decide whether to accept all such gifts of art work on behalf of the city and the Ashland Public Art Collection on its own motion or upon a recommendation by the Commission based on its own evaluation, or by recommendation of the Commission after the Selection Panel has evaluated the artwork using the guidelines in AMC 2.29.130 and the total cost over the life of the artwork.

All art works or funds shall be administered by the city in accordance with its terms. Funds donated to the Commission shall be placed in a special account to be used exclusively for the purposes of the Commission or as designated by the donor. Funds in this account may only be expended after they have been properly budgeted or approved by the city.

(Ord 3003, 2010)

2.29.120 Public Art on Private Property

Before public art can be placed on private property the Commission shall determine whether the site is appropriate for public art under the Site Selection criteria in AMC 2.29.130. If the site is found to be appropriate for public art, the City shall secure authorization to use and access the private property where the public art will be located before the acquisition process for public art is initiated. There shall be a written agreement or legal instrument, granting the City permission and control of the property so that the property can be used for public art purposes, including access for installation, maintenance and removal of the artwork. Public art can then be acquired for placement on private property by following the process for:

- A. Acquisition in AMC 2.29.100, or
- B. Gifts and donations in AMC 2.29.110.

(Ord 3003, 2010)

2.29.130 Guidelines for recommendation by the Commission

A. Selection Guidelines for Works of Public Art.

1. Quality. The artwork should be of exceptional quality and enduring value.

2. **Site.** The artwork should enhance the existing character of the site by taking into account scale, color, material, texture, content, and the social dynamics of the location.
3. **History and Context.** The artwork should consider the historical, geographical, and cultural features of the site, as well as the relationship to the existing architecture and landscaping of the site.
4. **Initial Cost.** The total cost of the artwork, including all items related to its installation, should be considered.
5. **Maintenance and Durability.** The durability and cost to maintain the artwork should be considered and quantified, particularly if the work is servicing, repainting, repairing or replacement of moving parts.
6. **Permanence.** Both temporary and permanent art works shall be considered.
7. **Media.** All forms of visual media shall be considered, subject to any requirements set forth by city ordinance.
8. **Public Liability.** The artwork should not result in safety hazards, nor cause extraordinary liability to the city.
9. **Diversity.** The artwork in the Ashland Public Art Collection should encourage cultural diversity.
10. **Commercial Aspect.** The artwork shall not promote goods or services of adjacent or nearby businesses.
11. **Compliance.** Artworks shall not violate any federal, state, or local laws, including specifically AMC Chapter 18.96.

B. Guidelines for Site Selection.

1. **Ownership or Control.** Public art should be placed on a site owned or controlled by the city, or there should be a written agreement or legal instrument, granting the City permission to use the property for public art purposes, including access for installation, maintenance and removal.
2. **Visual Accessibility.** Public art should be easily visible and accessible to the public.
3. **Visual Enhancement.** Public art should visually enhance the overall public environment and pedestrian streetscape.
4. **Pedestrian Accessibility.** Public art should experience high levels of pedestrian traffic and be part of the city's circulation paths.
5. **Circulation.** Public art should not block windows, entranceways, roadways or obstruct normal pedestrian circulation or vehicle traffic.
6. **Scale.** Public art should not be placed in a site where it is overwhelmed or competing with the scale of the site, adjacent architecture, large signage, billboards, etc.

(Ord 3003, 2010)

2.29.140 Standards for the Ashland Public Art Collection

A. Acquisitions. The following minimum standards and criteria shall apply to the acquisition of artworks.

1. Artworks may be acquired by direct purchase, commission, gift or any other means.
2. Acquisition, whether by direct purchase, commission, gift, or otherwise, shall occur by a legal instrument of conveyance or other writing transferring title of the artwork to the City and clearly defining the rights and responsibilities of all parties.
3. The city shall obtain the rights of ownership and possession without legal or ethical restrictions on the future use of the artwork upon final acceptance of the artwork, except where expressly provided in the contract with the artist. The artists shall retain all rights and interests in the artwork except for the rights of ownership and possession.
4. The City shall only acquire artworks if: 1) the artist warrants that he will not make a duplicate of the artwork, or permit others to do so, without written permission by the City, and 2) the artist gives permission to the City to make a two-dimensional reproductions as long as all such reproductions provide the copyright symbol, name of the artist, title of the artwork, and the date of completion.
5. Complete records, including contracts with artists, shall be created and maintained for all artworks in the Ashland Public Art Collection.

B. Removal.

1. The Commission may recommend removal and/or disposal based on one or more of the following conditions. No public hearing is required for a removal recommendation.
 - a. The site for an artwork has become inappropriate because the site is no longer accessible to the public or the physical site is to be destroyed or significantly altered.
 - b. The artwork is found to be forged or counterfeit.
 - c. The artwork possesses substantial demonstrated faults of design or workmanship.
 - d. The artwork causes excessive or unreasonable maintenance.
 - e. The artwork is damaged irreparably, or so severely that repair is impractical.
 - f. The artwork presents a physical threat to public safety.
 - g. The artwork is rarely displayed.
 - h. A written request for removal has been received from the artist.
2. Council Removal Process.
 - a. On its own motion, or following receipt of a recommendation from the Commission the Council may remove and dispose of any artwork previously accepted into the Ashland Public Art Collection in their sole discretion.

b. Acceptance or placement of donated art by the city does not guarantee continuous public display of the artwork regardless of physical integrity, identity, authenticity, or physical condition of the site.

c. Removal officially deletes the work from the city of Ashland Public Art Collection by a relinquishment of title to the artwork; thus, eliminating the city's obligation to maintain and preserve the artwork.

d. Notwithstanding the above, Artwork shall be disposed of in accordance with any specific terms for removal and disposal set forth in the contract with the Artist.

3. Removal and Disposal.

a. The city may donate the artwork to another governmental entity or a nonprofit organization.

b. A work that is deemed to have retained sufficient monetary value to warrant resale, shall be disposed of through a public sale, auction, or any other means as established by city ordinance.

c. Artworks removed from the Ashland Public Art Collection may be disposed of through any appropriate means, including the city's procedures for the disposition of surplus property.

C. Borrowing of Artworks.

1. The Commission may also recommend artworks be borrowed.

2. With the exception of ownership, the eligibility, review criteria, and procedure for borrowed works shall be the same as those established in this article for acquisition.

3. The borrowing of artworks shall be pursuant to written agreement between the city and the artist.

4. Nothing herein prohibits the city from securing other works of art or art exhibitions for display inside its facilities.

(Ord 3003, 2010)

2.29.150 Maintenance of the Ashland Public Art Collection

A. Except where expressly provided in a contract or warranty for public art the city shall be responsible for all maintenance of all artworks in the Ashland Public Art Collection.

B. Within the limitation of the city budget the city shall provide necessary and appropriate maintenance of the Ashland Public Art Collection, including, but not limited to, regular custodial care and landscape maintenance. Maintenance shall be performed in accordance with any special instructions or procedures necessary for the preservation of the work.

C. Any evidence of damage, deterioration, vandalism or theft of artworks in the Ashland Public Art Collection shall be immediately reported to the appropriate City Department. City staff shall keep the Commission and Council informed of damage to City property.

(Ord 3003, 2010)

2.29.160 Parks Commission

The standards and procedures in this article are in addition to, not in derogation of, the Ashland parks commission review responsibilities for projects proposed in city parks. Nothing herein exempts public art projects from compliance with all applicable federal, state, and local laws including, but not limited to, land development regulations and building code compliance.

