Council Business Meeting Agenda

ASHLAND CITY COUNCIL
BUSINESS MEETING AGENDA
Tuesday, December 5, 2023
Council Chambers, 1175 E Main Street

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

HELD HYBRID (In-Person or Zoom Meeting Access)

Public testimony will be accepted for both general public forum items and agenda items.
Please complete the online Public Testimony Form (ashland.or.us/Council),
for WRITTEN and ELECTRONIC testimony only. Indicate on the Public Testimony Form if you wish to provide WRITTEN testimony, or if you wish to speak ELECTRONICALLY during the meeting.
Please submit your testimony no later than 10 a.m. the day of the meeting.

5 p.m. Executive Session

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

6 p.m. Regular Business Meeting*

I. **CALL TO ORDER**
   1. Land Acknowledgement**

II. **PLEDGE OF ALLEGIANCE**

III. **ROLL CALL**

IV. **MAYOR'S/CHAIR OF THE COUNCIL ANNOUNCEMENTS**
   1. Peace Proclamation

V. **APPROVAL OF MINUTES *****
   1. Minutes of the November 20, 2023 – Study Session Meeting
   2. Minutes of February 22, 2023 -Special Business Meeting

VI. **SPECIAL PRESENTATIONS**

VII. **CITY MANAGER REPORT**

VIII. **PUBLIC FORUM (15 minutes – Public input or comment on City business not included on the agenda)**

Council Business Meeting Agenda

IX. **CONSENT AGENDA**

1. Liquor License Approval for Trattoria Inc. (DBA "Martino's Macaroni's Ristorante") at 58 E. Main St.
2. Liquor License Approval for Lithia Loft LLC at 1
3. Liquor License Approval for Brother's Restaurc

have signed minutes

X. **PUBLIC HEARINGS**

1. Public Hearing and First Reading of CFEC Parki
2. First Reading Prohibited Camping Ordinance 3

XI. **UNFINISHED BUSINESS**

1. City Charter Amendments for May Election

XII. **NEW BUSINESS**

1. Council Chambers Audio-Video- Broadcast Up
2. Right of Way Vacation Initiation- Fair Oaks
3. Right of Way Vacation Initiation- Fern Street

XIII. **ORDINANCES, RESOLUTIONS AND CONTRACTS**

1. Sole Source Procurement Wastewater Membranes

XIV. **OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS**

XV. **ADJOURNMENT OF BUSINESS MEETING**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Manager's office at 541.488.6002 (TTY phone number 1.800.735.2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title I).

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

** **LAND ACKNOWLEDGEMENT**

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

***Agendas and minutes for City of Ashland Council, Commission and Committee meetings may be found at the City website, ashland.or.us/Agendas.asp.

Better Together

CITY OF ASHLAND
SPECIAL CALLED BUSINESS MEETING
MINUTES
FEBRUARY 22, 2023

I. CALL TO ORDER

Mayor Tonya Graham called the meeting to order at 5:30 p.m.

1. Land Acknowledgement
   Councilor Hyatt read the land acknowledgement.

II. PLEDGE OF ALLEGIANCE

Councilor Hansen led the pledge of allegiance.

III. ROLL CALL

Mayor Graham, Councilor Hyatt, Kaplan, Hansen were present. Councilor DuQuenne was absent.

IV. MAYOR'S ANNOUNCEMENTS

1. State of the City Address:
   Mayor Graham provided the state of the city address. Highlights are as follows:

There has been an increase in low-income housing within Ashland via permitting and funding. Water-sharing agreements with neighboring communities have been successfully negotiated and electric vehicles were added to the city's fleet.

The fire department has educated the community regarding fire safety and preventative burns were executed. Despite the fire department and police department being understaffed, they continually answered their numerous calls. The police department is actively engaged with the community and believes in social equity and racial justice.

There was a clean audit, the Human Resources department was rebuilt, and new employees were hired. IT updated the fiber network, and a new director was hired. Parks and Rec opened the renovated garden with over 2,000 attending.
The Ashton senior center, Daniel Meyer pool, and ice rink have reopened post-pandemic. Despite a staffing shortage, the city has received over $10 million in grants

for projects such as installing solar panels, improvements at the Brisco School, rehabilitating the taxiway at the airport, increasing homeless services, and more.

The volunteer spirit was described as being very alive in Ashland, specifically regarding wildfire assessments. The golden connection insulation was unveiled. Extreme weather shelters have been extended to include extreme heat and wildfire smoke.

In 2023, the city will focus on improving public safety, fire and police, streets, parks and recreation, water, electricity, and AFN.

Mayor Graham noted that there will be disagreements, but everyone is working to improve the city, and the city will work to position itself for more grants. Currently, the general fund is underfunded, and this will be addressed.

Mayor Graham thanked the city staff for their excellent work in challenging circumstances. She requested that citizens continue to help by supporting local businesses, helping neighbors, making students feel welcome, and other efforts. It was noted that this is a year of transformational change, which can be scary but will be essential to the future of Ashland.

V. SPECIAL PRESENTATIONS

1. Travel Ashland Quarterly Report: Catherine Kato, with Travel Ashland, and Scott Melbourne, gave a presentation on travel in 2022. See presentation attached.

There was discussion regarding the visitor study and how people were enticed to Ashland. People in nearby areas, with minimal planning, family trips, wanderers, and destination trips were all considered. There was discussion on whether rental data is being skewed because locals are using rental services that are usually for tourists. There was discussion on how wine releases are a year-round draw for tourism.

Councilor Hyatt asked for information on racial diversity for tourism. Kato noted that there is an intent to increase the diversity of tourism and target a broader range of people. Councilor Hyatt also suggested how locals can actively be engaged in tourist events, such as the chocolate festival, in order to increase invitations to out-of-town friends. Kato also suggested that locals consider bringing national conferences to Ashland if they have these connections. Melbourne noted that the city has been carrying out impressive work to increase tourism.

2. Climate Friendly and Equitable Communities: Brandon Goldman, Interim Community Development Director, noted that the climate friendly and equitable communities rule-making program is a statewide program. The objective is to decrease greenhouse gases and promote equitable communities, especially communities that have historically been overlooked.

In 2007, Oregon adopted a goal to reduce state greenhouse gas emissions by 75% by 2050, however, Oregon is below the needed requirements to meet this goal. There have been significant wildfires, heat waves, and other environmental issues associated with climate change. Transportation is a large contributor to greenhouse gases in Oregon. Energy-saving measures for buildings are being implemented. Reducing parking and increasing housing density, are aligned with the initiative. Ashland has adopted the initiative and is working to increase sustainability. Reducing the need to drive is part of the initiative.

Derek Severson, Senior Planner presented the rule-making slides. See presentation attached.

The floor was opened for questions.

Councilor Kaplan noted the focus on residential density but expressed that there could be more focus on multi-use buildings. He also asked about developer interest in sustainable development, government support, etc.

There was discussion on the occupancy of buildings and demand. Allowing greater density should allow for mixed-use developments, especially with the demand and decrease in parking needs. A conversation followed regarding student housing and making it sustainable.

It was noted that codes need to be consistent for this program to work. Clear Creek being considered a CSA was discussed. Removing parking requirements allows developers to reduce the amount of land dedicated to parking lots.

Councilor Kaplan asked if the fire department ladders are able to reach above 45 feet. As building heights increase, it makes it harder to fight fires without additional equipment. The rule-making for population density is connected to the population of the city. Ashland has the potential for population growth that would change the

population density required. It was noted that it is likely that zoning changes will be needed for the city.

Paul Messina addressed the room. He noted that there are challenges with being climate-friendly, specifically that cobalt is needed for lithium batteries, and the dependence on this resource is putting the Democratic Republic of the Congo in a devastating situation.

VI. CITY MANAGER REPORT

Joe Lessard had nothing to present.

VII. PUBLIC FORUM

Linda Adams/Ashland noted that there have been many efforts to reduce vehicle miles traveled, making it safer to bike and walk. There has been much community support for these efforts, specifically for the Ashram Street and North Mountain Avenue bike lanes.

VIII. CONSENT AGENDA

IX. PUBLIC HEARINGS

X. UNFINISHED BUSINESS

1. City Council Election: City officials are still working on this.

Councilor Kaplan provided insight into the process. There are currently 19 candidates, and there are only two positions. He suggested that current councilors select two candidates each, which would result in a maximum of eight candidates. Any candidate who has a majority would be appointed. However, if there is only one or no candidate selected in that round, there would be a second round with rank choice voting.

The two positions have different lengths of terms. There are challenges regarding candidate preference for roles, but this can be addressed throughout the process. Councilor Kaplan showed the various outcomes of the voting system.

XI. NEW BUSINESS—RESOLUTIONS AND CONTRACTS

1. Council Meeting Calendar Adjustments Resolution: Mr. Lessard reviewed the calendar for meetings falling on a holiday Monday, which are to be

rescheduled. Part of the rescheduling will be based on necessity, i.e., if a meeting is not needed, it will be canceled.

The Council requested changes to the municipal code to make the system simpler.

XII. ORDINANCES

XIII. OTHER BUSINESS

XIV. ADJOURMENT OF BUSINESS MEETING

Councilor Hyatt/Hansen m/s to adjourn the meeting at xx. Voice Vote: All Ayes. The meeting adjourned at

Respectfully Submitted by:

City Recorder Alissa Kolodzinski

Attest:

Mayor Tonya Graham

Quarterly Report

October - January 2022

Ashland City Council
February 22nd, 2023

Travel ASHLAND

Live your daydreams

CONTENTS

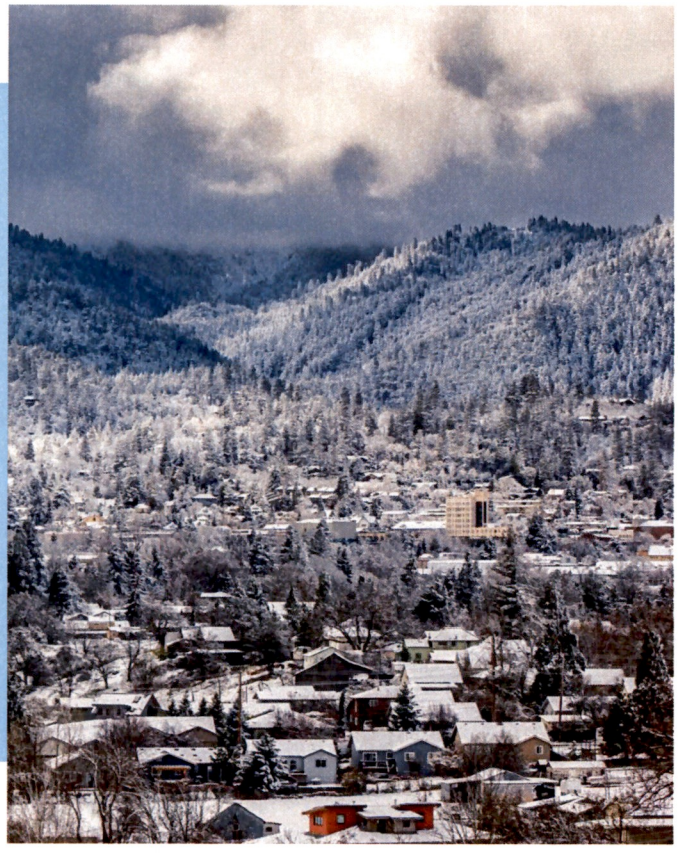


Photo by Bob Pallermini

Travel Ashland Role
- Our work and impact

Where we are now
- A strong end to 2022

Program Analytics
- Earned media coverage
- Website and Social Analytics
- Paid Media Performance – Search and Display

