

**ASHLAND CITY COUNCIL
BUSINESS MEETING MINUTES
Tuesday, June 17, 2025**

I. 5:00 P.M. Executive Session

Mayor Graham and Councilors Bloom, Dahle, Kaplan, Hansen and Sherrell were present. Johan Pietila, City Attorney, led the discussion.

- a. To consider the employment of a public officer, employee, staff member, or individual agent pursuant to ORS 192.660 (2)(a).

This section was postponed due to lack of time.

- b. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed pursuant to ORS 192.660 (2)(h).

6:00 PM Business Meeting

Council Present: Mayor Graham, Councilors Bloom, Dahle, Hansen, Kaplan, and Sherrell. DuQuenne appeared via Zoom at 6:39.

Council Absent: None

Staff Present:

Sabrina Cotta	City Manager
Johan Pietila	City Attorney
Alissa Kolodzinski	City Recorder
Brandon Goldman	Community Development Director
Derek Severson	Planning Manager

II. CALL TO ORDER

Graham called the meeting to order at 6:06 p.m.

- a. Land Acknowledgement**

Dahle offered the land acknowledgment.

III. PLEDGE OF ALLEGIANCE

Hansen led the pledge of allegiance.

IV. ROLL CALL

V. MAYOR'S/ CHAIR OF THE COUNCIL ANNOUNCEMENT

- On June 22nd at Railroad Park is a Juneteenth celebration and unveiling of the Lorraine Hansberry playwright's plaque as part of the playwright walk.
- A delegation from Ashland is visiting the City's sister city in Guanajuato, Mexico soon and returning for July 4th festivities.
- Graham read a proclamation declaring June 16-22, 2025, as National Pollinator Week.

VI. APPROVAL OF MINUTES

- a. Minutes of the June 2, 2025 – Study Session Meeting
- b. Minutes of the June 3, 2025 – Business Meeting

Decision:

Hansen moved to accept the minutes as-is for both the June 2 study session and June 3 business meeting. Seconded by Bloom.

Roll Call Vote: Dahle, Bloom, Kaplan, Hansen, and Sherrell voted yes. The motion passed.

VII. CONSENT AGENDA

- a. APD Contract for Records Management System
- b. Surplus three vehicles for the Public Works Fleet Division
- c. Surplus 2023 Van Ambulance
- d. Committee Member Appointments
- e. Award of Construction Contract – Water Treatment Plant Offsite Improvements

Decision:

Dahle moved to approve the consent agenda as-is. Seconded by Bloom.

Roll Call Vote: Dahle, Bloom, Kaplan, Hansen, and Sherrell voted yes. The motion passed.

VIII. SPECIAL PRESENTATIONS

Counselor Derek Sherrell was sworn in as the new City Councilor, taking the oath of office and pledging to faithfully perform the duties of his position.

IX. PUBLIC FORUM –

Concerns were raised about the budget amendment process and potential constitutional issues with the proposed Enhanced Law Enforcement Area ordinance. A call was made to establish an ad hoc committee for future financial challenges, focusing on healthcare costs and social service budget cuts. Challenges in filing emergency management system complaints and a need for better transparency and communication from city officials were highlighted. Effective committee collaboration on cultural initiatives was praised. Concerns about camping citations and civil expulsions called for clearer reporting and increased accountability.

X. PUBLIC HEARING

- a. PA-Appeal-2025-00021 – An appeal on the record of the Planning Commission's approval of PA-T2- 2024-00053, a Physical and Environmental (P&E) Constraints Review Permit to allow the construction of a new single-family dwelling on Hillside Lands/Severe Constraints Lands at 231 Granite Street, including an Exception to the Development Standards for Hillside Lands, a Tree Removal Permit to remove 74 trees, and a Variance to the flag drive standards.

Mayor Graham opened the public hearing for PA-Appeal-2025-00021, an appeal of the Planning Commission's approval of a permit to construct a single-family dwelling on hillside lands at 231 Granite Street.

Goldman and Severson presented an overview of the appeal (see attached). The Planning Commission initially approved the development application for a single-family dwelling on hillside lands on March 12th and subsequently adopted their findings on April 22nd. The appellants, dissatisfied with the decision, submitted 25 grounds for appeal on May 2nd, contesting the approval on issues that included adherence to hillside development standards and matters related to a variance for the driveway grade of the proposed project. The council's role in this on-the-record

appeal was to determine if there was substantial evidence supporting the Planning Commission's decision or if errors in law were committed.

Pietila advised that the council uphold the procedural rules by excluding the late-submitted materials from consideration. This matter was challenged by the appellant's representative, who argued that the exclusion limited the ability to fully articulate their position. However, it was clarified that the established code explicitly required adherence to submission deadlines to manage appeal proceedings properly and ensure fairness in the process.

Councilor Bloom moved to disallow the appellant's written arguments submittals which were not timely submitted and exclude them from the record and from consideration by the council tonight. Seconded by Dahle.

Roll Call Vote: Dahle, Bloom, Kaplan, Hansen, Sherrell, DuQuenne voted yes. The motion passed.

The appellant's attorney, Liam Sherlock, objected to the exclusion of their written materials and argued the driveway grade variance should not have been allowed. Sherlock emphasized that the appellant's contention rested on the Planning Commission improperly applying exceptions to the ordinance, expanding its terms without authority. He further elaborated that the Planning Commission's findings were not supported by substantial evidence, stating that the proposal did not avoid disturbing hillside lands with slopes greater than 35 percent when less restrictive land was available for development.

On behalf of the applicant, Attorney Chris Hearn defended the Planning Commission's decision by asserting that the lot was a legally established building lot, created with an existing driveway easement since 1996. Hearn maintained that the pre-existing legal nonconforming use status of the driveway justified the variance. He argued that stringent denial of development would effectively render the lot unbuildable and further emphasized the positive impact of offering a public trail easement, pointing to the value it would add to the community. Acknowledging the need for improved clarity, Hearn suggested that the council might consider remanding the issue back to the Planning Commission solely for the crafting of more detailed and specific findings, without reopening the entire hearing process, to strengthen and clarify the basis of the approval for any potential appeals to LUBA.