(Ord 3003, 2010)

2.29.170 Development of guidelines

The Commission shall have the ability to establish further guidelines concerning its operations; however, only the criteria and processes of this ordinance will be legally binding.

(Ord 3003, 2010)

2.29.180 Creation, funding and use of Ashland public art account

A. Establishment. The Council hereby establishes a separate account entitled the Ashland public art account to be reflected in the city budget. All funds donated, appropriated or generated for the purpose of public art acquisition and education shall be deposited in this account and used solely for such purposes, in accordance with this article and other applicable law. Funds generated pursuant to the Commercial Development Fee in lieu established in Chapter 18, as well as the Transient Occupancy Tax Resolution authorized in Chapter 4.24, and the Percent for Art dedication in this section shall all be deposited into the Ashland Public Art Account.

B. Permitted Purposes of Public Art Account. The public art account shall be used solely for the acquisition, placement, maintenance, and removal of artworks for inclusion in the Ashland Public Art Collection and for art education purposes, such as community outreach presentations and workshops, in accordance with the provisions of this article and other applicable law.

C. Requirement for Dedication of a Percent for Art. Any city official or employee who authorizes or appropriates expenditures on behalf of a participating department for a city project shall, to the degree that there are eligible funds, include within the budget for the project a monetary contribution for the public art account equal to one-half percent (0.5%) of the total cost of the project.

1. One-half percent (0.5%) of the total cost of a qualifying city project shall be dedicated to the public art account. Such funds shall be deposited into the public art account by the city official or employee acting on behalf of the participating department no earlier than the time that budgeted funds are encumbered for construction of the city project and no later than final inspection of the completed city project.

2. The participating department shall consider the siting of public art as part of the design and engineering phase of any city project. If costs are incurred by the

participating department to comply with this article requirement prior to transfer of the one-half percent (.5%) dedication for the city project to the public art account, the participating department may deduct such costs (not to exceed one-half percent) from the one-half percent (.5%) dedication at the time such funds are transferred.

D. Restricted Funds. If funding for a particular city project is subject to legal restrictions that preclude public art as an object for expenditure, the portion of the city project that is funded with the restricted funds shall be exempt from the dedication requirements of this article.

E. Phased Projects. As a general rule, where a city project will be constructed in phases, the one-half percent (0.5%) dedication shall be applied to the estimated total cost of each phase of the city project at the time that funds for the phase are appropriated and encumbered. However, nothing in this section prevents the Council from deciding to hold or set aside all or part of the entire dedication from the funds of a particular phase, as the Council deems appropriate. In determining when to hold or set aside the funds for a phased project, the city will consider an overall public art plan for the project to ensure that art is not located on a piecemeal basis with phase construction.

F. Monetary contributions for public art shall be deposited in separate accounts within the public art account if separate accounting is deemed appropriate by the Administrative Services Director (Finance) or is required by law.

G. Monetary contributions or appropriations made other than through the percent for art program shall be deposited in the public art account and may be dedicated to or earmarked for a specific education program or work of art, subject to acceptance by the Council.

H. Disbursements from the public art account shall be made only after authorization of the City Administrator or the Administrative Services Director (Finance), and shall be made according to this article and other applicable city ordinances, including but not limited to the public contracting code (AMC Chapter 2.50).

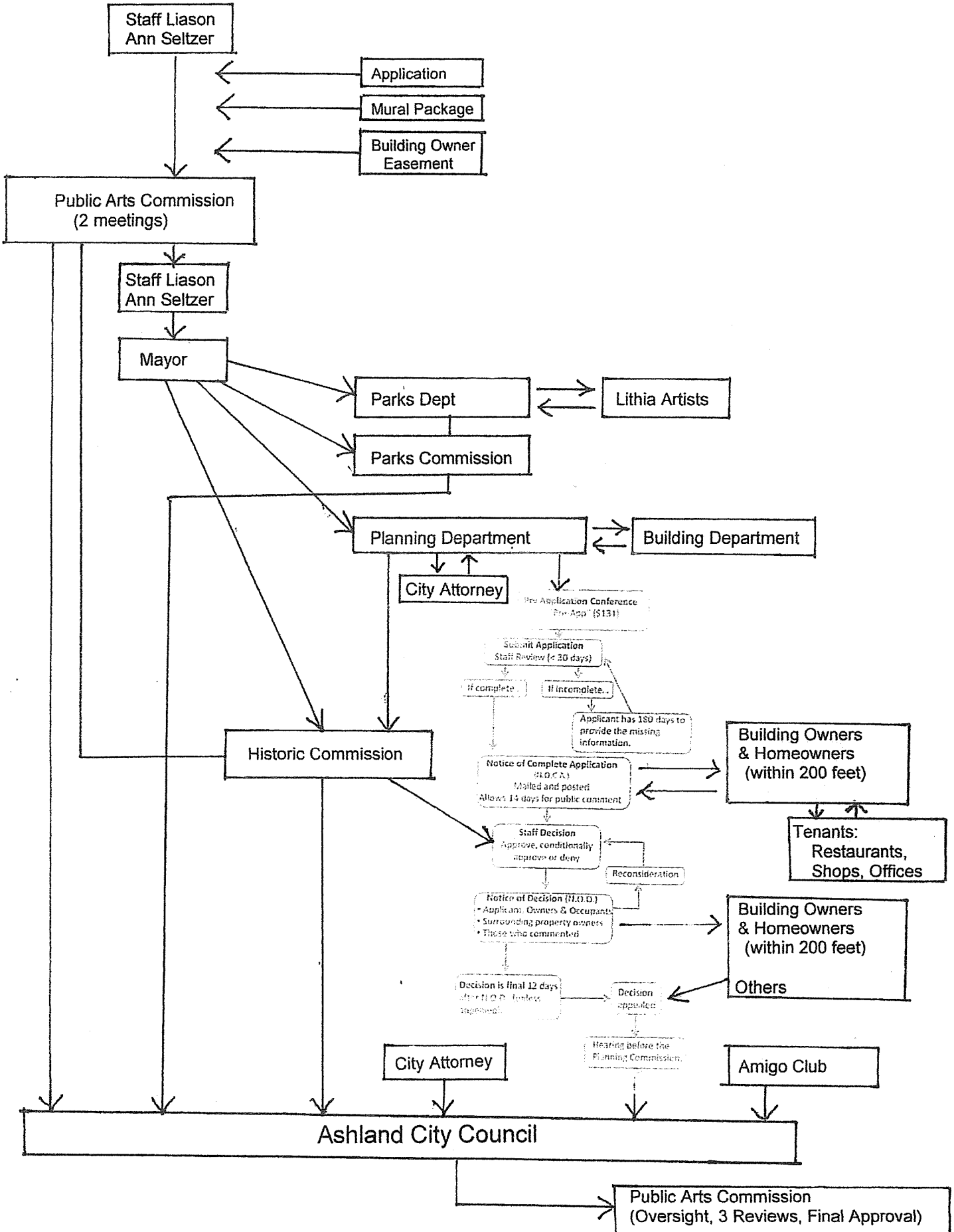
I. The Council may adopt by resolution case specific waivers or guidelines for administration of the percent for art program, including case-by-case waivers of the required dedication set forth herein based on the availability of public funds, as well as any other matters not specifically addressed herein and appropriate or necessary to the administration of the program.