Industry Statistics
- Ashland lodging industry
- Culinary Industry

Looking forward
- Winter and Spring Campaigns

Travel Ashland's role and work

- Travel Ashland **leverages** it's grant dollars to promote our destination, by providing the **furthest, effective market outreach and destination managment** that businesses and partners depend upon.
- For over a decade Travel Ashland has been **diversifying our visitor base. Ashland continues to welcome a new visitor for new reasons.**
- This new visitor is **more active and sponatenous, attracted to Ashland's walkability, access to the outdoors** and takes part in a **spectrum of experiences.**
- Our **2021 visitor study** underscored Ashland' s strengths and **validated the largest shift** in Ashland's visitor base. Coupled with the **new brand implemented over the past year,** this work enabled Ashland to **bounce back** and **recover faster**.
- This pivot would not have been possible had we not seen the changes coming prior and been planting the **seeds to expand** and **grow visitation** that anchored our **ability to evolve**.
- Businesses and our tourism industry partners rely on Travel Ashland to **educate and promote** to visitors while being good stewards of our destination.

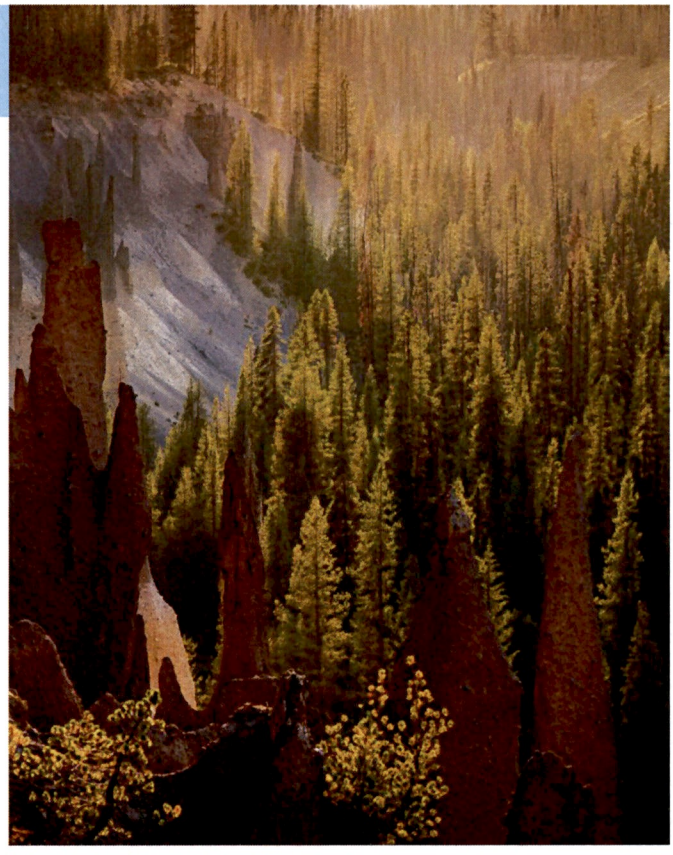
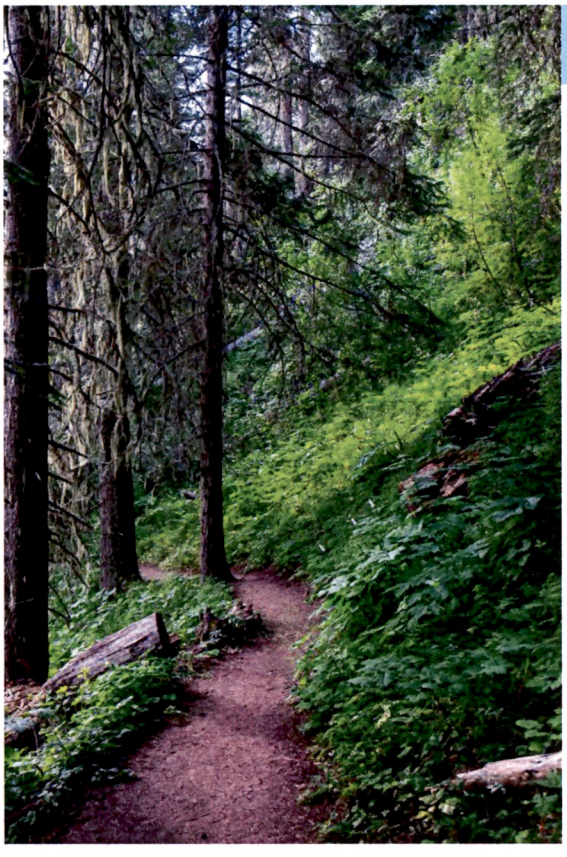


Photo by Bob Palermini



A track record of positive impact

- For the past 40 years, your investment has enabled Travel Ashland to **generate lodging tax dollars** with our industry partners and operators to fuel Ashland's economy. Travel Ashland is the tourism branch of the Ashland Chamber of Commerce. We are your allies.
- We have **increased lodging tax and food & beverage tax revenue** year over year, aside from the pandemic, and have helped to generate strong recovery since.
- These dollars and the impact of visitation also support our year-round **workforce,** our **quality of life, fund essential services** and sustain **amenities** that residents value. It underscores why we live here.
- Our work inspires visitors to travel here **year-round** and supports our tourism related businesses and employment. We **generate food and beverage tax dollars** through visitor spending and our culinary promotions.
- Of the lodging tax generated**: 70%** goes to the City's general fund; **30%** are restricted tourism dollars that, by state law, must be reinvested back into the tourism industry.

Photo by Bob Palermini

Where we are now

- **The fall** ended with **strong visitation and the holidays were comparable to 2019** numbers for many though different from 2021.
- **We support and promote events that are returning and growing** such as the upcoming Oregon Chocolate Festival, the Cheese Festival and the Ashland Independent Film Festival and the new Rogue Table events.
- **Spring promotions** are underway with **targeted campaigns** reaching our personas and key markets that we continually assess and update based on engagement and visitation.
- We are **producing** seasonal videos, imagery and footage telling the story of visiting Ashland along with growing our social platform and engagement. We will be sharing our Fall shoot on YouTube.
- In March we will launch Travel Ashland's **Industry platform** to support our partners with resources, research and outreach.
- Production of our **Visitor Guide** begins and due to publish in May.
- We are revamping how we attract **conferences, groups and tours.**



Program Analytics



Photo by Bob Palermini

Earned Media Coverage November – December 2022

- Great coverage for Ashland and the region with many travel writers planning their trips for 2023. Travel Ashland participates by collaborating, hosting, planning and coordinating with partners such as Neuman Hotel Group, Travel Southern Oregon, Rogue Valley Vintners and Travel Oregon.



Shopping

Book a wellness getaway at an Oregon resort that filters mineral waters to your room

Jean Oberi Smith

Dec. 12, 2022

Lithia Springs Resort

Nestled in the small town of Ashland in Oregon's Rogue Valley, a mere 15

SF Gate
(San Francisco Chronicle Website)
5.6 million UVPM

Big Life Magazine
(circulation: 30.000)



biglife magazine

LIVE BIG | TRAVEL | FOOD & DRINK | FASHION & GEAR | ARTS & CULTURE | PLACE | SHOP | VI

Be Here Now: Ashland, Oregon

Words by Hollis Zimmer

I have been to Ashland, Oregon, only a handful of times but on each visit, I find myself lured further into its charms like Alice descending into Wonderland. One might imagine seeing the White Rabbit pop out of the bush in the leafy, verdant Lithia Park that beckons visitors with its magical springs. And a king or queen may actually be mid-soliloquy nearby at the Shakespeare Festival if you listen closely enough, though hopefully ordering no one's beheading. A stroll through the streets may indeed find you eventually seated at a table enjoying magical mushrooms, not of the hallucinogenic variety but of the palate-pleasing wizardry kind concocted by local chefs.

This is a town with a vibrant arts scene, a walkable downtown, a range of foodie-centric restaurants, a craft beer scene, a burgeoning wine culture, trails for hiking, biking, and running, and, amazingly, a ski area that is both affordable and fun. It's also a college town, a feature that brings its own youthful vibrancy. It would be tempting to call Ashland a lovely little hamlet given its well known history as the home of the Oregon Shakespeare Festival, but it offers so much more than that. Add to this paradisacal scene some of the loveliest people around and you get the idea of why this is a magical town.



MEN'S JOURNAL

ADVENTURE

These Small 'Mom 'n Pop' Ski Resorts Are Locals' Best-Kept Secrets



Mt. Ashland Ski Area

by Nancy Prichard Bouchard

Men's Journal
(circ. 1.3 million unique visitors per month)

Website and Social Analytics

Website Metrics October - December

Site targets workbook

October - December Actual

	October - December 2022	October - December 2021	Variance	Variance
Pageviews	32,890	10,998	21,892	199.05%
Users	19,790	4,503	15,287	339.48%
Sessions	22,116	5,412	16,704	308.65%

January - March Forecast

	January - March 2023	January - March 2022	Variance	Variance
Pageviews	34,500	20,570	13,930	67.72%
Users	16,000	9,117	6,883	75.50%
Sessions	15,500	10,629	4,871	45.83%

Social Metrics October - December

Facebook October - December Actual

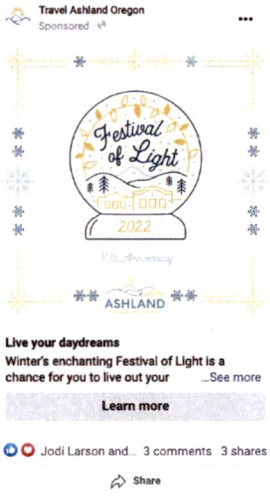
	Oct-Dec 2022	Oct - Dec 2021	+/-	+/-
Followers	2,458	2,082	376	15.28%
Reach	41,170	3,423	37,736	91.66%
New Likes	75	41	34	45.33%

Instagram October - December Actual

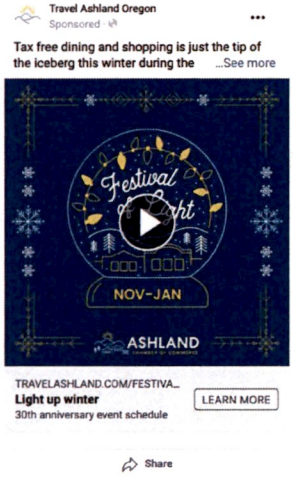
	Oct - Dec 2022	Oct - Dec 2021	+/-	+/-
Followers	4,035	3,438	597	14.79%
Reach	16,787	6,235	10,552	62.86%
New Likes	244	0	244	100%