Decision:

After discussion and amendment, the following motions was adopted:

Councilor Kaplan moved to affirm and remand planning application PA-T2-2024-0053 to the Ashland Planning Commission, contingent on the applicant providing an extension to the 120-day rule, in order to adopt specific findings without reopening the public record. Seconded by Councilor Dahle.

Roll Call Vote: Dahle, Bloom, Kaplan, Hansen, Sherrell, DuQuenne voted yes. The motion passed as amended.

XI. ORDINANCES, RESOLUTIONS AND CONTRACTS

a. Second Reading of Ordinance 3265 adopting the 2025 Economic Opportunity Analysis

Cotta introduced the second reading of the ordinance adopting the 2025 Economic Opportunity Analysis, noting it was presented for first reading at the previous meeting and now needed a final motion to adopt.

Decision:

Bloom moved to approve second reading of ordinance number 3265 titled "An ordinance adopting the 2025 Economic Opportunities Analysis as a technical support document to the Economy Element of the City of Ashland's Comprehensive Plan" and to approve the accompanying findings of fact and conclusions of law. Seconded by Kaplan.

Roll Call Vote: Dahle, Bloom, Kaplan, Hansen, Sherrell, DuQuenne voted yes. The motion passed.

Recess taken from 7:42 to 7:50

- b.** Second Reading of Ordinance 3264 Creating Section 13.40 of the Ashland Municipal Code Establishing Recreational Immunity Protections

City Manager Cotta introduced the second reading of this ordinance, noting it had its first reading on June 3rd and now needed a final motion to adopt.

Decision:

Bloom moved to approve second reading of ordinance 3264 as presented. Seconded by Hansen.

Roll Call Vote: Kaplan, Dahle, Bloom, Hansen, Sherrell, DuQuenne voted yes. The motion passed.

- c.** A Resolution of the City of Ashland Clarifying Certain Conditions of Employment for Management, Confidential, and Non-Represented Employees and Repealing Resolution 2022-26.

Cotta provided background on the proposed management resolution affecting 99 non-union city employees in 70 positions. It was clarified (due to misinformation that had been circulating) that the resolution applied to both supervisory and non-supervisory staff across many departments. Cotta explained the process for the recently completed compensation and class study used to determine market-competitive wages. Taylor addressed questions about the salary comparisons in the recent compensation and class study, which involved 32 comparators from various jurisdictions, including both competitors and collaborators. It was emphasized that the study accounted for Ashland's distinctive roles like utilities. The turnover rate of 17% in 2022 decreased to 8% in both 2023 and 2024. Taylor noted ongoing efforts to hire new employees weekly and fill open positions, resulting in a stronger staffing level compared to previous years when higher turnover was driven by neighboring communities offering more competitive wages.

There was extensive council discussion about the timing and communication of the proposed changes. Some councilors expressed discomfort with moving forward so soon after difficult budget decisions. The importance of fully understanding the financial implications was expressed and a desire to consider the City's long-term financial forecast before proceeding. Additionally, the need for effective communication to prevent misinformation was highlighted to avoid causing misunderstandings about the resolution.

Citizen spoke during public comment in opposition to the wage increases, arguing they were inappropriate given recent fee increases for residents.

Decision:

After discussion and amendment the following motions was adopted:

Kaplan moved to table resolution number 2025-22 until the first business meeting in August.

Seconded by Bloom.

Roll Call Vote: Councilors Dahle, Bloom, Kaplan, Sherrell, DuQuenne voted yes; Councilor Hansen voted no. The motion passed as amended.

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

XIV. CITY MANAGER REPORT

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

Councilor Bloom announced that the Early Learning Ad Hoc Committee completed grant application materials now on the city website, urging childcare providers to apply.

Councilor Kaplan shared updates from the Climate and Environmental Policy Advisory Committee focusing on electrification incentives and Recology's waste characterization study and mentioned the Housing and Human Services Advisory Committee's plans for the community resources fair and reviewing affordable housing proposals.

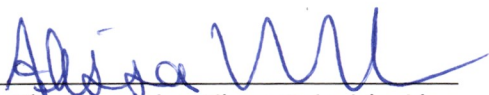
Councilor Hansen reported that the Transportation Advisory Committee was readying the transportation system planning process with community involvement opportunities.

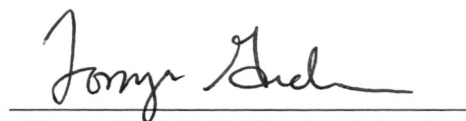
Mayor Graham stated that applications for the 2200 site ad hoc committee had closed and appointments would be made by mid-July.