(Ord 3003, 2010)

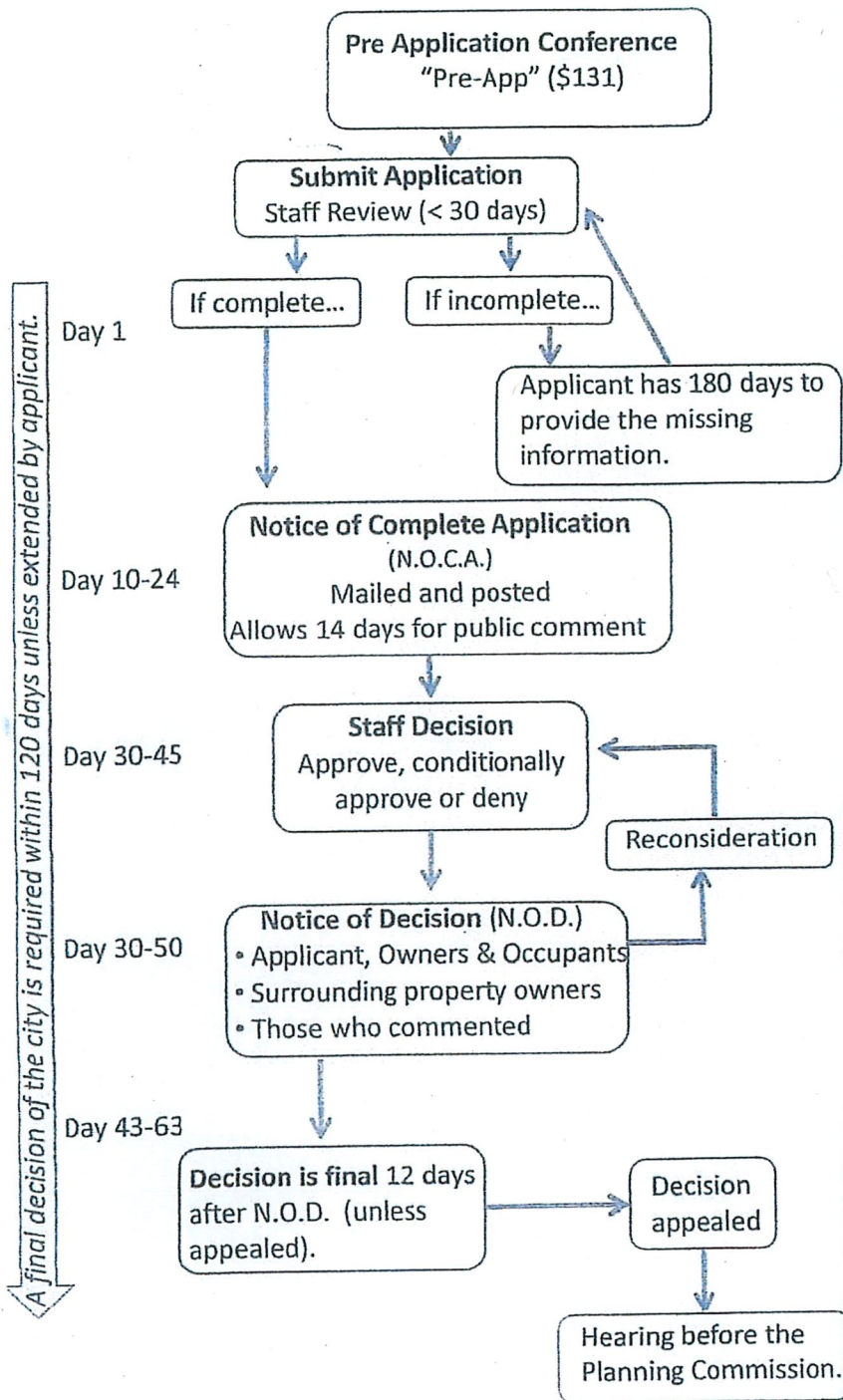
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Barry Thalden
6.20.16

Guanajuato Mural Approval Process



Type I - Site Development Review



A pre-application conference is required and valid for six months. Conferences are Wednesday afternoons, as available, and must be scheduled at least two weeks in advance.

Fees must be paid upon submission of the application. Planning staff review the application and determine if it is complete and inform the applicant within 30 days of submittal. (See LUO 18.5.1.090)

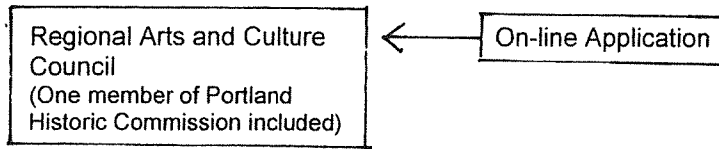
Within ten days of completeness determination, written notice will be mailed to the applicant, owners of the property, and property owners within 200 feet of the property. A clearly visible notice will be posted on the property by City staff. These notices allows 14 days for the submission of written comments. (See LUO 18.5.1.050.B.)

Within 45 of a completeness determination, but not less than 20 days after the N.O.C.A., a decision is made. Within 5 days of the decision, the City will mail notice of the decision (N.O.D.) to the applicant, owner and occupants of the property and any group or individual who submitted written comments. Planning Director can reconsider a decision pursuant to LUO 18.5.1.050.C & D.

Decision is final 12 days after N.O.D., unless there is an appeal. An appeal must be requested within 11 days of N.O.D. with an appeal fee of \$150. Appeals are heard by the Planning Commission at the next regular Planning Commission meeting, which is the final decision of the City for Type I's. Further appeals are to the State Land Use Board of Appeals (LUBA). (See LUO 18.5.1.050.G)

Portland Mural Approval Process

(If in a designated Historic district)



If approved, matching funds
available up to \$15,000

Memo

DATE: October 12, 2016

TO: Ashland Mayor and City Council

FROM: Ashland Historic Commission

RE: Proposed amendments to review process for public art installations on historic contributing buildings

The Historic Commission reviewed and discussed the proposed amendments to the review process for public art installations on historic contributing or individually listed buildings at the October 5, 2016 meeting. The Commission appreciates the City Council's interest in maintaining the City's historic preservation program while integrating public art into the historic districts.

The Historic Commission's preferred solution is to maintain the review of changes to the exterior of historic contributing or individually listed buildings involving public art installations in the land use process. The Oregon Statewide Planning Program requires local governments to adopt programs to protect historic resources. In addition, historic resources that are listed on the National Register of Historic Places are identified as historic resources of statewide significance and given the highest level of protection. Ashland's four historic districts, Downtown, Railroad Addition, Skidmore Academy and Siskiyou-Hargadine, were listed on the National Register of Historic Places from 1999-2001.

The Historic Commission believes that the structure of the land use process works well to protect Ashland's inventoried historic resources in large part because of the opportunities for public input and application of approval criteria. The noticing process, the public hearing at the Historic Commission and the ability to request a public hearing at the Planning Commission ensures that interested community members have the chance to comment in a fashion that is focused on the preservation of the historic building. Additionally, the land use process requirement to apply approval criteria in a systematic manner focuses the review on maintaining the significant architectural features of historic contributing buildings and the character of the historic districts, rather than involving an evaluation of the public art proposal. The Historic Commission supports the inclusion of a set of public art installation standards for historic buildings in the land use ordinance as suggested in the attached staff memo.

The Historic Commission's second choice would be to create a new review process for public art installations on historic contributing or individually listed buildings. Again, the Commission suggests the inclusion of revised approval criteria so that the impact to historic buildings are systematically evaluated and the City's responsibility to protect historic resources of statewide significance are fulfilled. While the existing process for acquiring public art in AMC 2.29.100 does not currently include a public notice or explicitly require a public hearing, it does appear the intent of the proposed amendments is to include a noticing and hearing process similar to a Type 1 land use application review process.