Paid Social October - December

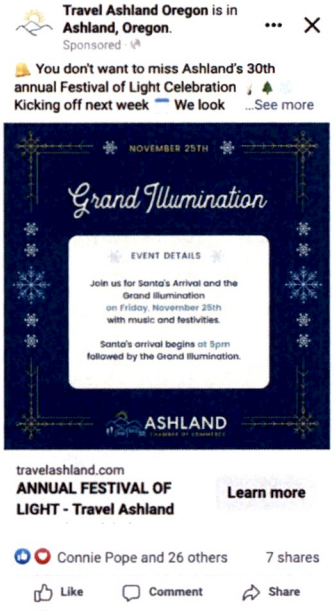
168,445	51,729	2,797	3.35%	$0.27
Impressions	Reach	Clicks	CTR	CPC

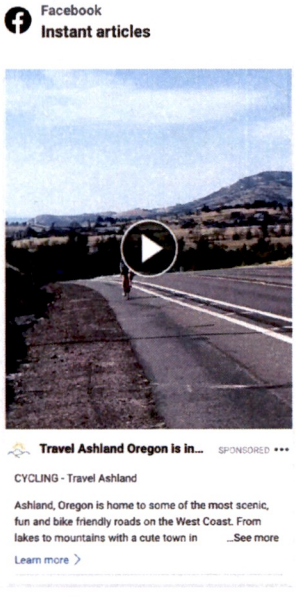






Paid Social October - December









Social Posts December

Top Post

Reach 1,073 Engagement 21



Something for everyone - get away to Ashland this winter break with the family and friends. ❄ The holidays are filled to the brim with magic ✨ and wonder along with scrumptious food and libations. 🎩 #familyfun #basecampashland #liveyourdaydreams

Reach 461 Engagement 23



Happy Hanukkah on this first night! May your candles burn bright this season.

Reach 302 Engagement 12



Come celebrate the light in Ashland this holiday season. Wishing everyone a beautiful Winter Solstice as the sun stands still and winter begins. #liveyourdaydreams #wintersolstice2022 #pnw

Key Takeaways

- **The editorial calendar** with prewritten social posts and templates were a success promoting Festival of Light and winter itineraries.
- **Travel Ashland** launched the new social management plan the week of Dec 12 with a new social media consultant starting January 2023.
- **Overall web traffic** and engagement continues to be up significantly YOY
  - Pageviews +140%
  - Users +329%
  - Sessions +261%
- **Top Pages**
  - Homepage 10.67%
    - Top navigated to after Homepage
      - Festival of Light
      - Winter Reaction
      - Dining
  - Ashland 4 Kids 9.14%
  - Festival of Light 6.09%

Paid Media Performance



Photo by Lindsey Bolling Photography

Search

Search October - December 2022

108,075	6,297	5.83%	$0.81
Impressions	Clicks	*Industry Average 5-7% CTR	*Industry average $1.40 CPC

Ad Group	Impressions	Clicks	Click Rate	Absolute Top Impressions	Top Impressions
Branded	27,044	2,277	8.42%	36.71%	86.66%
Family Fun	26,449	1,580	5.97%	21.09%	82.28%
Outdoors	28,021	1,063	3.79%	42.30%	92.95%
Wine and Culinary	18,281	768	4.20%	27.38%	71.97%
Arts and Culture	8,092	599	7.40%	46.01%	74.97%
Local Shopping	188	10	5.32%	27.17%	53.32%

TOP CITIES

City	Impressions	CTR
Portland, Oregon	45,811	4.92%
Dorris, California	8,243	9.95%
Seattle, Washington	3,130	4.35%
Redding, California	812	15.76%
Sacramento, California	1,350	7.41%
Eugene, Oregon	1,420	6.69%
Salem, Oregon	1,102	7.80%
San Francisco, San Francisco B...	1,444	5.68%
Redmond, Oregon	704	9.52%
San Jose, Silicon Valley	1,057	6.15%

*2022 Search Advertising Benchmarks
LocalIQ - multiple categories

Search Creative Examples

Wine & Culinary

Impressions 4,232 | Clicks 164 | CTR 3.88%



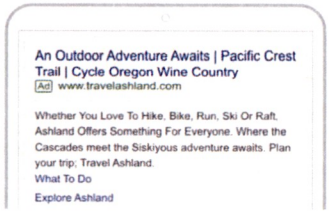
Family Fun

Impressions 6,683 | Clicks 471 | CTR 7.05%



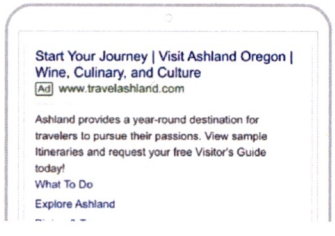
Outdoors

Impressions 6,783 | Clicks 270 | CTR 3.98%



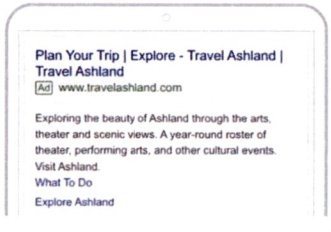
Branded

Impressions 3,567 | Clicks 390 | CTR 10.93%



Arts and Culture

Impressions 2,482 | Clicks 178 | CTR 7.17%



Display

Display October - December

1,115,876	1,800	0.16%	40
Impressions	Clicks	CTR	View Through

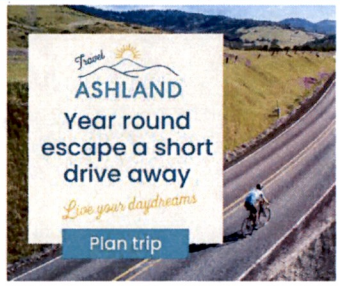
Place	Region	Impressions	Clicks	Click Rate
San Francisco	California	82,418	120	0.15%
Phoenix	Arizona	50,234	106	0.21%
Seattle	Washington	67,858	103	0.15%
Portland	Oregon	77,287	102	0.13%
Los Angeles	California	56,962	88	0.15%
Sacramento	California	34,060	56	0.16%
San Diego	California	26,823	49	0.18%
Denver	Colorado	25,567	34	0.13%
Las Vegas	Nevada	15,334	33	0.22%

Display









Persona: Quick Escapes
Interest: All
Market: Drive
Run Dates: 3.1.2022-11.30.2022

Impressions: 74,968
CTR: 0.11%
Clicks: 82









Persona: Family Getaways
Interest: Family Fun
Market: Drive & Fly
Run Dates: 3.1.2022-11.30.2022

Impressions: 135,000
CTR: 0.15%
Clicks: 201

Display









Persona: Quick Escapes
Interest: Wine & Culinary
Market: Drive
Run Dates: 3.1.2022-11.30.2022

Impressions: 127,186
CTR: 0.09%
Clicks: 110





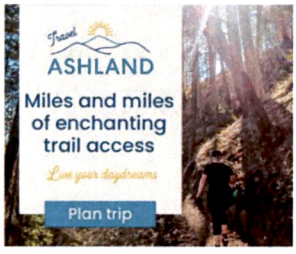




Persona: Wanderers
Interest: Wine & Culinary
Market: Drive & Fly
Run Dates: 11.1.2022-11.30.2022

Impressions: 50,067
CTR: 0.28%
Clicks: 141

Outdoors- Hike

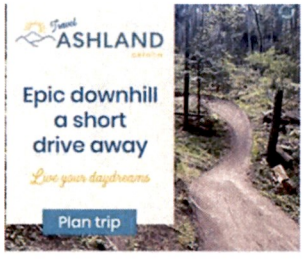


Hiking

Persona: Quick Escapes
Interest: Outdoor - Hike
Market: Drive & FLY
Run Dates: 11.1.2022-11.30.2022
Same ad creative as the "quick escapes" different targeting

Impressions: 50,076
CTR: 0.22%
Clicks: 110

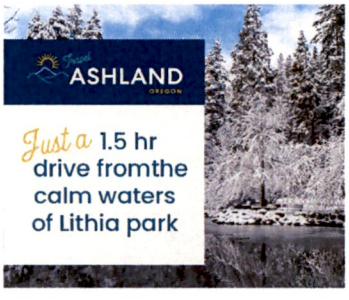


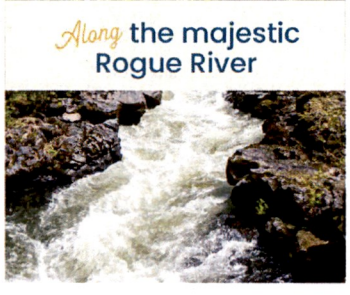


Persona: Quick Escapes
Interest: Outdoors - Mt Biking
Market: Drive
Run Dates:11.8.2022-11.30.2022

Impressions: 25,873
CTR: 0.41%
Clicks: 105

Basecamp Crater Lake - Winter - Outdoors









Persona: All
Interest: Outdoor Enthusiasts
Market: Drive & Fly
Run Dates: 12.1.2022-2.28.2023

Impressions: 50,179
CTR: 0.27%
Clicks: 133

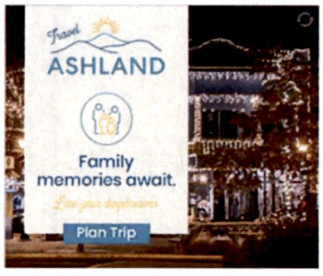
Family Getaways Winter











Persona: Family Getaways
Interest: Family Fun
Market: Drive & Fly
Run Dates:11.9.2022-2.28.2023

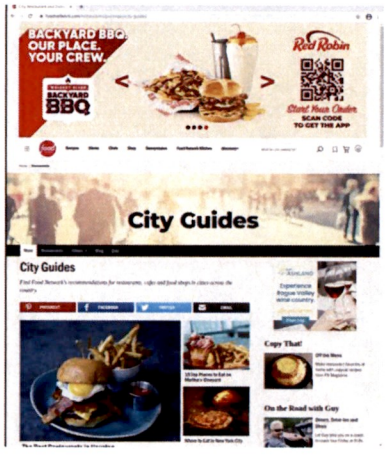
Impressions: 75,270
CTR: 0.25%
Clicks: 187

Display - Highlights

- Top sites by click
  - Yahoo.com 161
  - Dailymail 132
  - People.com 111

- Overall campaigns continue to perform well
- The best performing ad sets by CTR (click through rate) were both of the family targeted ones
- Each month we are seeing additional "view through" which is when someone sees an ad but does not click and visits the site later







Industry Statistics

Lodging Industry Statistics: September – December

Key Points:

- For Ashland's entire lodging sector, a third of the properties report to STR, a data collection entity that we subscribe to.
- Below, occupancy represents 536 rooms nights, approximately a third of the 1700+ rooms of Ashland's lodging. Data is based on properties that report to the STR reporting system.
- Ashland paced well in occupancy compared to the state, region and county with growth over 2021 in September and December.
- Beyond lodging, **September and December were strong** months for restaurant, retail, outfitters and wineries.
- The beautiful fall weather and travel in general was strong through October. The **holidays were up for many** in 2022 occupancy wise however with **rising costs, profitability was flat** for many. Compared to 2019, most exceeded pre-pandemic revenues.