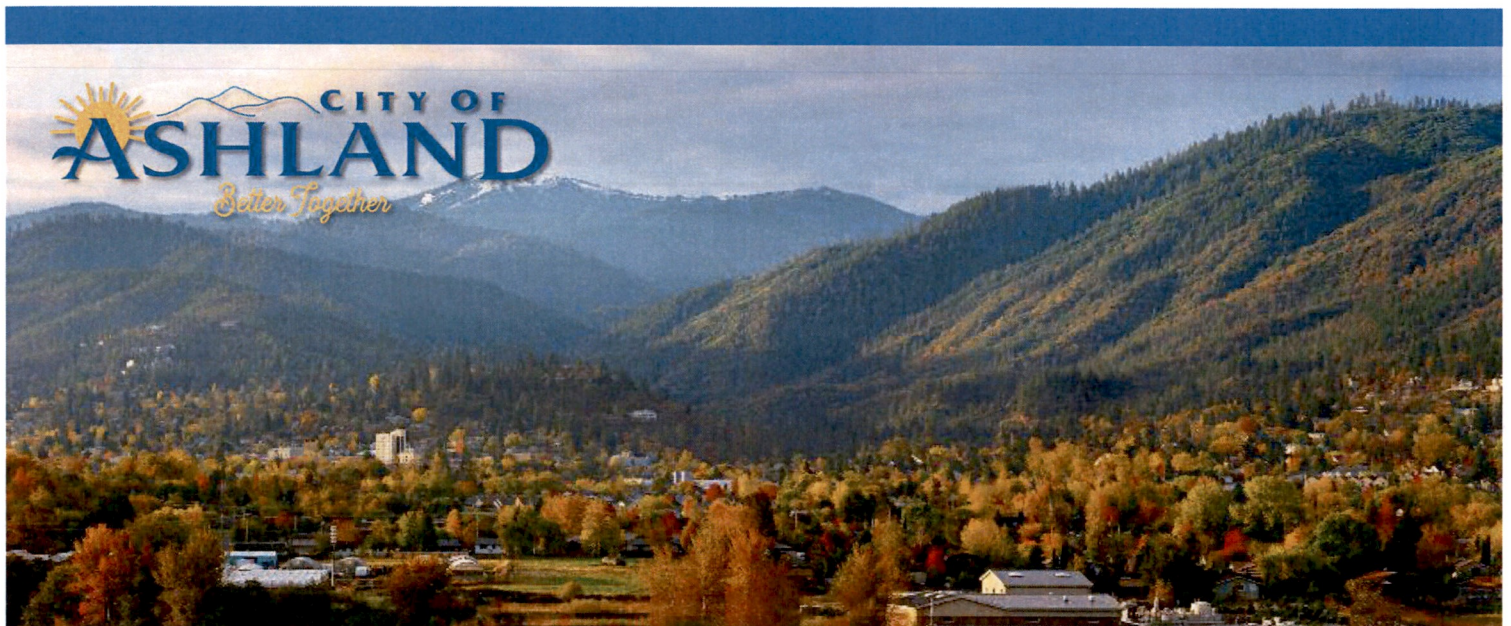
Councilor Hansen highlighted the successful community event in Lithia Park organized by the city and EPIC group.

XVI. ADJOURNMENT

The meeting was adjourned at 8:45 p.m.


City Recorder Alissa Kolodzinski


Mayor Tonya Graham



231 Granite Street Appeal Hearing

CITY COUNCIL
JUNE 17, 2025



The application proposes the construction of a new single-family residential home on a vacant parcel at 231 Granite Street. Because the property is on “Hillside Lands” and involves the disturbance of slopes greater than 25 percent, a **Physical & Environmental Constraints Review Permit** is required. Because Hillside Lands with slopes greater than 35 percent are also being disturbed, some additional standards for “Severe Constraints Lands” come into play. The proposal involves one **Exception to the Development Standards for Hillside Lands** to allow a downhill wall height greater than 20 feet.

The application also includes a **Variance to the Flag Drive Standards in AMC 18.5.3.060.J** for both grade and length, and Tree Removal Permits to remove a total of 74 trees.



- 231 Granite Street is a legal lot of record that was created in its current shape and size of 2.182 acres prior to the City’s hillside development ordinance.
- Much of the property is located on slopes greater than 25%, with portions of the sloped area being 35% or greater. This triggered Physical & Environmental Constraints Review permit requirements, including severe constraints standards.
- Although the site contains severe constraint lands, it is acknowledged to be developable for a single-family home or duplex consistent with the underlying zoning pursuant to AMC 18.3.10.090.A1.a.
- Due to it being an existing lot of record, the lot is considered to be buildable for two dwelling units, though only one is proposed.

Appeal Issues

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Appeal Issues

*Compliance
with
P&E Criteria*

- A. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in approving a **Physical Constraints Review Permit** without addressing or demonstrating compliance with the requirements of **18.3.10.050.A**.
- B. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in approving a **Physical Constraints Review Permit** without addressing or demonstrating compliance with the requirements of **18.3.10.050.B**.
- C. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in approving a **Physical Constraints Review Permit** without addressing or demonstrating compliance with the requirements of **18.3.10.050.C**.

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Appeal Issues

Development Standards

for Hillside Lands

- D. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving **development of unbuildable slopes greater than 35% in violation of 18.3.10.090.A.1 and 2.**
- E. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in **concluding that the parcel has inadequate buildable area less than or equal to 35% under 18.3. 10.090.A. 1.a when much of the property is comprised of 25% to 30% slopes.**
- F. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by **approving the proposed development within a partition without the geotechnical study required by 18.3.10.090.A.4.**
- G. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by **allowing terracing for purposes other than developing a building pad and vehicular access including landscaping, a pool and spa, and an outdoor kitchen and lounge contrary to 18.3.10.090.B.8.a.**

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Appeal Issues

Development Standards

for Hillside Lands

- H. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence **by allowing the applicant to develop a pad for a swimming pool and spa contrary to 18.3.10.090.A.8.c.**
- I. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence **by approving a building envelope which is not located and sized to preserve the maximum number of trees on site as required by 18.3. 10.090.D.3.b.**
- J. The Planning Commission improperly construes applicable law and makes a decision that is not supported by adequate findings or substantial evidence **by approving an exception to the wall height requirements at 18.3.10.090.E.2.c without addressing or demonstrating compliance with the requirements of 18.3.10.090.H.**

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Appeal Issues

Driveway Standards

- K. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence **by allowing the driveway grade for the new driveway to exceed 20% contrary to 18.4.3.080.D.8.**
- L. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence **by approving a variance to allow an average flag drive grade over 20% when 18% is the maximum grade allowed for flag drive variances by 18.5.3.060.F.**
- M. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence **by approving a variance that allows the applicant to exceed the 15% maximum grade for a flag drive where the cumulative length of such variances exceeds 200 feet contrary to 18.5.3.060.F.**

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Appeal Issues

Driveway Variance

- N. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence **by allowing an overlength flag drive without the turnaround required by 18.5.3.060.J.**
- O. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence **in approving a variance to 18.5.3.060.F without addressing or demonstrating compliance with the requirements of 18.5.5.050.**
- P. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence **in determining that the lot configuration, site topography and existing natural features are unique circumstances warranting a variance under 18.5.5.050.A.1.**

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Appeal Issues

Compliance With Variance Criteria

- Q. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in holding that the proposed variance is the minimum necessary variance under **18.5.5.050.A.2.**
- R. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by relying on determinations made by a former Ashland planning director in place of the required findings under the variance provisions in section **18.5.5.050.**
- S. The Planning Commission improperly construes **18.5.5.050.A.3** and makes a decision that is not supported by adequate findings or substantial evidence in holding that the proposal's benefits are greater than the negative impacts and will further the purpose and intent of the Ashland Land Use Ordinance and the Comprehensive Plan of the City when in fact the opposite is true.