The Historic Commission identified several concerns with the draft amendments included the references to the land use ordinance in AMC 2.24.060.A and C, the role of the Historic Commission comments in the decision making process, and the effect of the compression of the decision making process to 30 days.

If a new review process is created outside of the land use ordinance, the Commission suggests locating the revised evaluation criteria and public involvement process within the new process, rather than referencing the building design and Type 1 noticing sections of the land use ordinance. This would make the process more understandable and eliminate any question of whether referencing sections of the land use ordinance would trigger the land use process.

The Historic Commission is accustomed to advising the decision maker, such as the Staff Advisor, Planning Commission or City Council, in regards to buildings in the historic districts. The Commission suggests fashioning the new process so that advisory commissions (i.e., Historic Commission, Public Arts Commission) make recommendations directly to the City Council.

Finally, the Commission expressed concern about reducing the time frame from a maximum of 120 days under the land use process to 30 days under the new process. Specifically, the concern was the effect on public involvement and ability of the average person to learn about and participate in the process in this time frame. The applications for the murals on the historic contributing buildings located at 27 Second St. and 5 N. Main St. were processed and approved within the 45-day time period required for Type 1 planning applications.

Thank you for the opportunity to review and make comments on the proposed ordinance amendments involving historic contributing and individually listed buildings. The Historic Commission requests that the ordinance amendments move forward as one complete package and include a set of specific evaluation criteria to assess potential impacts associated with placement of public art on historic structures. The Commission would appreciate additional time to further develop the evaluation criteria.

ATTACHMENTS

October 5, 2016 Historic Commission packet




October 5, 2016
Historic Commission Packet



Memo

DATE: 9/28/2016

TO: Ashland Historic Commission

FROM: Maria Harris, Planning Manager 

RE: Review process and standards for public art installed on historic contributing buildings

SUMMARY

The City Council is scheduled to discuss mural guidelines at the October 3, 2016 study session and to review proposed ordinance changes regarding the review process for public art installed on the exterior of a historic contributing or individually listed structure at the October 18, 2016 meeting. Specifically, the proposed ordinance changes include removing review of public art installations on historic contributing buildings from the land use process and adding a review process to the Historic Commission and Public Art sections of the Ashland Municipal Code (AMC).

Concerns about the land use process were raised during the planning application review for the installation of the mural on the historic contributing building located at 5 N. Main St. [Wietzel's (Parkview) Department Store]. The City Council reviewed the item at the June 20, 2016 study session and concerns were raised about the current ordinance adding complexity to the process, the application fee and potential for an appeal as part of the land use process. The Council asked that the Historic and Public Arts Commissions review the concerns and make recommendations to address the issues.

BACKGROUND

The land use ordinance was amended in 2009 to require Site Design Review of the installation of public art on the exterior of a historic contributing or individually listed structure. At the time, there was a proposal to install a series of panels to the City Hall building, which is identified as a primary contributing structure in the Downtown Historic District. Later, the public art installation was located on Siskiyou Boulevard and attached to the retaining wall in front of the Ashland Public Library. At the time, the concept of attaching or altering the exterior of a historic building was new to the community. Through the course of discussion regarding the City Hall proposal, the lack of a review process and standards to address the impacts to historic contributing structures was identified.

The Oregon Statewide Planning Program under Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces requires local governments to adopt programs to protect historic resources for present and future generations and require local jurisdictions to adopt policies and ordinance provisions which ensure preservation of the inventoried resource sites. Ashland's four historic districts, Downtown, Railroad Addition, Skidmore Academy and Siskiyou-Harradine, were included in the Ashland



Comprehensive Plan in 1982 and inventoried shortly after that. Later, the inventories were updated from 1999-2001 as part of the process of listing the districts on the National Register of Historic Places. Additionally, the City of Ashland became a Certified Local Government (CLG) in 2000. The CLG program is a federal program that is designed to promote historic preservation at the local level. Participating communities are eligible to apply for grants from the CLG program and in return agree to establish a historic preservation commission and pass a preservation ordinance that outlines how local government will address historic preservation issues.

Staff reviewed the standards in several cities in Oregon for public art alterations of the exterior of structures in historic districts. Most of the language addresses murals that are either painted on a building or painted on panels affixed to a building. The results are summarized in the table below.

City	Public Art Allowed on Historic Contributing Buildings	Notes
Portland	No (murals)	<p>Murals permitted on noncontributing buildings in historic districts</p> <p>Murals on noncontributing buildings are not permitted on street-facing wall in Central City, unless building is more than 20 feet away from the street</p>
Salem	No (murals)	<p>Murals also prohibited on historic noncontributing buildings</p> <p>Murals permitted on nonhistoric, noncontributing buildings in historic districts</p> <p>Murals not permitted on a building façade in historic districts</p>
Milwaukie	No (murals)	Murals permitted on noncontributing buildings in historic districts.

PROPOSED ORDINANCE AMENDMENTS

Staff reviewed the proposed ordinance amendments and recommends developing a set of evaluation criteria for public art installation proposed to the exterior of historic contributing structures. Additionally, staff recommends locating the evaluation criteria with the new process in AMC Title 2 rather than in AMC Title 18 Land Use.

The current draft refers to the Building Placement, Orientation, and Design Standards in AMC Chapter 18.4.2. While the standards in AMC 18.4.2 address significant and character-defining architectural features of a building, a more specific set of standards could be tailored to address the potential impact of a change to the exterior of a historic contributing structure through the installation of public art. In addition, there is some question whether referencing a portion of Title 18 Land Use as part of the review process would trigger a land use review process. Locating the evaluation criteria with the new process would eliminate this ambiguity and at the same time make the process more understandable and approachable for the average person.



The purpose of the evaluation criteria for a public art installation to the exterior of historic contributing structures is to ensure that the physical character of the historic district is preserved through additional public oversight, while still supporting artistic and creative expression found in public art. Specifically, the criteria should focus on assessing the degree to which the public art installation covers or detracts from significant or character-defining architectural features of a historic contributing building.

The following list of evaluation criteria is drawn from the historic preservation and public art standards from other Oregon cities. A set of criteria could be used to evaluate a proposal to install public art on the exterior of a structure listed on the National Register of Historic Places or to a contributing property located within a Historic District on the National Register of Historic Places. The assumption is that the definition of public art would also include murals. The information is presented for discussion purposes.

A. Location

1. The location of public art on the building should not cover or detract from significant or character-defining architectural features.
2. Public art may not be located on the street-facing wall of a building or a primary building façade with a main public entrance.
3. The number of murals per block face should be limited to discourage visual clutter.
4. Historically significant murals (including historic advertisements) may not be painted over, even if faded.