Occupancy - Hotel/Motel Lodging

	Sept.	Oct.	Nov.	Dec.
Ashland	71.5%	61.7%	53.6%	55.1%
YOY for Ashland	+11.7%	-5.6%	-10.6%	+9.8%
Jackson County	74.4%	65.3%	57.8%	52%
Southern Oregon	69.4%	65.4%	45.8%	47.1%
Oregon	67%	64.1%	47%	46.3%

Source: STR Report

Vacation Rentals '22 vs. '21

Sept.	Oct.	Nov.	Dec.
+17%	+15%	-30%	-21%

While November and December were down vs. 2021, **they were up over 2019 and 2020**. Vacation rentals represents a significant number of rooms in Ashland. They are legally licensed and contribute to the lodging tax. Above shows revenue for 66 vacation rental properties in Ashland. Source: BookStayHop

Lodging Industry Statistics: September - December

Key Points:

- Average daily rate represents 536 rooms nights, approximately a third of Ashland's lodging but is a key snapshot.
- Data is based on properties that report to the STR reporting system.
- Ashland held a **strong room rate** and paced ahead of the county and region, which has typically been the case.
- TOT and F&B collections are outsourced by the City of Ashland to the State and have a lag time of 3-6 months.

Ashland ADR: Average Daily Rate (room revenue/rooms sold)

	Sept.	Oct.	Nov.	Dec.
Ashland	137.65	131.47	102.86	105.29
YOY for Ashland	+7.6%	+8.6%	-6.7%	+20%
Jackson County	124.02	117.32	100.88	95.19
Southern Oregon	119.23	115.33	96.47	96.67
Oregon	141.13	135.95	114.48	114.63

Source: STR Report

Siskiyou Welcome Center Visits

Sept.	Oct.	Nov.	Dec.
2145	1426	1654	1357

2022 totaled 21,805 visitors **exceeding 2021 by 20%** with 17,661. The Siskiyou Welcome Center is part of the Oregon State Welcome Center system. **60% of all entry** into Oregon comes through our corridors. 20% of all state highway funds in Oregon are generated by visitors according to Travel Oregon. The Welcome Center is managed by Travel Southern Oregon with paid staff and volunteers and funded through Travel Oregon.

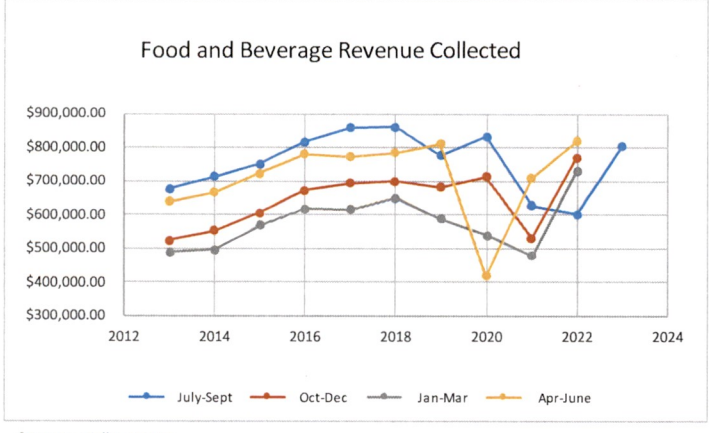
Ashland's Transient Room Tax Statistics show from the latest data available that **July – September of 2022 of $993,327 paced within 20% of Ashland's best summer ever in 2018.** This recovery far exceeds many other destinations that are still building back. Conversely, January – March continue to show the greatest opportunity to increase occupancy.

Culinary Industry Statistics

Key Points:

Restaurant responses to Travel Ashland's survey showed the following trends October – December:

- Customers preferred dining outdoors with weather permitting; are spending more per check; ordering more small plates and alcohol; requesting more to-go and many were up in 2022 vs prior years for some.
- **Below, F&B annual revenue collections shows recovery and stabilization with spring pacing to summer.** Hence the work we do to promote year-round to help increase fall and winter revenue with visitors.



Source: Hdl reports

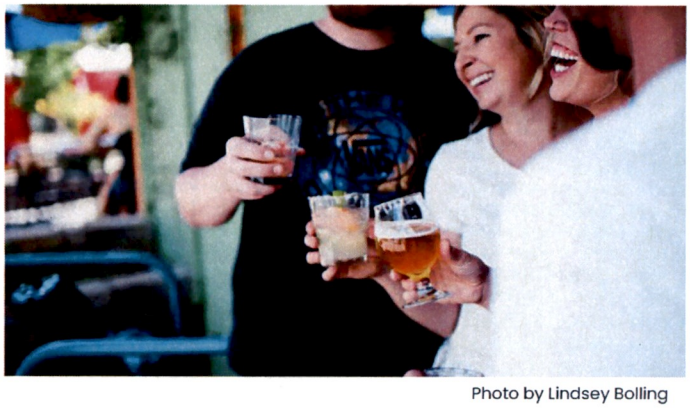


Photo by Lindsey Bolling

Strategic Campaigns



Photo by Bob Palermini

Water Campaigns launched in September

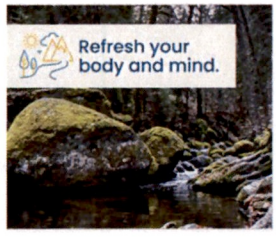
- Crater Lake
  - Ashland as "basecamp" for your Crater Lake trip. As outlined in our recent Economic Diversification Study which we have done and continue to do.
  - The ad "story" starts at Ashland Creek, to the Rogue River and ends with Crater Lake.
  - Links to: https://travelashland.com/stay/ to focus on the lodging in Ashland as Basecamp
- "Healing Waters"
  - Tells the story of relaxation and rejuvenation of water in town
  - Features reflection at the duck pond, a spa soak, fountains in the park and access to nature with the fairy ponds
  - Links to https://travelashland.com/relax-refresh/

Display - "Water" Campaign launched September 2022









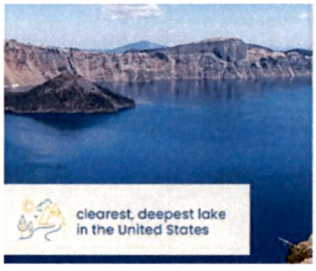


Persona: Wanderers
Interest: Arts & Culture
Market: Drive & Fly
Run Dates: 9.24.2022-2.28.2023

Impressions: 175,400
CTR: 0.13%
Clicks: 236









Persona: All
Interest: Outdoor Enthusiasts
Market: Drive & Fly
Run Dates: 9.24.2022-11.30.2022

Impressions: 100,114
CTR: 0.12%
Clicks: 117





Festival of Light & Holiday Campaigns

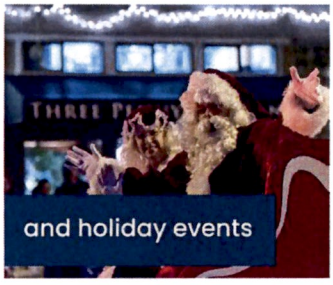
- We promoted and produced the kick off the holidays with the **30th annual Festival of Light event November 25th** main event that welcomed over 10,000 people at the grand illumination. Festivities continued through the new year showcasing community partners.
- **Landing page** on travelashland.com dedicated solely to the Festival of Light, associated events and local shopping opportunities
- **Social media templates** outlined all the events leading up to the Festival of Light and throughout the entire holiday season
- **Paid social and targeted display campaigns** focused on the events as well as **outdoor, shopping, lodging, dining and entertainment** opportunities
- Geographic targets include the West Coast and emphasis on Redding to Eugene drive markets and LA, Phoenix and Seattle flight markets

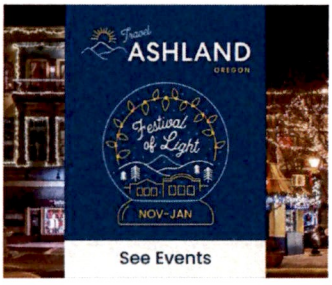
Festival of Light











Persona: All
Interest: All
Market: Drive & Fly
Run Dates:11.14.2022-12.31.2022

Impressions: 200,714
CTR: 0.14%
Clicks: 286

PTA:
Polygonal Targeted Audiences



Photo by Bob Palermini

We Invite You Back *December -February*

- Utilizing **Polygonal Targeted Audiences (PTA)**
- Similar to geofencing, PTA targets a set geography and collects data via cell phone. We use a time frame "lookback" and target those who visited during the window of time and eliminate or target based on the audience we are looking to reach.

- **Launched December 19**
- This **targets those who have visited Ashland during the summer months** and **invites them back** for winter activities.
- The audience was pulled through mobile devices
  - **Look back May-June-July, 2022**
  - 48 commercial address locations: **23,450 devices discovered accounting for 129,300 visits to Ashland area hotels, restaurants, airport, etc.**
  - 819 address (CRM): 1,071 devices appended to the residential CRM list.
  - 12,804 devices removed due to association with undesirable ZIP's. (Mostly from 97520, 97501, 97504 and 97502 to avoid targeting locals)
- The campaign creative runs through websites as display ads and through social media.
- In addition to the direct target an additional "Audience Lookalike" was created to reach a larger audience that mirrors their online behaviors of the original audience.