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Appeal Issues

Variance Self-Imposition & Tree Removal Permit

- T. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence **by holding that the proposed variance under 18.5.5.050.A.4 was not the result of a self-imposed hardship.**
- T. The Planning Commission improperly construes applicable law and makes a decision that is not supported by adequate findings or substantial evidence **by approving a tree removal permit without addressing or demonstrating compliance with each of the criteria set forth in 18.5.7.040.**
- U. The Planning Commission improperly construes applicable law and makes a decision that is not supported by adequate findings or substantial evidence **by failing to analyze the impact of tree removal within 200 feet of the property as required by 18.5.7.040.B.2.c.**

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Appeal Issues

Tree Protection Conclusory Findings Fire Condition

- W. The Planning Commission improperly construes applicable law and makes a decision that is not supported by adequate findings or substantial evidence by failing to consider required tree protection measures as set forth under **18.4.5.030.C.1** and **18.4.5.030.C.6**.
- X. The Planning Commission errs by adopting conclusory findings that do not address the relevant criteria or explain how the facts found demonstrate compliance with those criteria, and which improperly incorporates by reference materials which do not support the decision of approval and are internally inconsistent.
- Y. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by imposing a condition requiring future development to conform to the requirements of the Ashland Fire Department where the applicant has not demonstrated such a condition to be feasible.

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Settlement of the Record

Appellants' June 13th Submittal

18.5.1.060.I.5.a. "Written arguments shall be submitted no less than ten days prior to the Council consideration of the appeal. Written and oral arguments on the appeal shall be limited to those issues clearly and distinctly set forth in the notice of appeal; similarly, oral argument shall be confined to the substance of the written argument."

Mailed Appeal Hearing Notice: Written arguments shall be received in the Planning Department on or before 4:30 p.m., June 6, 2025.

Appellant's 36-page written argument submittal was received by Planning after close of business on Friday, June 13th.

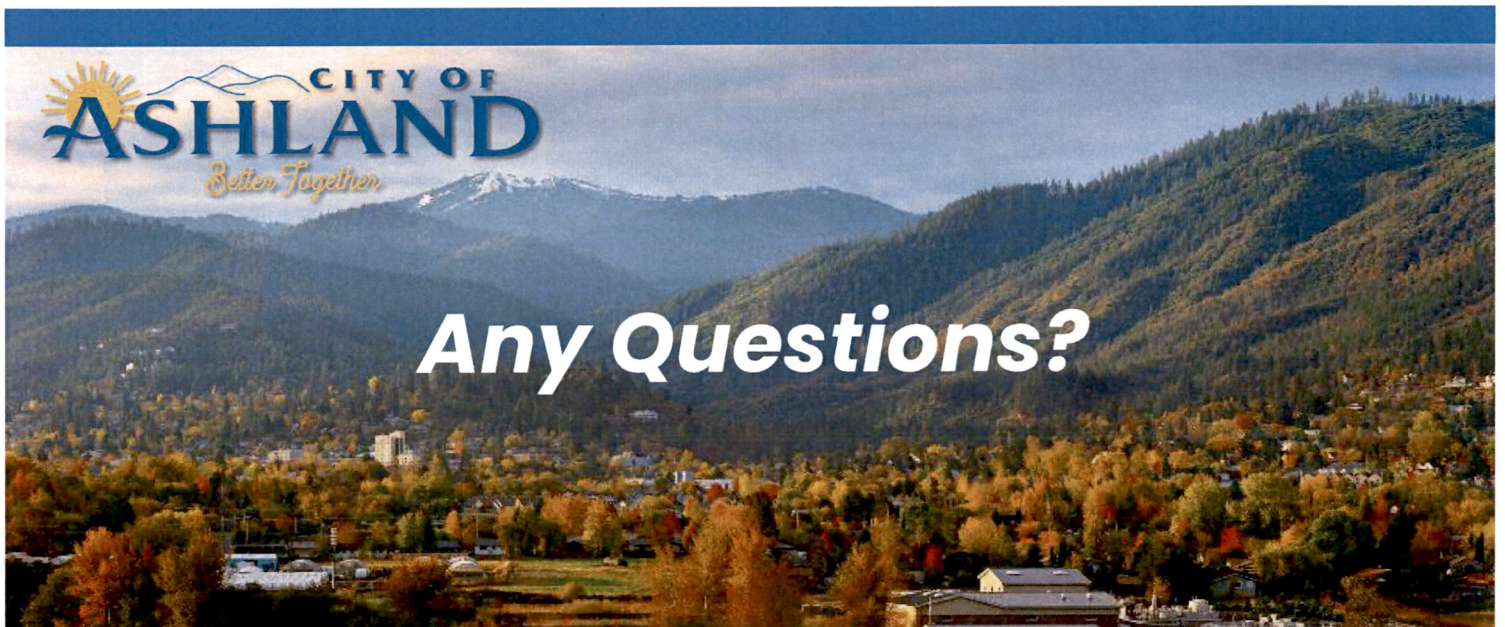
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AMC
18.5.1.060.1.5.b

Scope
of
Appeal Deliberations

- ☐ Upon review, and except when limited reopening of the record is allowed, the Council ***shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the Planning Commission, or to determining if errors in law were committed by the Commission.***
- ☐ Review shall in any event be limited to ***those issues clearly and distinctly set forth*** in the notice of appeal.
- ☐ No issue may be raised on appeal to the Council that was not raised before the Commission with sufficient specificity to enable the Commission and the parties to respond.