B. Design & Materials

1. The scale of the public art should be appropriate to the building and the site.
2. The installation of a public art should complement and enhance the building and be incorporated architecturally into the façade.
3. Public art shall not be installed or painted in a fashion that obscures architectural features such as windows, doors, pilasters, cornices, window, door or other building trim, feature bands and other recessed or projecting features.
4. The visual integrity of the historic building shall be maintained when installing public art to the exterior. This shall include such features as prominent vertical and horizontal lines created by architectural features such as columns, posts, piers windows, doors, lintels, windowsills, feature bands, the foundation, base or other recessed or projecting features.
5. Murals are permitted only on the flat planes of walls.
6. The top of the mural may be no higher than the floor level of the third floor for projects on buildings greater than two stories.
7. Murals are not allowed on walls made of stone or unpainted brick.
8. Paint utilized should be intended for exterior use and of superior quality which will not corrode or compromise the integrity of the material to which it is applied.
9. Reflective, neon and fluorescent paints should not be used.
10. If a public art installation includes any changes to a building exterior that would otherwise require Site Design Review as described in AMC 18.5.2, those changes must be approved through Site Design Review prior to approval of the public art installation. Examples include a new wall material, lighting, extensions of the mural above the existing height of the building, etc.

ATTACHMENTS

1. Proposed Ordinance Changes



2. Minutes for the Study Session, Ashland City Council, June 20, 2016
3. AMC 2.24 Historic Commission
4. AMC 2.29 Public Art
5. Ordinance 2984, An Ordinance Amending the Ashland Land Use Ordinance, Site Design and Use Standards Concerning Public Art on Historic Structures



Proposed Changes – City Council meeting on October 4, 2016

<p>18.5.2.020.A.4 Site Design Review Remove and Add: Site Design Review is required for the following types of project proposals.</p> <p>A. Commercial, Industrial, Non-residential and Mixed uses 4. Any exterior change, including installation of public art, add with the exception of public art to a structure on the National Register of Historic Places or to a contributing property within a Historic District on the National Register of Historic Places that requires a building permit.</p>	<p>2.24 Historic Commission Add: <u>2.24.060</u> <u>The HC shall review public art proposed for installation on the exterior of structures listed on the National Register of Historic Places or to a contributing property within a Historic District on the National Register of Historic Places.</u></p> <p>A. <u>The HC shall review the proposed public art using the design standards stated in AMC 18.4.2. Building Placement, Orientation, Design and provide their comments to the Director of Community Development no later than seven days after their next scheduled meeting.</u></p> <p>B. <u>The Director of Community Development shall review the HC comments as they relate to 18.4.2 and forward a recommendation to the City Council and the PAC within 30 days of receiving the comments.</u> <i>NOTE: Providing the comments to the PAC affords the PAC the opportunity to revise the proposal to accommodate the HC concerns.</i></p> <p>C. <u>The Community Development Department will notice the project pursuant to 18.5.1.050.B.1</u></p>	<p>2.29 Public Art Commission Add: <u>2.29.165 City Commissions</u></p> <p>A. <u>The Historic Commission shall review public art proposed on structures listed on the National Register of Historic Places and on contributing properties within a Historic District (AMC 2.24.060) using criteria listed in AMC 18.4.2.</u></p> <p>B. <u>The Public Art Commission will seek input from the Historic Commission prior to issuing a Call for Artist for public art to be sited in a historic district.</u></p> <p>C. <u>The Public Art Commission shall provide proposed public art concepts to all City Commissions for review. City Commissions may review the artist concept using their existing powers and criteria, and in their advisory role, provide written input for consideration by the City Council. City Commission may not participate in the creative design process.</u></p>
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What does this accomplish?

- 1) Removes public art from the Land Use Code and the requirement of land use application, associated fees, and written findings and removes public art from the land use appeal process.
- 2) Reduces the timeframe from 120+ days to 30 days.
- 3) Preserves the current practice of HC reviewing the project using the design standards in AMC 18.4.2, with guidance from the Community Development Director
- 4) Ensures the HC has input on Call for Artists (RFQs or RFPs) prior to publishing
- 5) Affords all city commissions the opportunity to review proposed public art.

[City of Ashland, Oregon / City Council](#)

City Council - Minutes

[View Agenda](#)

Monday, June 20, 2016

MINUTES FOR THE STUDY SESSION ASHLAND CITY COUNCIL Monday, June 20, 2016 Siskiyou Room, 51 Winburn Way

Mayor Stromberg called the meeting to order at 5:30 p.m. in the Siskiyou Room.

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

1. Public Input

Huelz Gutcheon/2253 Hwy 99/Explained solutions to climate change were predominantly solar panels on roofs and electric cars. Recent technology would reduce one hundred years of testing to just six months. China constructed one hundred solar panel factories that cut the cost by a quarter.

Barry Thaldon/550 Ashland Loop/Addressed the public art process currently in place. He supported removing public art from the planning requirement for Type 1 review. With public art, intentions came first and ordinance and policies followed. Council needed to determine their intention regarding public art. The current policies, guidelines, and ordinances discouraged public art. He submitted a document into the record of the process he went through with the Calle Guanajuato mural and noted the City of Portland's public art process.

The process for the Calle Guanajuato mural required several commission and agency reviews where each had approval authority. The approval process was tenuous and anyone from the specific commissions involved, the City, or neighbors could object.

Bernie Biedak/911 Beach Street/Came to Ashland in 1970 and was the one responsible for bringing in the people who created businesses that made the town so successful. He expressed his issues with the Public Arts Commission, the gateway art project, the plaza, and the use of taxpayers' money. He felt he owned it all. He was upset with the way his money was being spent, and extremely displeased with the choices made regarding public art.

2. Look Ahead review

Administrative Services Director Lee Tuneberg reviewed items on the Look Ahead.

3. Continued discussion of planning for City Hall replacement

Public Works Project Manager Kaylea Kathol, Dana Ing-Crawford, and Ken Ogden from Ogden Roemer Wilkerson Architecture (ORW) explained there were three potential options to replace City Hall. One would vertically expand the existing site retaining the historic façade or building a new building on the site. The second would vertically expand the Community Development building and the third was a new building in the Lithia Way parking lot with parking underneath. They were soliciting feedback from Council regarding general design priorities with the understanding it was early in the process. Alternately, Council could forward design requests to Ms.

Kathol.

Council suggested adding (***Correction to minutes made 7-19-2016 changing LED to LEED***), solar potential to design priorities and wanted to know the cost to have the building be Earth Advantage Zero Energy ready. Other comments were interested in using the available footprint, consolidating staff, and balancing public accessibility with staff safety. Opposing comments preferred a high-level LEED equivalent and questioned the ability to have a four-story building have enough solar access for Earth Advantage. Another comment wanted the building able to withstand an earthquake prior to adding options. Council also wanted public input with an update from the project team before September.

ORW described how they would solicit feedback from the community through an open house, social media, the utility billing mailer, city website, and other avenues. The City Administrator would get information on the current building and possible restrictions, moving or selling costs and the revisionary clause.

Council concerns included the community perception, energy efficiency, and accessibility. ORW would use a consensus building approach so the community understood the need to create safe and functional facilities. Other concerns noted it was an election year and the Council could have new councilors with different opinions regarding the option for City Hall.

4. Proposed changes related to public art in Chapter 18

Management Analyst Ann Seltzer explained removing the public art portion from the site design review process in Chapter 18 Land Use of the Ashland Municipal Code (AMC) would no longer make it subject to the legal parameters required for development. It would also remove the appeal process. These requirements pertained to development and not public art. Staff suggested adding a review by city commissions to AMC 2.29 Public Art. This change would continue to provide the Historic Commission with oversight regarding public art on structures listed in the National Register and contributing properties in a historic district. Staff also suggested waiving the fee through the Miscellaneous Fees and Charges resolution. City Attorney Dave Lohman clarified appeals in Chapter 18 went through the Land Use Board of Appeals (LUBA) and the state did not deem public art as part of land use. There would have to be criteria or a procedural objection in order for a citizen to object to the mural recently painted on the Calle Guanajuato. Council was interested in adding guidelines on murals to AMC 2.29.