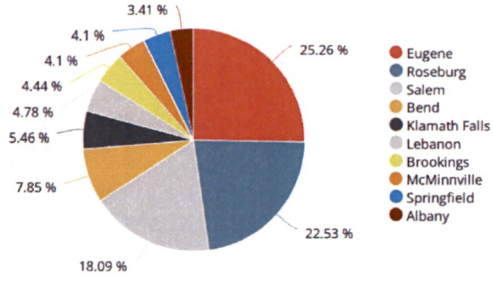
PTA- Performance - December 2022

Display	175,941 Impressions	391 Clicks	0.22% CTR	
Social	55,486 Impressions	926 Clicks	1.67% CTR	8,524 Reach

TOP CITIES BY IMPRESSIONS

City	Impressions	Clicks	CTR
Eugene	46,258	74	0.16%
Roseburg	26,594	66	0.25%
Salem	24,795	53	0.21%
Klamath Falls	9,070	16	0.18%
Bend	8,904	23	0.26%
Coos Bay	6,034	10	0.17%

TOP CITIES BY CLICKS



Welcome to Winter -PTA & Display











Persona: All
Interest: All
Market: PTA
Run Dates: 12.19.2022-2.28.2023

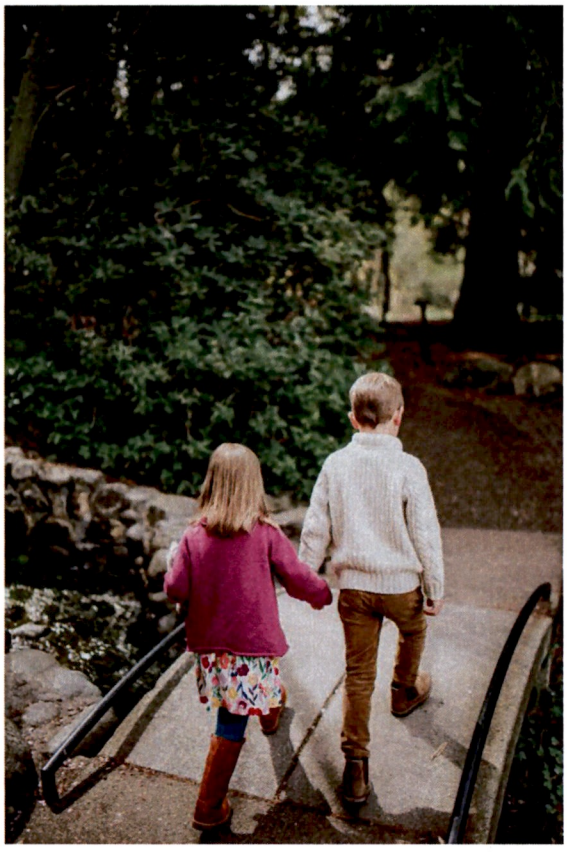


Photo by Lindsey Bolling

Current Winter Campaigns

In addition to the PTA campaign, **our current display campaigns include targeting the following personas and interests during the winter season:**

- Family Getaways - Winter
- Quick Escapes - Outdoors Ski
- Quick Escapes - Wine and Culinary
- Wanderers - Wine and Culinary
- Wanders - Outdoors something for all abilities- winter
- General Audience - Winter Getaway in Ashland
- Destination Friends - Arts & Culture

These campaigns are mirrored in our social media editorial calendar that we create monthly and deploy with our social media consultant, Katie Guest.

Promoting Spring

Spring promotions are soon to launch with **targeted campaigns** including a focus on **agritourism, families, spring weather attracting from the north** and a new **Dream Like a Local campaign** that we look forward to sharing.

Planning

Targeting

- Reviewing Geographies and adding a third geo group: 150 mile radius. As with the other two groups there will be overlap, but this will allow specific close in geo targeting.

Events

- Compiling an aggregation of regional events that will be housed on the Travel Ashland Site
- Marketing will be able to be directed to this page

Conferences

- Developing a strategy to market Ashland as a destination for conferences. This will include organic outreach as well as structured content and media.

School breaks

- Researching school breaks of surrounding areas to plan marketing in advance, inviting them to Ashland for their break

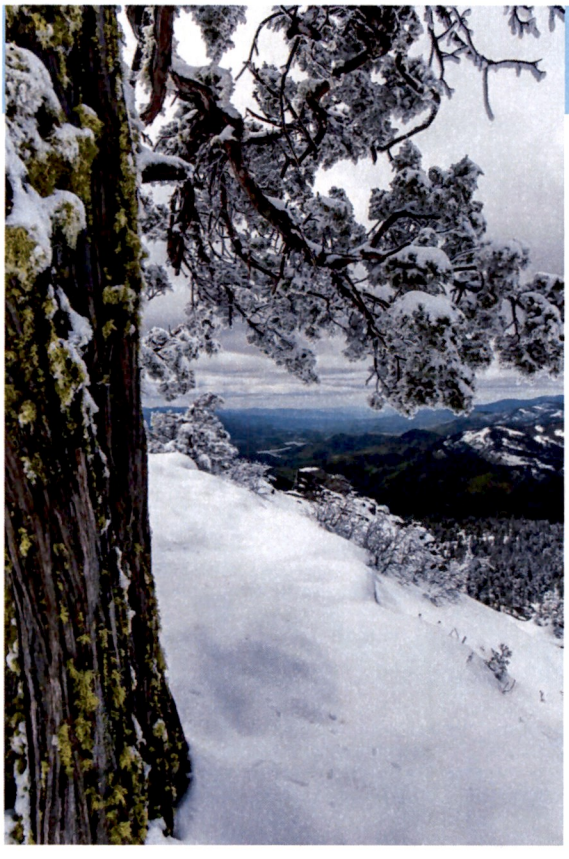


Photo credit: Al Case

Travel Ashland Advisory Committee

- Pete Wallstrom – Momentum River Expeditions (Chair)
- Graham Sheldon – Ashland Creek Inn
- Anne Robison – The Crown Jewel
- Don Anway – Neuman Hotel Group
- Julie Gurwell – Hearsay Restaurant, Lounge and Garden
- Scott Malbaurn – Schneider Museum of Art
- Gina Bianco – Rogue Valley Vintners
- Dorinda Cottle – City of Ashland
- Javier Dubon – Oregon Shakespeare Festival
- Gina DuQuenne – Ashland City Council Liaison

Travel ASHLAND

Live your daydreams

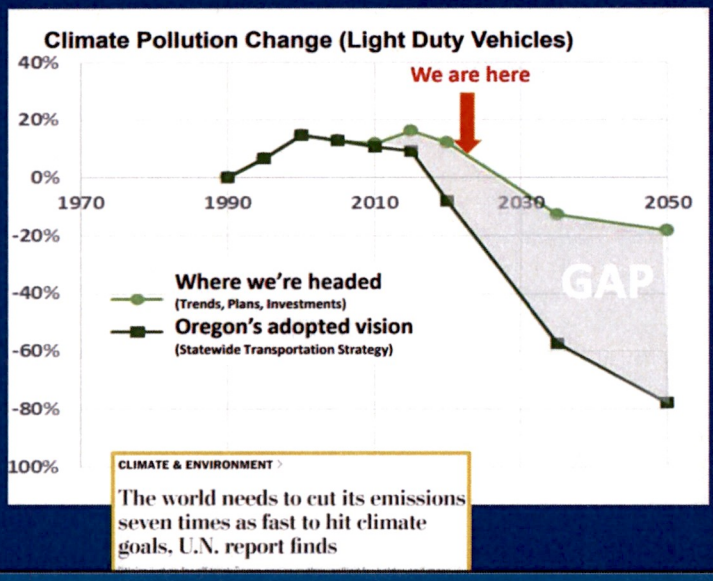
Thank you!

Questions?
Katharine Cato, Director, Travel Ashland
katharine@ashlandchamber.com



Climate-Friendly & Equitable Cor

Why these Rules?
Missing Oregon's Pollution Reduction Targets Has Real Costs



CLIMATE & ENVIRONMENT ›

The world needs to cut its emissions seven times as fast to hit climate goals, U.N. report finds





DLCD

Rules Apply in Oregon's Metropolitan Areas

These contain over 60% of Oregon's population and 70% of jobs



DLCD

Meeting Oregon's Climate Pollution Reduction Targets



2050 GHG targets for Oregon metropolitan areas

per capita light vehicle GHG emissions reduction[1]

Adopted target	Metropolitan area
35%	Portland Metro
30%	Albany
	Bend
	Corvallis
	Eugene-Springfield
	Middle Rogue
	Rogue Valley
	Salem-Keizer

1 Reductions beyond expected vehicle and fuel improvements

DLCD

Two Categories of Rulemaking

Performance monitoring and reporting under both

Regional plans to achieve pollution reduction targets

Land use and transportation rules reducing pollution and promoting equity

DLCD

Updated Land Use and Transportation Rules

Focus Areas

Land Use/Building

- Designate walkable climate-friendly areas
- Reform parking management
- Support electric vehicle charging

Transportation

- Plan for high quality pedestrian, bicycle, and transit infrastructure
- Go beyond sole focus on motor vehicle congestion standards
- Prioritize and select projects meeting climate/equity outcomes

DLCD



Source: Metro

What is a Climate Friendly Area?

- Imagine downtowns and neighborhood centers
- Walkable area with a mix of residential, office, retail, services, and public uses
- High-quality pedestrian, bicycle, and transit services
- Parking is well-managed

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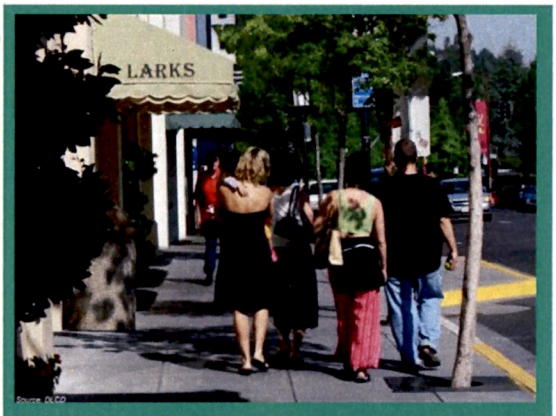


Additional rule provisions
Climate-Friendly Areas

- Sized so zoned building capacity in combined Climate-Friendly Area(s) can accommodate 30+% of community housing needs

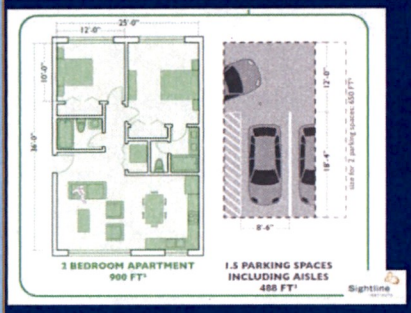
  (or 25 acres for cities 5,000-10,000 population)
- May include abutting high density residential or employment areas
- Local governments may choose prescriptive or outcome-based standards (next slide)

DLCD

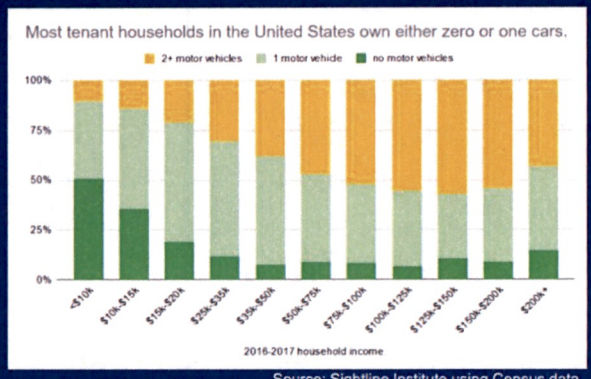
		Prescriptive Option		Outcomes Option
Population	**Climate Friendly Area Size**	**Minimum Density** (for single-use residential)	**Maximum Allowed Building Height No Less Than** (for at least one CFA per community if multiple CFAs)	**Target Development Level**
5,001 – 9,999	25+ acres	15 dwelling units/net acre	50 feet	20 homes and jobs/net acre
10,000 – 24,999	Could fit 30% of housing	15 dwelling units/net acre	50 feet	20 homes and jobs/net acre
25,000 – 49,999	Could fit 30% of housing	20 dwelling units/net acre	60 feet	30 homes and jobs/net acre
50,000+	Could fit 30% of housing	25 dwelling units/net acre	85 feet	40 homes and jobs/net acre