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Potential Motions to Settle The Record

I move to disallow the appellants' written argument submittals which were not timely submitted and exclude them from the record and from consideration by the Council tonight.

OR

I move to allow the appellants' written argument submittals for inclusion in the record and consideration by the Council tonight.

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Recommended Motion

*Reject Appeal,
Affirm Decision
&
Adopt Findings*

*I move to affirm the decision of the Planning Commission and reject the appeal with a finding that there is substantial evidence in the record to support the Planning Commission's decision **on all counts, to find** that the Planning Commission did not commit any errors of law, and to **direct staff to prepare written findings incorporating** the Planning Commission's Findings of Fact as the City Council's own **at the July 15 meeting.***

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Potential Motion

*Support Appeal,
Reverse Decision*

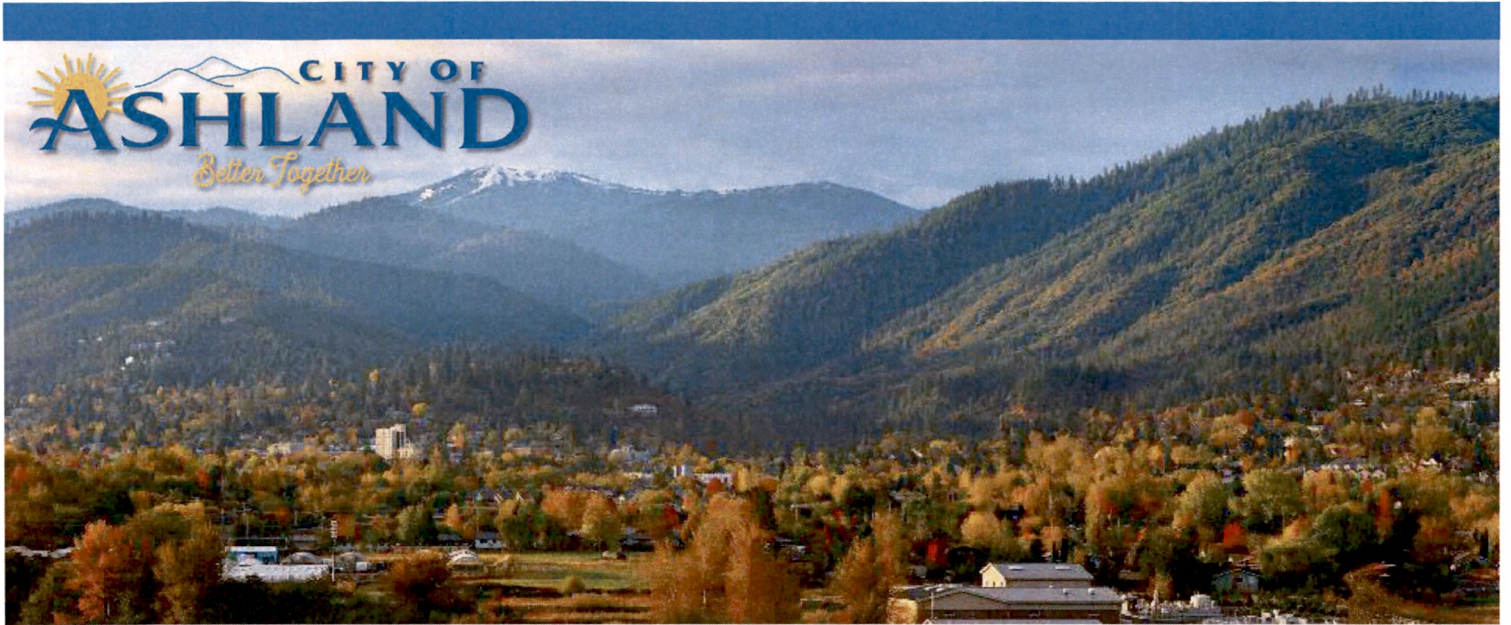
&

*Provide Detail for
Findings*

I move to overturn the decision of the Planning Commission, approve the appeal, and deny the application for PA-T2-2024-00053, finding that the Planning Commission's decision is not supported by substantial evidence and/or contains errors in the application of the approval criteria. I further direct staff to prepare written findings for adoption by the City Council, specifying the basis for this decision [Include detail for specific assignments of error as discussed in deliberation], including the identified deficiencies in the Planning Commission's findings and conclusions."

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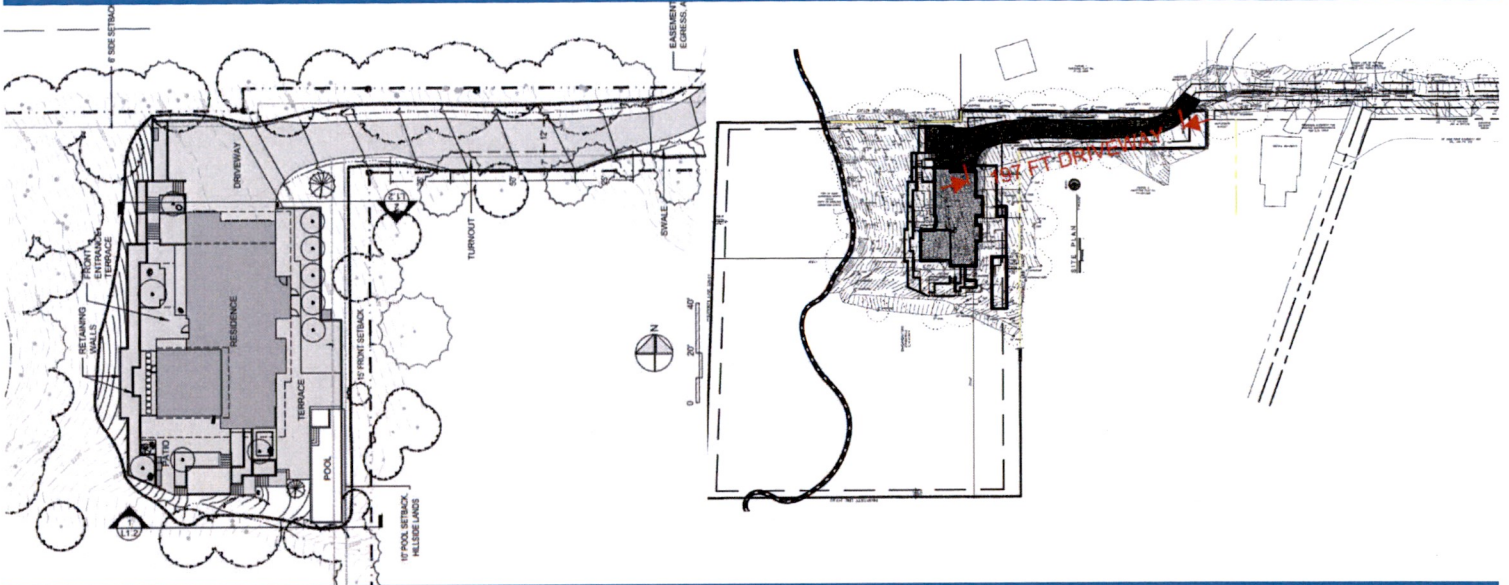