The Historic Commission's review of public art would remain the same. What would change were recommendations that currently went to staff and the Planning Commission under site design review would now go to the Public Arts Commission and the Council instead.

Historic Commission Chair Dale Shostrom read from the Comprehensive Plan regarding the Historic Commission's responsibility to protect the heritage of the buildings, landscapes, and streetscapes. He clarified landscapes and streetscape were currently not part of the Historic Commission's purview. The code required Historic Commission review of art installations attached to historic buildings or contributing properties. He thought the ordinance should expand to include review of all public art proposed in historic districts using mass, scale, materials, and location as criteria for recommendations. The Commission's review should occur early in the process as it had with the Theater Corridor art project. He also thought the cost estimate for City Hall replacement should include an intermediary option that was less

extensive than a complete rebuild and reside within the existing north and east walls. The Historic Commission wanted to retain public art in the site design review with possible modifications. They did very little with the Findings and had no opinion on requiring them.

Both the Historic Commission and Public Arts Commission were agreeable to having the Public Arts Commission discuss projects before the solicitation process began with the Historic Commission.

Council, staff, and Chair Shostrom discussed the possibility of moving review of public art out of site design review and placing it in another section of Chapter 18 or strengthening Chapter 2.29. The appeals process appeared to be in the wrong section of the code. Staff could limit the appeals process and possibly add it under Chapter 2.29.

Meeting adjourned at 7:28 p.m.

Respectfully
submitted,
Dana Smith
Assistant to the City Recorder

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2.24 Historic Commission

2.24.010 Established - Membership

There is established a Historic Commission which will consist of nine (9) voting members, and certain non-voting ex officio members including the Chairperson of the Planning Commission, a representative from the Ashland City Council, and a representative of the Ashland Building Division. To qualify the Historic Commission as a Certified Local Government (CLG) Commission, some of the members should meet the professional qualifications under State Historic Preservation Office requirements.

(Ord 3003, 2010)

2.24.040 Powers and Duties - Generally

The powers, duties, and responsibilities of the Historic Commission shall be as follows:

- A. To survey and recommend to the City Council, areas or properties of significant historical value and interest to be designated historical properties;
- B. To draft and recommend ordinances and other measures designed to protect and foster interest in the improvement of designated historical properties;
- C. To review literature and sources of funding concerning the protection and improvement of designated historic properties;
- D. To review and make recommendations concerning the improvement of designated historic properties in connection with the issuance of building permits, zone changes, conditional use permits, variances, sign permits, and site reviews;
- E. To review and recommend project applications for funding;
- F. To promote public support in the preservation of Ashland's historic past;
- G. Advise citizens on aesthetic standards for historic areas.

(Ord 3010, 2010)

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2.29 Public Art

2.29.005 Definitions

A. "Acquisition" means the inclusion of an artwork in the Ashland Public Art Collection by any means including direct purchase, commission or acceptance of a gift.

B. "Artwork" means visual works of public art as defined herein.

C. "Ashland Public Art Collection" means all public art acquired by the City by any means.

D. "Capital improvement program (CIP)" means the city's program for advance planning of capital improvements.

E. "City project" or "project" means any capital improvement project in an amount over \$25,000 paid for wholly or in part by the city of Ashland to purchase or construct any public building, decorative or commemorative public structure, sidewalk, or multi-use pathway construction, park facility construction, or any portion thereof, within the limits of the city of Ashland. "City project" or "project" does not include public utility improvements, (e.g. electric, water, sewer, or stormwater), LID improvements, including but not limited to streets, sidewalks and associated improvements, property acquisition, earth work, emergency work, minor alterations, rehabilitation, minor or partial replacement, remodeling or ordinary repair or maintenance necessary to preserve a facility. Notwithstanding the above limitation, the Council or responsible contracting officer may include any new city street or utility project (limited to water, sewer and storm water projects) in an amount over \$25,000 as a city project under this article, by either vote of the Council or inclusion in the contract solicitation documents prepared by the responsible contracting officer.

F. "Commission" means the Ashland Public Arts Commission created by AMC 2.17.010, consisting of seven members appointed by the mayor and confirmed by the Council.

G. "Eligible funds" means a source of funds for projects from which art is not precluded as an object of expenditure.

H. "Participating department" means the department that is subject to this article by its sponsorship of a city project.

I. "Percent for art" means the program established by this article to set aside a percentage of the total cost of city projects for public art.

J. "Public art" means all forms of original works of art in any media that has been planned and executed with the specified intention of being sited or staged on City Property or on property owned or controlled by the City of Ashland, usually outside and accessible to the public.

K. "Public art account" means the city of Ashland public art account in the city budget established by this article into which all moneys donated, appropriated or derived pursuant to the percent for art program shall be deposited. Funds within the public art account shall be utilized for the purposes outlined in this article.

L. "Removal" means the exclusion of an artwork from the Ashland public art collection by the removal and disposal through any available means, such as relinquishing title through sale, gift or destruction.

M. "Selection Panel" means a group of individuals selected by the Commission that will evaluate the proposals associated with a particular project in a public meeting.

N. "TOT Funds" means the portion of transient occupancy tax funds allocated for public art.

O. "Commercial Development Fee" means funds deposited by a commercial developer into the Public Art account when the developer prefers not to incorporate public art into the project and follow the public art process for art acquisition and approval.

P. "Total cost" means the entire amount of the city's financial contribution toward construction and maintenance of a project.

(Ord 3003, 2010)

2.29.100 Process for acquiring public art

A. General. The Public Art Commission will call for entries by issuing a request for proposal, a request for qualification or by invitation. The call for entries will include specific guidelines and criteria for the specific project. Every call for entry must comply with the City's public contracting rules.

1. Acquisition. Acquisition of public art will generally result from:

- a. The commissioning or purchasing of a work of public art by the city using city funds or donated funds, in accordance with public contracting laws and AMC Chapter 2.50; or
- b. An offer made to the city to accept a work of public art as a gift, donation, or loan.

2. Removal. Removal of public art may be by request or owing to some damage or destruction of the artwork.

B. Selection Panel. A selection panel, separate from the Public Art Commission, consisting of art professionals and enthusiasts, residents near the proposed site, community members, and city administrators will be chosen to evaluate the proposals received from artists. A different selection panel shall be chosen for each project by the Commission after the following notifications have been made:

1. An ad is placed in a newspaper of general circulation in the city,
2. Postcards are sent out to all property owners located within 300 feet of the proposed site, and
3. A notice is placed on the city's website.

The Commission shall pick the Selection Panel by examining applications received from interested parties.

C. Evaluation of Acquisition Proposals. Proposals which meet the minimum requirements set forth in the call for entries will be given to the Selection Panel for review. The proposals for acquisition shall be evaluated based upon criteria set forth in the call for entries at a public meeting. The Selection Panel will evaluate the proposals and make a recommendation to the

Public Art Commission regarding which proposals to accept. The Commission shall forward that recommendation to the City Council for final selection. This ordinance does not exclude land use approval processes when required for the use or structure.

D. Removal and Disposal Process. Except as provided in AMC 2.29.140(B), neither the Council nor the Commission is bound to follow any particular process for removal and disposal of art in the Ashland Public Art Collection.