DLCD

Reforming Costly Parking Mandates







Source: Sightline Institute using Census data

Mandates can prevent housing from being built; parking is a significant cost and displaces housing footprint

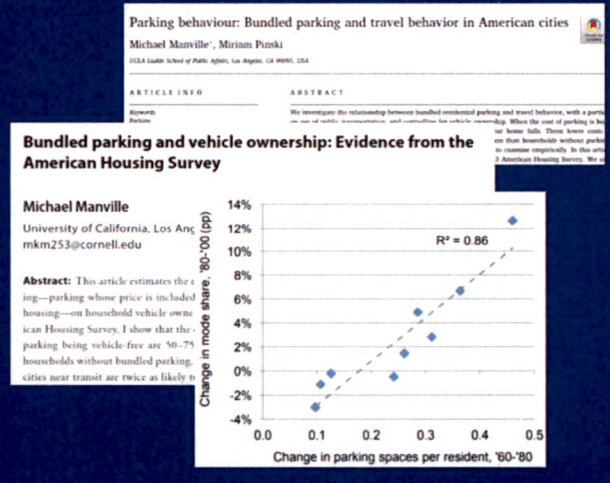
People with no cars or few cars are subsidizing parking for those with many

DLCD

Reforming Costly Parking Mandates

Corvallis data

Use	% of all city area
Driveways	3.3%
Parking lots	7.2%
On-street parking	Some part of 9.7% for roads



Parking uses huge amount of land, making areas less walkable

Parking mandates can lead to more car ownership and driving

DLCD



Improving Parking Management

- No parking mandates near frequent transit
- No mandates for shelters, small units, affordable or public housing, childcare, facilities for people with disabilities
- Mandates no higher than one space/unit multifamily **Now in Effect**

- Cities choose an approach: **By 12/31/23***

1 **Repeal parking mandates**

2 **Adopt at least three fair parking policies (e.g. unbundling, flexible commute benefit)**

3 **Remove mandates for more dev't types and near climate-friendly areas**

DLCD

Option 1 660-012-0420	Options 2 and 3 660-012-0425 through 0450	
Repeal parking mandates	Reduce parking burdens – reduced mandates based on shared parking, solar panels, EV charging, car sharing, parking space accessibility, on-street parking, garage parking. Must unbundle parking for multifamily units near frequent transit. May not require garages/carports.	
	Climate-friendly area parking – remove mandates in and near climate-friendly areas or adopt parking management policies; unbundle parking for multifamily units	
	Cities pop. 100,000+ adopt on-street parking prices for 5% of on-street parking spaces by September 30, 2023 and 10% by September 30, 2025	
	Option 2 **enact at least three of:**	**Option 3**
no additional action needed	1. Unbundle parking for residential units 2. Unbundle leased commercial parking 3. Flexible commute benefit for businesses with more than 50 employees 4. Tax on parking lot revenue 5. No more than ½ parking space/unit mandated for multifamily development	No mandates for a variety of specific uses, small sites, vacant buildings, studios/one bedrooms, historic buildings, LEED or Oregon Reach Code developments, etc. No additional parking for changes in use, redevelopments, expansions of over 30%. Adopt parking maximums. No mandates within ½ mile walking distance of Climate-Friendly Areas. Designate district to manage on-street residential parking.

DLCD



Land used for parking in downtown Corvallis

Other Parking Provisions

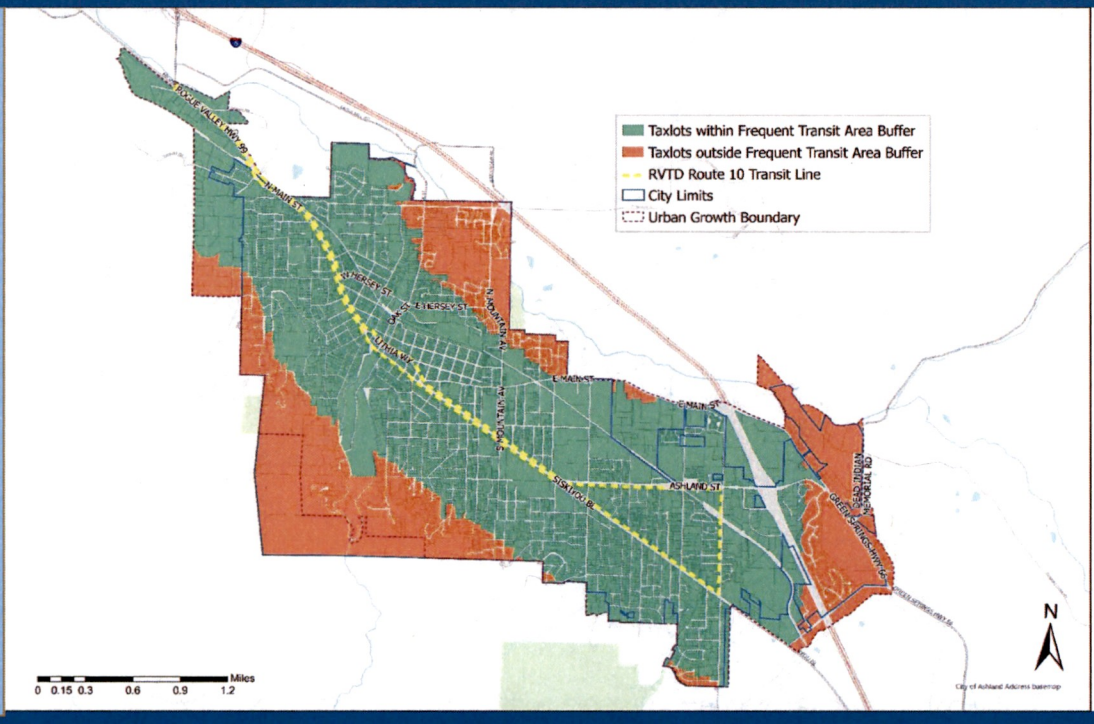
Best Practices

- Facilitate shared parking
- Convert underused parking
- Larger parking lots provide tree canopy or solar panels
- No garage requirements
- Incentives for car share, EV charging, accessible housing units
- Some parking maximums

Over 100,000 population

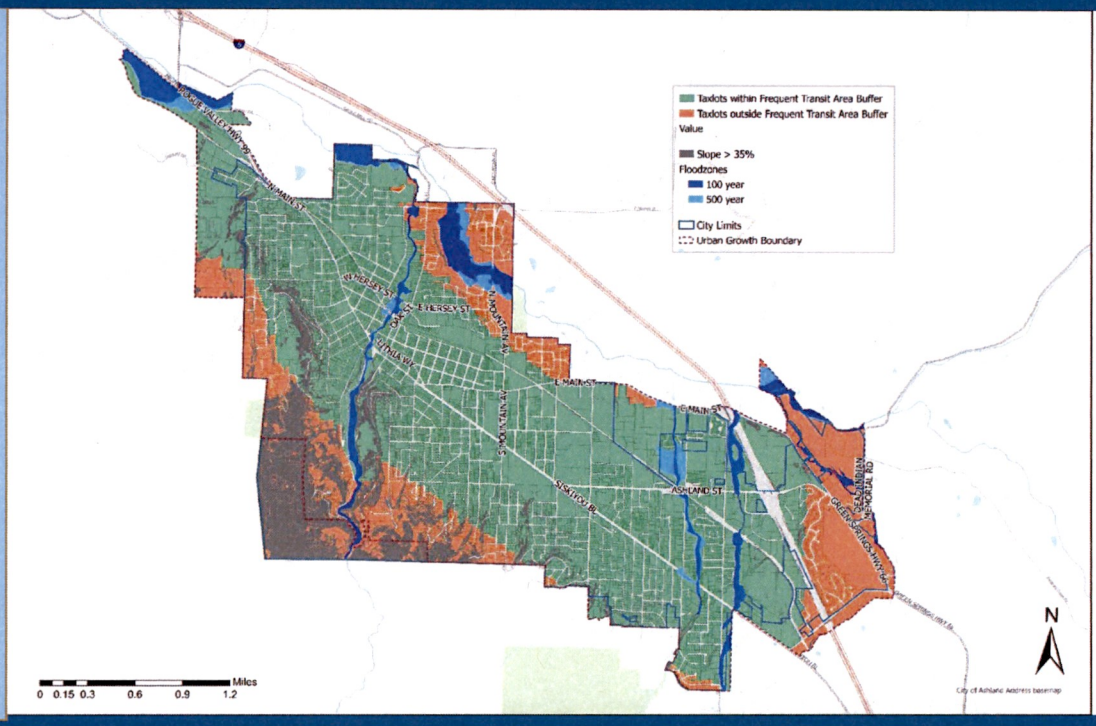
- If retaining mandates, price 5% of on-street parking spaces at least 50 cents/day by Sept 30, 2023 and 10% of spaces by Sept 30, 2025

DLCD



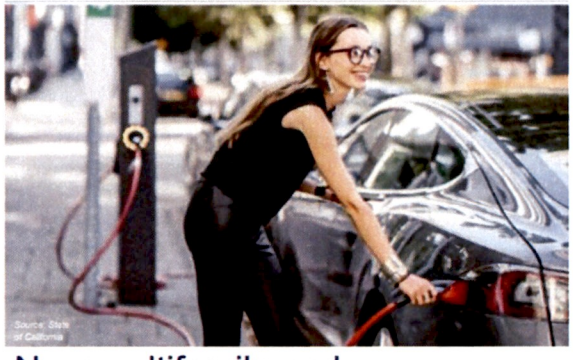
Better Together

"Reduced Parking Mandates" Now in Effect



Better Together

Electric Vehicle Charging



New multifamily and multi-use development must include electrical conduit to serve 40% of parking spaces

Minimum five residential units
Charging stations, wiring, and power not required

Implemented through Building Codes

DLCD

Kestrel Park Cottages



ASHLAND

Climate-Friendly Area (CFA) Analysis/Report

Geo-Spatial Analysis by 6/30/2023

Consultant: Rogue Valley Council of Governments (**RVCOG**)