231 Granite Street Appeal Hearing

CITY COUNCIL
JUNE 17, 2025

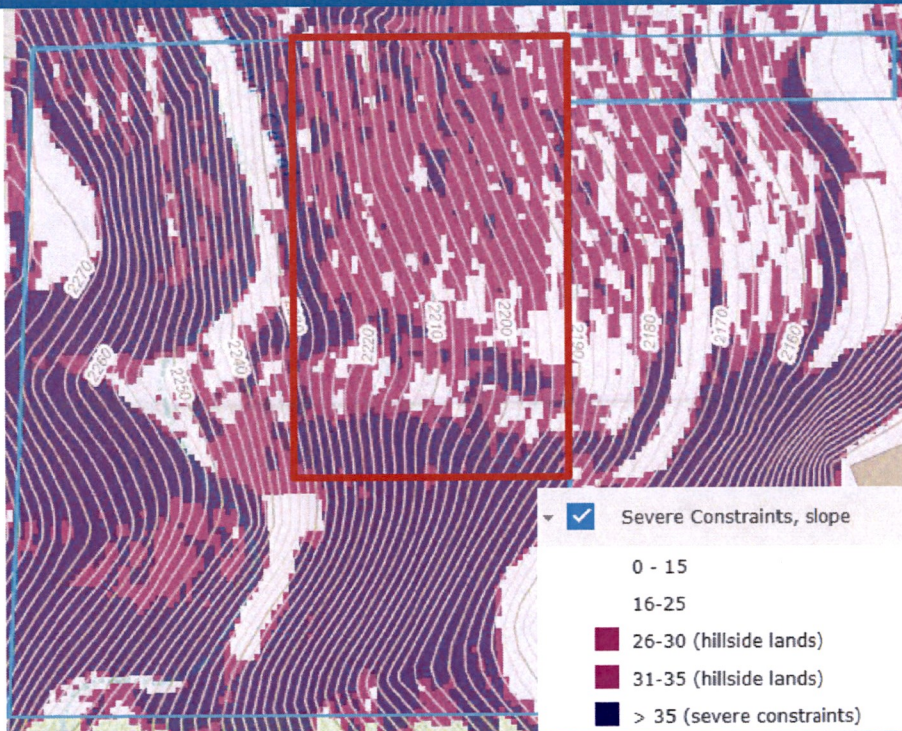




Proposal

231 Granite Street

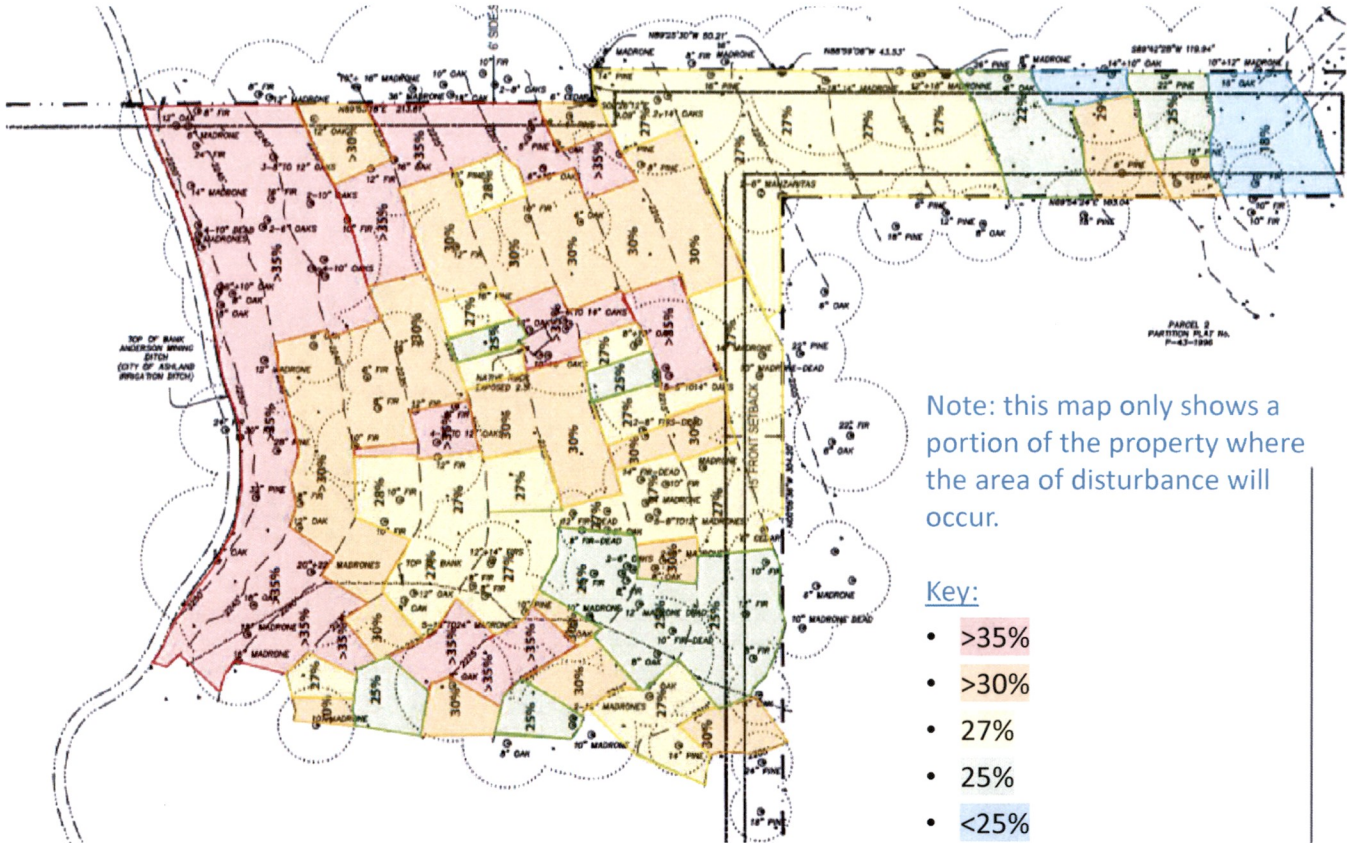
231 Granite Street



Slope Summary

- Current average slopes on lot: 27%
- Driveway average slopes: 23%
- Building envelope average slopes: 27%

Approximate site disturbance shown in Red Outline to the left. The building envelope is located within the lowest slopes on the property and closest to the flag drive in the Northeast corner of the property.



Note: this map only shows a portion of the property where the area of disturbance will occur.

Key:

- >35%
- >30%
- 27%
- 25%
- <25%

Property Background



image 1 - PROPOSED NORTH EAST ELEVATION

L1 is the height from natural grade to the top of the roof. Whereas L2 is the wall height from natural grade.

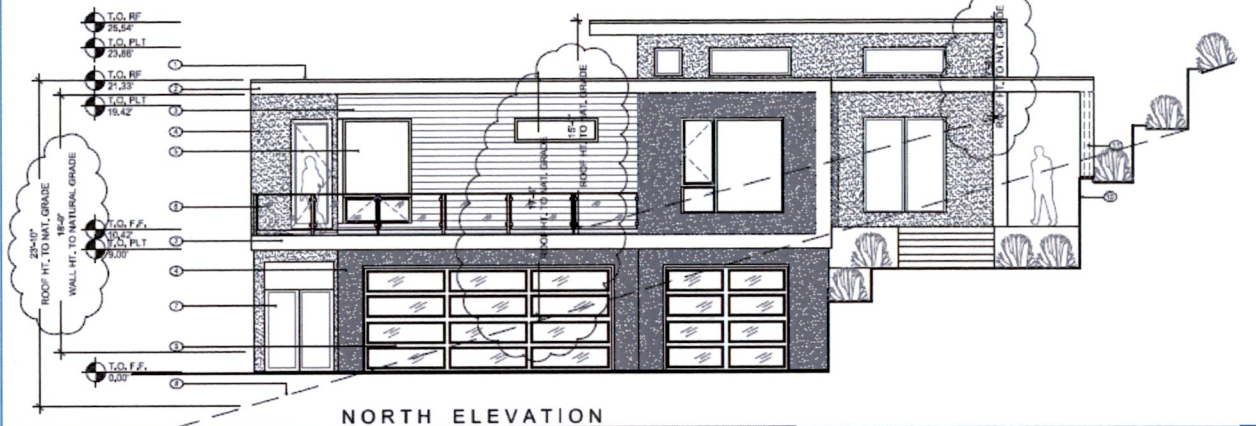


image 2 - PROPOSED SOUTH EAST ELEVATION



Exception

- The standards require that downhill building walls greater than 20 feet provide a six-foot step-back. As proposed, the eastern façade is 23' 10" high without the required six-foot step-back. (AMC 18.3.10.090.E.2.c).



Proposed Driveway Variance