(Ord 3003, 2010)

2.29.110 Review process for gifts or donations

The Commission may solicit gifts and bequests of public art or funds to benefit the Ashland Public Art Collection. The Council shall decide whether to accept all such gifts of art work on behalf of the city and the Ashland Public Art Collection on its own motion or upon a recommendation by the Commission based on its own evaluation, or by recommendation of the Commission after the Selection Panel has evaluated the artwork using the guidelines in AMC 2.29.130 and the total cost over the life of the artwork.

All art works or funds shall be administered by the city in accordance with its terms. Funds donated to the Commission shall be placed in a special account to be used exclusively for the purposes of the Commission or as designated by the donor. Funds in this account may only be expended after they have been properly budgeted or approved by the city.

(Ord 3003, 2010)

2.29.120 Public Art on Private Property

Before public art can be placed on private property the Commission shall determine whether the site is appropriate for public art under the Site Selection criteria in AMC 2.29.130. If the site is found to be appropriate for public art, the City shall secure authorization to use and access the private property where the public art will be located before the acquisition process for public art is initiated. There shall be a written agreement or legal instrument, granting the City permission and control of the property so that the property can be used for public art purposes, including access for installation, maintenance and removal of the artwork. Public art can then be acquired for placement on private property by following the process for:

- A. Acquisition in AMC 2.29.100, or
- B. Gifts and donations in AMC 2.29.110.

(Ord 3003, 2010)

2.29.130 Guidelines for recommendation by the Commission

A. Selection Guidelines for Works of Public Art.

1. Quality. The artwork should be of exceptional quality and enduring value.

2. Site. The artwork should enhance the existing character of the site by taking into account scale, color, material, texture, content, and the social dynamics of the location.
3. History and Context. The artwork should consider the historical, geographical, and cultural features of the site, as well as the relationship to the existing architecture and landscaping of the site.
4. Initial Cost. The total cost of the artwork, including all items related to its installation, should be considered.
5. Maintenance and Durability. The durability and cost to maintain the artwork should be considered and quantified, particularly if the work is servicing, repainting, repairing or replacement of moving parts.
6. Permanence. Both temporary and permanent art works shall be considered.
7. Media. All forms of visual media shall be considered, subject to any requirements set forth by city ordinance.
8. Public Liability. The artwork should not result in safety hazards, nor cause extraordinary liability to the city.
9. Diversity. The artwork in the Ashland Public Art Collection should encourage cultural diversity.
10. Commercial Aspect. The artwork shall not promote goods or services of adjacent or nearby businesses.
11. Compliance. Artworks shall not violate any federal, state, or local laws, including specifically AMC Chapter 18.96.

B. Guidelines for Site Selection.

1. Ownership or Control. Public art should be placed on a site owned or controlled by the city, or there should be a written agreement or legal instrument, granting the City permission to use the property for public art purposes, including access for installation, maintenance and removal.
2. Visual Accessibility. Public art should be easily visible and accessible to the public.
3. Visual Enhancement. Public art should visually enhance the overall public environment and pedestrian streetscape.
4. Pedestrian Accessibility. Public art should experience high levels of pedestrian traffic and be part of the city's circulation paths.
5. Circulation. Public art should not block windows, entranceways, roadways or obstruct normal pedestrian circulation or vehicle traffic.
6. Scale. Public art should not be placed in a site where it is overwhelmed or competing with the scale of the site, adjacent architecture, large signage, billboards, etc.

(Ord 3003, 2010)

2.29.140 Standards for the Ashland Public Art Collection

A. Acquisitions. The following minimum standards and criteria shall apply to the acquisition of artworks.

1. Artworks may be acquired by direct purchase, commission, gift or any other means.
2. Acquisition, whether by direct purchase, commission, gift, or otherwise, shall occur by a legal instrument of conveyance or other writing transferring title of the artwork to the City and clearly defining the rights and responsibilities of all parties.
3. The city shall obtain the rights of ownership and possession without legal or ethical restrictions on the future use of the artwork upon final acceptance of the artwork, except where expressly provided in the contract with the artist. The artists shall retain all rights and interests in the artwork except for the rights of ownership and possession.
4. The City shall only acquire artworks if: 1) the artist warrants that he will not make a duplicate of the artwork, or permit others to do so, without written permission by the City, and 2) the artist gives permission to the City to make a two-dimensional reproductions as long as all such reproductions provide the copyright symbol, name of the artist, title of the artwork, and the date of completion.
5. Complete records, including contracts with artists, shall be created and maintained for all artworks in the Ashland Public Art Collection.

B. Removal.

1. The Commission may recommend removal and/or disposal based on one or more of the following conditions. No public hearing is required for a removal recommendation.
 - a. The site for an artwork has become inappropriate because the site is no longer accessible to the public or the physical site is to be destroyed or significantly altered.
 - b. The artwork is found to be forged or counterfeit.
 - c. The artwork possesses substantial demonstrated faults of design or workmanship.
 - d. The artwork causes excessive or unreasonable maintenance.
 - e. The artwork is damaged irreparably, or so severely that repair is impractical.
 - f. The artwork presents a physical threat to public safety.
 - g. The artwork is rarely displayed.
 - h. A written request for removal has been received from the artist.
2. Council Removal Process.
 - a. On its own motion, or following receipt of a recommendation from the Commission the Council may remove and dispose of any artwork previously accepted into the Ashland Public Art Collection in their sole discretion.

- b. Acceptance or placement of donated art by the city does not guarantee continuous public display of the artwork regardless of physical integrity, identity, authenticity, or physical condition of the site.
- c. Removal officially deletes the work from the city of Ashland Public Art Collection by a relinquishment of title to the artwork; thus, eliminating the city's obligation to maintain and preserve the artwork.
- d. Notwithstanding the above, Artwork shall be disposed of in accordance with any specific terms for removal and disposal set forth in the contract with the Artist.

3. Removal and Disposal.

- a. The city may donate the artwork to another governmental entity or a nonprofit organization.
- b. A work that is deemed to have retained sufficient monetary value to warrant resale, shall be disposed of through a public sale, auction, or any other means as established by city ordinance.
- c. Artworks removed from the Ashland Public Art Collection may be disposed of through any appropriate means, including the city's procedures for the disposition of surplus property.

C. Borrowing of Artworks.

- 1. The Commission may also recommend artworks be borrowed.
- 2. With the exception of ownership, the eligibility, review criteria, and procedure for borrowed works shall be the same as those established in this article for acquisition.
- 3. The borrowing of artworks shall be pursuant to written agreement between the city and the artist.
- 4. Nothing herein prohibits the city from securing other works of art or art exhibitions for display inside its facilities.

(Ord 3003, 2010)

2.29.150 Maintenance of the Ashland Public Art Collection

- A. Except where expressly provided in a contract or warranty for public art the city shall be responsible for all maintenance of all artworks in the Ashland Public Art Collection.
- B. Within the limitation of the city budget the city shall provide necessary and appropriate maintenance of the Ashland Public Art Collection, including, but not limited to, regular custodial care and landscape maintenance. Maintenance shall be performed in accordance with any special instructions or procedures necessary for the preservation of the work.
- C. Any evidence of damage, deterioration, vandalism or theft of artworks in the Ashland Public Art Collection shall be immediately reported to the appropriate City Department. City staff shall keep the Commission and Council informed of damage to City property.

(Ord 3003, 2010)

2.29.160 Parks Commission

The standards and procedures in this article are in addition to, not in derogation of, the Ashland parks commission review responsibilities for projects proposed in city parks. Nothing herein exempts public art projects from compliance with all applicable federal, state, and local laws including, but not limited to, land development regulations and building code compliance.