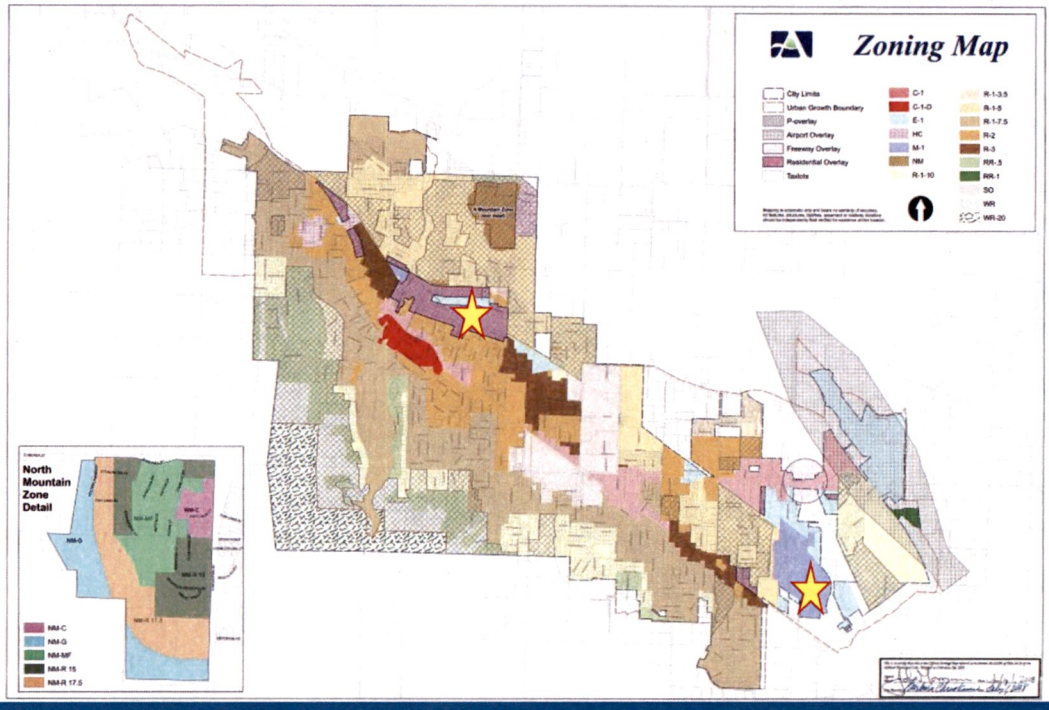
Identify potential CFA's to accommodate 30 percent of projected total population in mixed-use, pedestrian friendly areas.

Public Engagement Plan Implementation by 6/30/2023

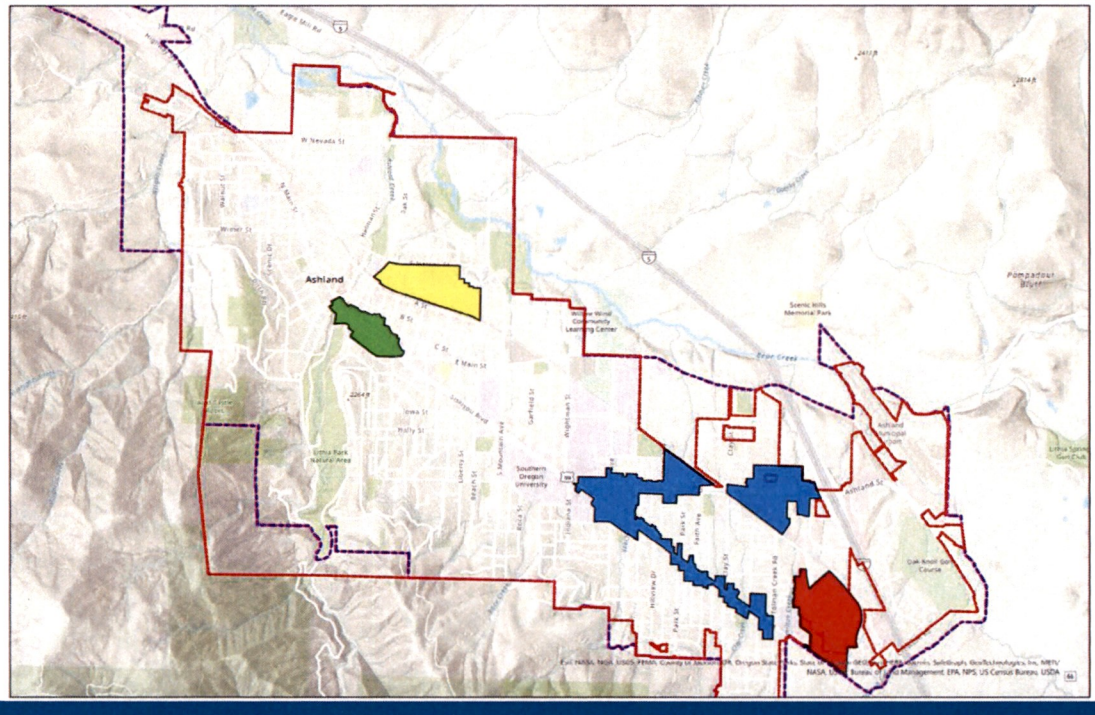
Consultant: 3J Consulting

Public Engagement Plan, Stakeholder Interviews to identify under-served populations impacted in seeking to insure equitable outcomes.

Final Study/Report Identifying Potential CFA's to Dept. of Land Conservation & Development by 12/31/2023



Zoning Map



Potential CFAs being analyzed



http://www.ashland.or.us/climatefriendly

Climate-Friendly & Equitable Communities Timeline

'Parking A' < ½ mile to Rt. 10	CFA Study	'Parking B'	CFA Zoning
12/31/2022	*In Progress*	*Eliminate Mandates or Select Options*	*Comp. Plan Element, Maps & Codes*
In Effect Now	*Complete by 12/31/2023*	*Complete by 12/31/2023*	*Complete by 12/31/2024*

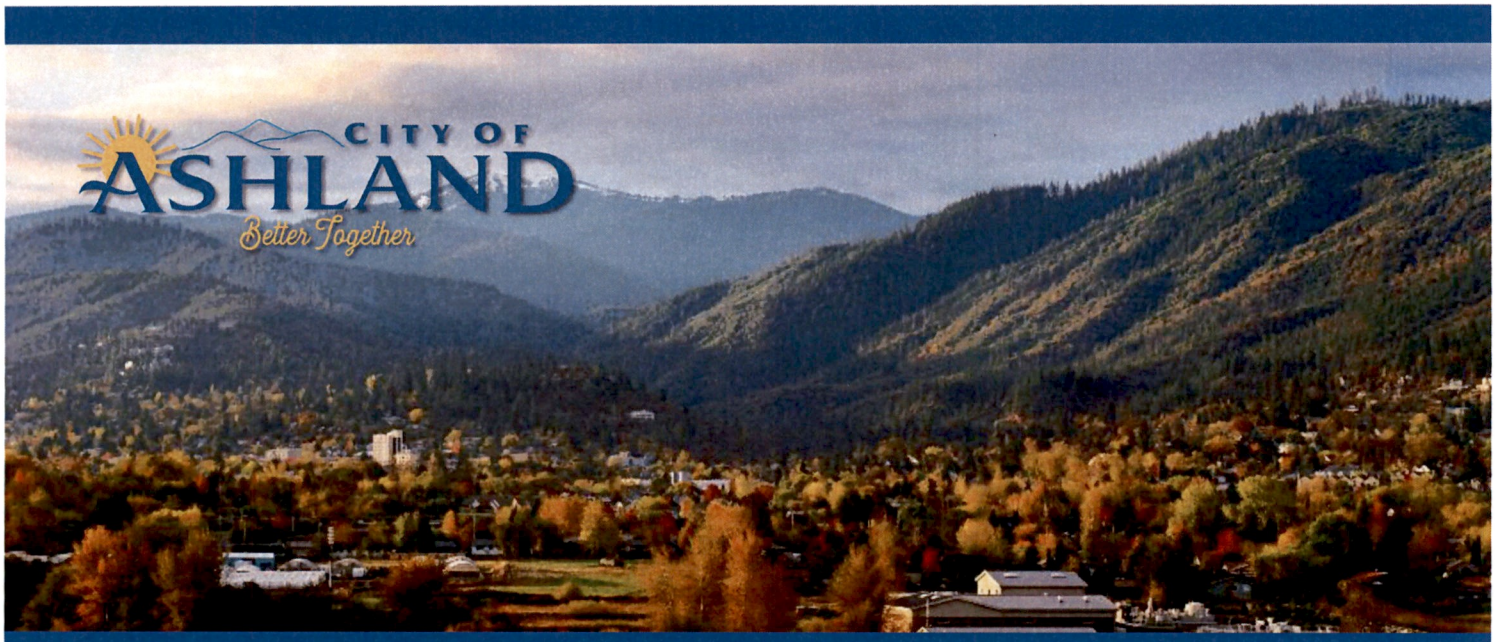
Better Together

(TENTATIVE) Thursday, April 13th, 2023
6:00 - 7:30 p.m.
At the Talent Community Center (*in person*)

Consultants and staff from Medford, Talent and Ashland will present the candidate CFA's for review and comments by citizens from all three cities.

Next Climate-Friendly & Equitable Communities Meeting





Climate-Friendly & Equitable Communities

Council Update
February 22, 2023

CFEC Parking Minimums (Parking I) by December 31, 2022	NOW IN EFFECT
CFEC Electrical Vehicle Conduit Requirements by March 31, 2023	THROUGH BUILDING CODES
CFEC Parking Minimums (Parking II) by June 30, 2023	FOR ASHLAND 12/31/23
Climate Friendly Areas (CFA) Study consultant work through June 30, 2023 [*Technical Assistance by Rogue Valley Council of Gov'ts*]	**UNDERWAY NOW!**
CFA Public Engagement Process consultant work through June 30, 2023 [*Technical Assistance by 3J Consulting, Inc.*]	**UNDERWAY NOW!**
Final CFA Study report due to DLCD by December 31, 2023	
CFA Transportation Modeling by June 30, 2024	
CFA Designation, Maps & Code Amendments consultant work through June 30, 2024 [*Consultants still to be determined based on available Technical Assistance funds.*]	
CFA Designation, Maps and Code Amendments Adoption by 12/31/2024	