A request for a Type 2 Variance to the flag drive standards. The allowed maximum grade of a flag drive is 15% without a variance, or up to 18% with a Type 1 Variance.

Request is to vary from the following criteria

18.5.3.060.F. Flag drive grades shall not exceed a **maximum grade** of 15 percent. Variances may be granted for flag drives for grades in excess of 15 percent but **no greater than 18 percent**; provided, that the **cumulative length** of such variances across multiple sections of the flag drive **does not exceed 200 feet**. Such variances shall be required to meet all the criteria for approval in chapter 18.5.5, Variances.



Proposed Driveway Variance

A request for a Type 2 (hearing) Variance to the flag drive standards. The allowed maximum grade of a flag drive is 15% without a variance, or up to 18% with a Type 1 (ministerial) Variance.

Summary

- **Driveway average slopes:** 23 percent
- **Driveway length:** 197 feet from beginning of flag drive
- **Portion of driveway in 35% slopes:** Less than 100 feet



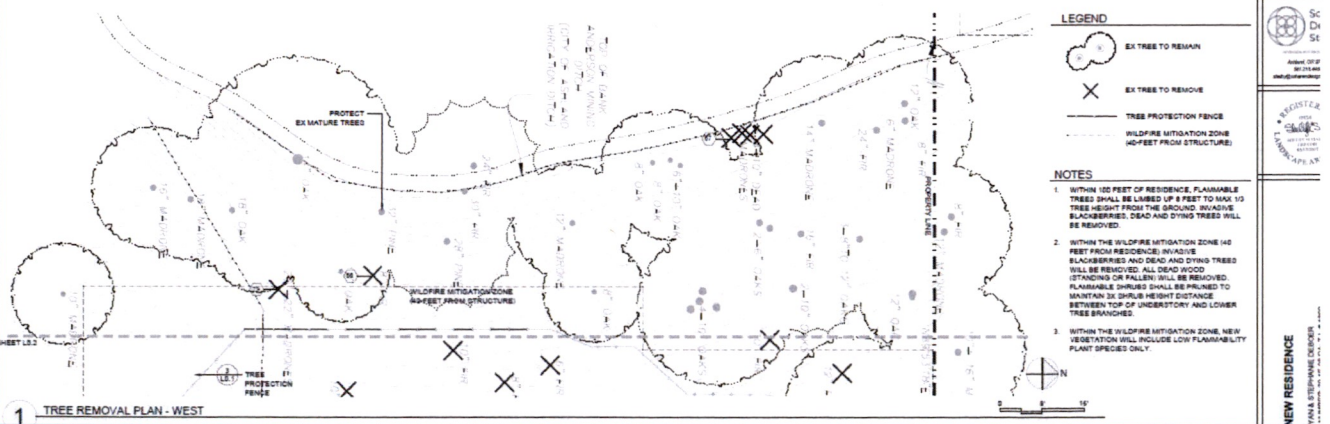
Staff Exhibit S-2: Looking up the flag drive (to the West) from the East end.