(Ord 3003, 2010)

2.29.170 Development of guidelines

The Commission shall have the ability to establish further guidelines concerning its operations; however, only the criteria and processes of this ordinance will be legally binding.

(Ord 3003, 2010)

2.29.180 Creation, funding and use of Ashland public art account

A. Establishment. The Council hereby establishes a separate account entitled the Ashland public art account to be reflected in the city budget. All funds donated, appropriated or generated for the purpose of public art acquisition and education shall be deposited in this account and used solely for such purposes, in accordance with this article and other applicable law. Funds generated pursuant to the Commercial Development Fee in lieu established in Chapter 18, as well as the Transient Occupancy Tax Resolution authorized in Chapter 4.24, and the Percent for Art dedication in this section shall all be deposited into the Ashland Public Art Account.

B. Permitted Purposes of Public Art Account. The public art account shall be used solely for the acquisition, placement, maintenance, and removal of artworks for inclusion in the Ashland Public Art Collection and for art education purposes, such as community outreach presentations and workshops, in accordance with the provisions of this article and other applicable law.

C. Requirement for Dedication of a Percent for Art. Any city official or employee who authorizes or appropriates expenditures on behalf of a participating department for a city project shall, to the degree that there are eligible funds, include within the budget for the project a monetary contribution for the public art account equal to one-half percent (0.5%) of the total cost of the project.

1. One-half percent (0.5%) of the total cost of a qualifying city project shall be dedicated to the public art account. Such funds shall be deposited into the public art account by the city official or employee acting on behalf of the participating department no earlier than the time that budgeted funds are encumbered for construction of the city project and no later than final inspection of the completed city project.

2. The participating department shall consider the siting of public art as part of the design and engineering phase of any city project. If costs are incurred by the

participating department to comply with this article requirement prior to transfer of the one-half percent (.5%) dedication for the city project to the public art account, the participating department may deduct such costs (not to exceed one-half percent) from the one-half percent (.5%) dedication at the time such funds are transferred.

D. Restricted Funds. If funding for a particular city project is subject to legal restrictions that preclude public art as an object for expenditure, the portion of the city project that is funded with the restricted funds shall be exempt from the dedication requirements of this article.

E. Phased Projects. As a general rule, where a city project will be constructed in phases, the one-half percent (0.5%) dedication shall be applied to the estimated total cost of each phase of the city project at the time that funds for the phase are appropriated and encumbered. However, nothing in this section prevents the Council from deciding to hold or set aside all or part of the entire dedication from the funds of a particular phase, as the Council deems appropriate. In determining when to hold or set aside the funds for a phased project, the city will consider an overall public art plan for the project to ensure that art is not located on a piecemeal basis with phase construction.

F. Monetary contributions for public art shall be deposited in separate accounts within the public art account if separate accounting is deemed appropriate by the Administrative Services Director (Finance) or is required by law.

G. Monetary contributions or appropriations made other than through the percent for art program shall be deposited in the public art account and may be dedicated to or earmarked for a specific education program or work of art, subject to acceptance by the Council.

H. Disbursements from the public art account shall be made only after authorization of the City Administrator or the Administrative Services Director (Finance), and shall be made according to this article and other applicable city ordinances, including but not limited to the public contracting code (AMC Chapter 2.50).

I. The Council may adopt by resolution case specific waivers or guidelines for administration of the percent for art program, including case-by-case waivers of the required dedication set forth herein based on the availability of public funds, as well as any other matters not specifically addressed herein and appropriate or necessary to the administration of the program.

(Ord 3003, 2010)

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ORDINANCE NO. 2984

AN ORDINANCE AMENDING THE ASHLAND LAND USE ORDINANCE, SITE DESIGN AND USE STANDARDS (SECTION 18.72.030) CONCERNING PUBLIC ART ON HISTORIC STRUCTURES *→ subsection (A) only*

Annotated to show deletions and **additions** to the code sections being modified. Deletions are **bold lined through** and additions are in **bold underline**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293; 531 P 2d 730, 734 (1975); and

WHEREAS the Mayor of the City of Ashland formed a Downtown Task Force to make recommendations to the Ashland Planning Commission and Ashland City Council concerning *inter alia* the relationship of public art to the City sign code and site design review code; and

WHEREAS, the City of Ashland Planning Commission considered the above-referenced recommended amendments to the Ashland Municipal Code at a duly advertised public hearing on February 10, 2009 and following deliberations recommended approval, with modifications, of the amendments to the City Council on February 24, 2009; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on April 7, 2009; and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Land Use Ordinance in manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the comprehensive plan and that such amendments are fully supported by the record of this proceeding.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. The above recitations are true and correct and are incorporated herein by this reference.

SECTION 2. Chapter 18.72.030 of the Ashland Municipal Code [SITE DESIGN REVIEW Applicability] is hereby amended to read as follows:

SECTION 18.72.030 Applicability.

Site design standards shall apply to all zones of the city as outlined below.

A. Applicability. The following development is subject to Site Design Review:

1. Commercial, Industrial, Non-Residential and Mixed uses:

- a. All new structures, additions or expansions in C-1, E-1, HC and M zones.
- b. All new non-residential structures or additions (e.g. public buildings, schools, churches, etc.).
- c. Expansion of impervious surface area in excess of 10% of the area of the site or 1,000 square feet, whichever is less.
- d. Expansion of parking lots, relocation of parking spaces on a site, or other changes which affect circulation.
- e. Any change of occupancy from a less intensive to a more intensive occupancy, as defined in the City building code, or any change in use which requires a greater number of parking spaces.
- f. Any change in use of a lot from one general use category to another general use category, e.g., from residential to commercial, as defined by the zoning regulations of this Code.
- g. Any exterior change to a structure which ~~requires a building permit, and is listed on the National Register of Historic Places or to a contributing property within an Historic District on the National Register of Historic Places~~ **that requires a building permit, or includes the installation of Public Art.**
- h. Mechanical equipment not otherwise exempt from site design review per Section 18.72.030(B).

2. Residential uses:

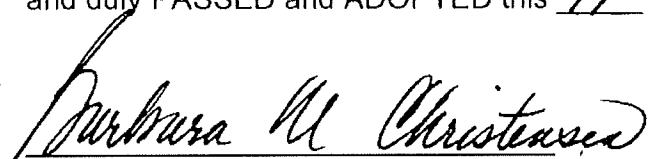
- a. Two or more residential units on a single lot.
- b. Construction of attached single-family housing (e.g. town homes, condominiums, row houses, etc.) in all zoning districts.
- c. Residential development when off-street parking or landscaping, in conjunction with an approved Performance Standards Subdivision required by ordinance and not located within the boundaries of the individual unit parcel (e.g. shared parking).
- d. Any exterior change to a structure ~~which requires a building permit and is individually listed on the National Register of Historic Places~~ **that requires a building permit, or includes the installation of Public Art.**
- e. Mechanical equipment not otherwise exempt from site design review per Section 18.72.030(B).

SECTION 3. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

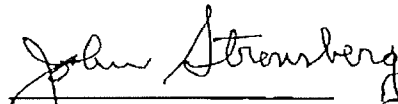
SECTION 4. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions or other actions as required by state law, were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions or applications commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 5. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 1, 3-4) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 5 day of May, 2009, and duly PASSED and ADOPTED this 19 day of May, 2009.


Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 20 day of May, 2009.


John Stromberg, Mayor

Reviewed as to form:


Richard Appicello, City Attorney