Tree Removal Proposal

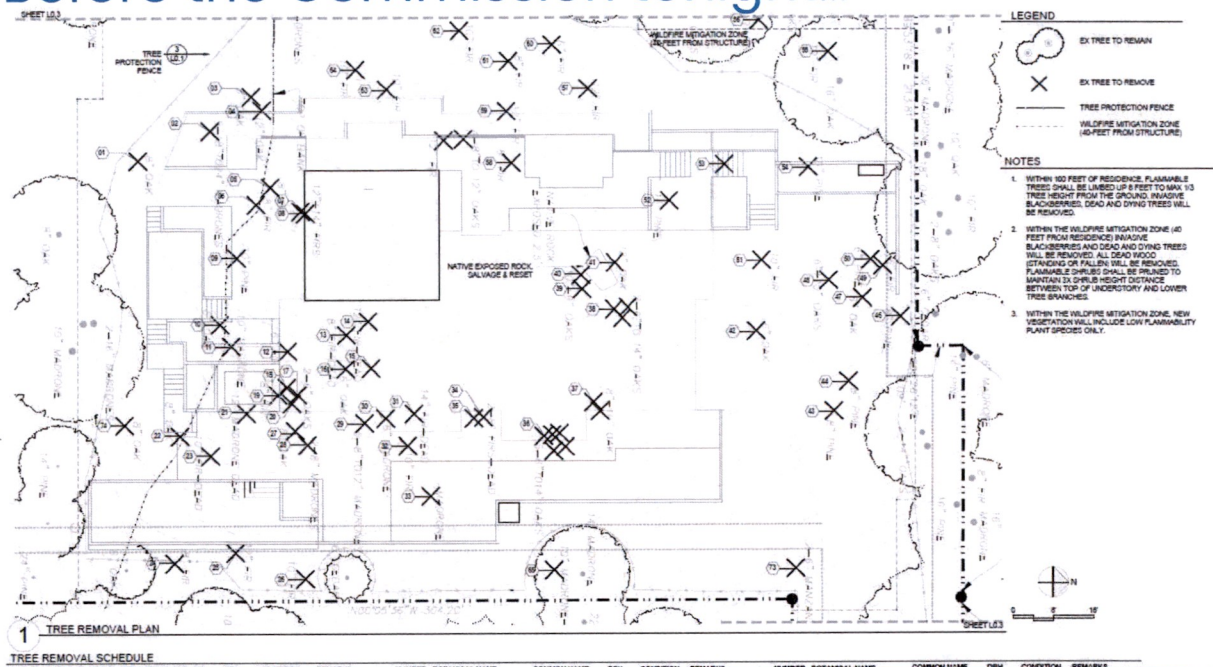
- A Tree Removal Permit for a total of 74 trees, 9 identified as 'significant' trees by definition, and 8 dead trees (AMC 18.5.7.040 & AMC 18.3.10.090.D).

**Several trees are < 6-inches in diameter at breast height (DBH) in size and therefore unregulated*





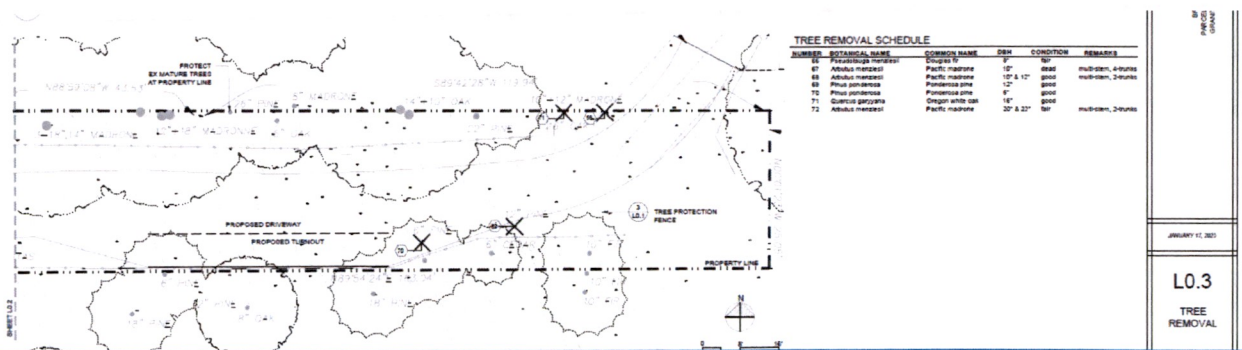
Before the Commission tonight...



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Tree Removal Proposal

The Tree Management Advisory Committee (TMAC) reviewed the application for 231 Granite Street on March 6th at their monthly meeting. The TMAC expressed concern with the loss of so many trees, but they recognized that all trees proposed for removal were either within the building envelope or very close to required excavation. The most significant tree near the project, a 36" madrone, is on an adjacent property and it appears that the tree protection plan provides adequate protection to the Critical root zone. The TMAC recognizes that there is little they can do to influence the size of the home, but did note that pools are discouraged in Hillside Development. Mitigation plantings were not discussed in detail.



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