Better Together

CF&EC Implementation Timeline


SELWOOD
CHIROPRACTIC
CLINIC


PLATFORM
NOW LEASING



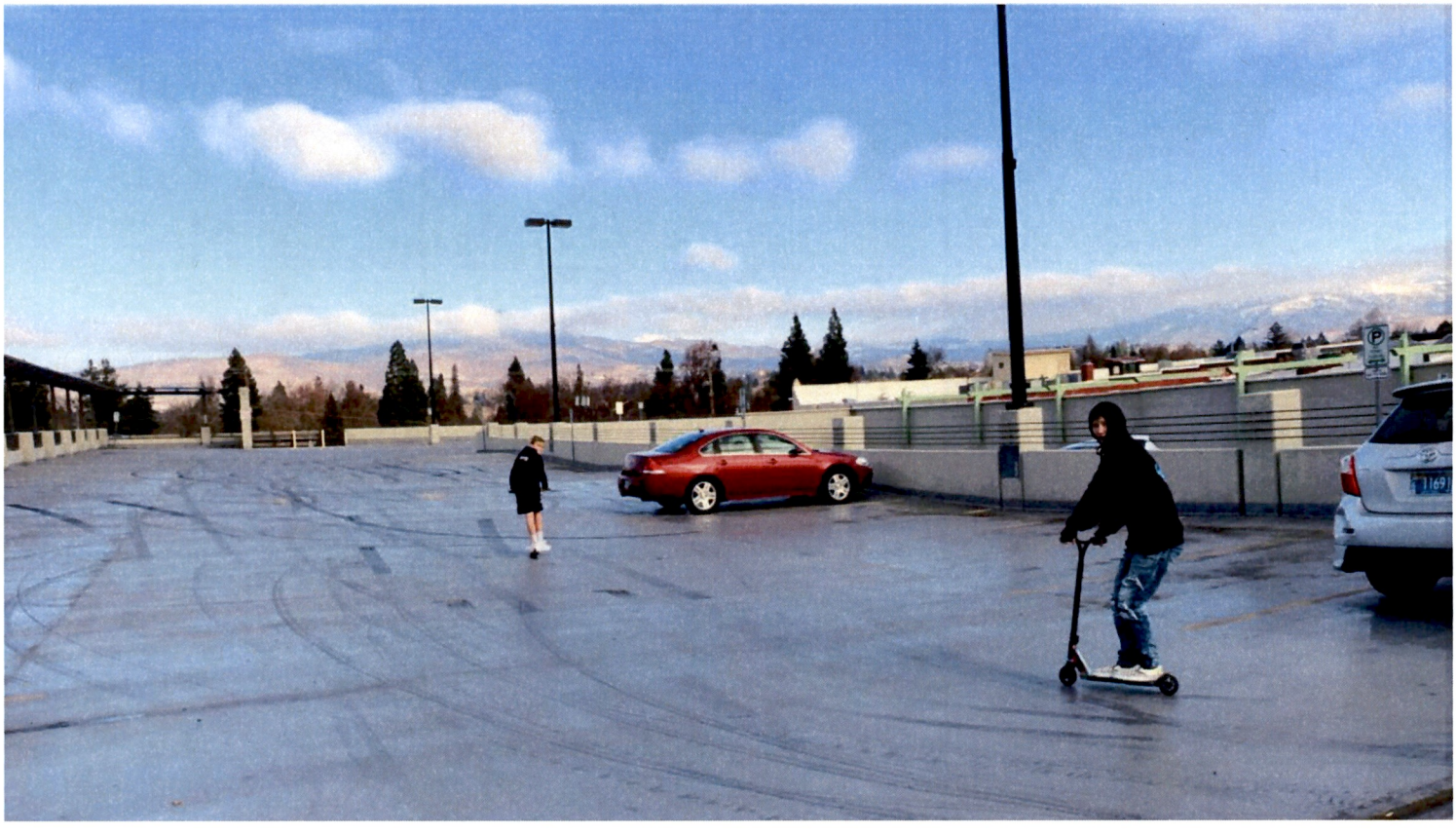


Four Stories….

Photo from ***Estado de Guanajuato, México***

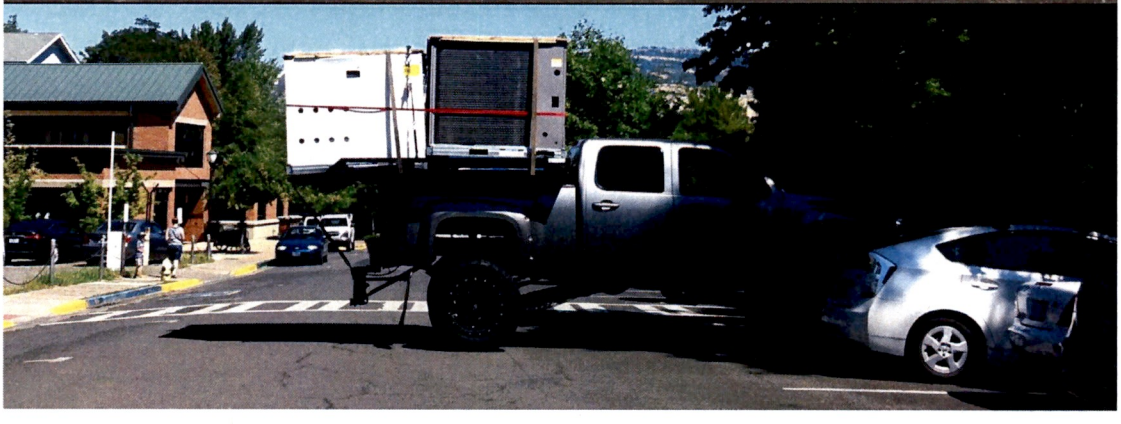


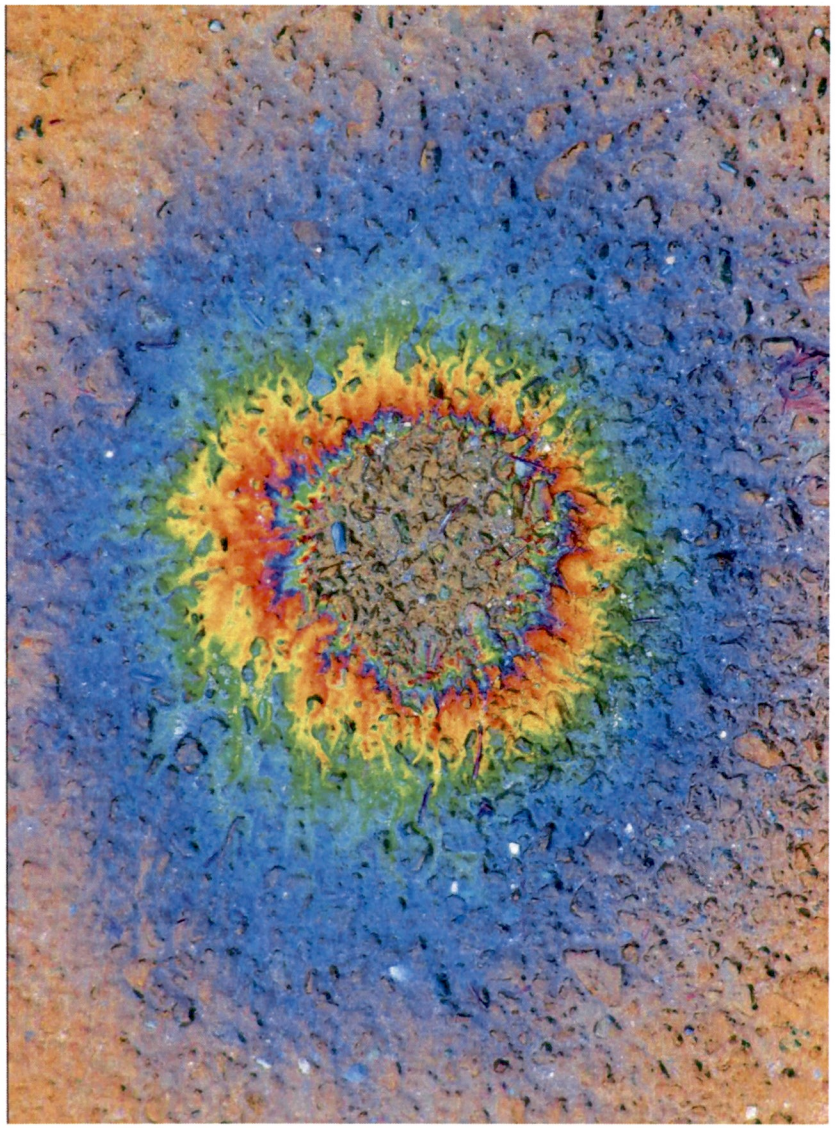


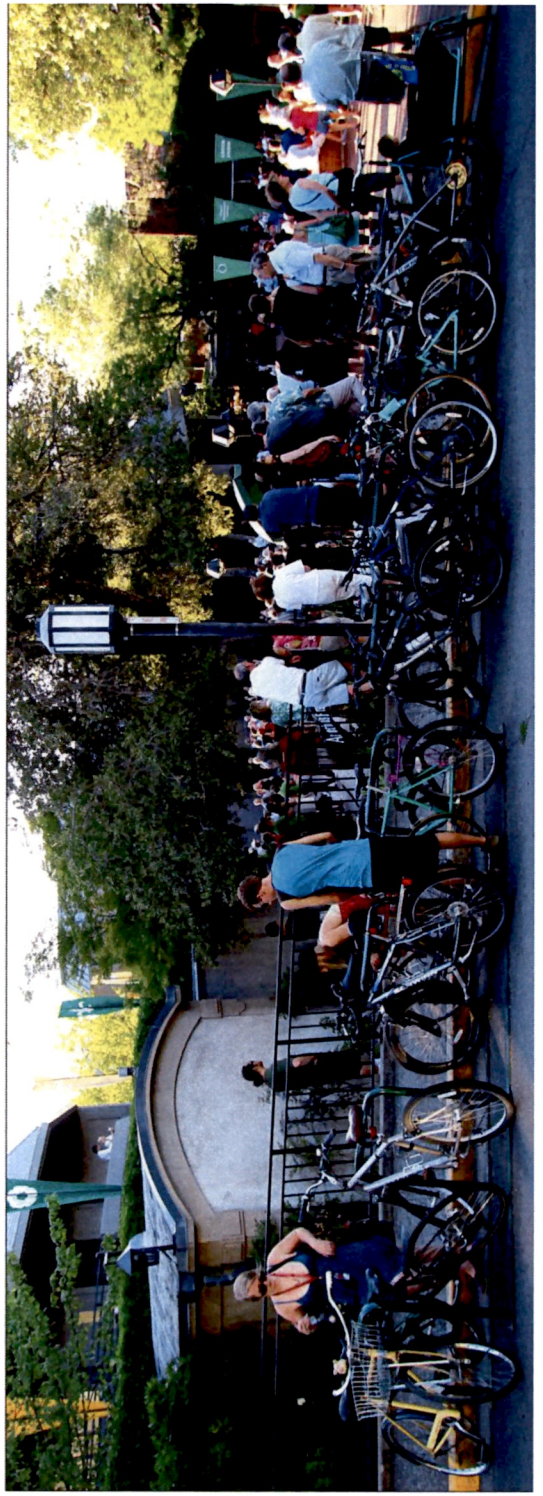












Stronger planning for:

- Pedestrian
- Bicycle
- Public Transportation

Also plan for freight, car travel

Connected, safe, and complete networks

Prioritize:

- Climate friendly areas
- Neighborhoods with underserved populations
- Access to key destinations



Transportation Planning

DLCD

Inventory existing conditions, key destinations, and gaps

Plan for a complete, low stress network, prioritized projects

Require bicycle parking

Identify priority transit corridors

Transportation Planning

Specific Provisions

DLCD

Project selection is based on a variety of factors

- Projects across a city must work to meet climate goals

Measuring success

- Look at two or more measures, not only moving cars

Significant street expansions

- Review alternatives
- Engage the public

Transportation Planning

Project Selection

DLCD

ASHLAND CITY COUNCIL
STUDY SESSION MINUTES
November 20, 2023

Mayor Graham called the meeting to order 5:30 p.m.

Mayor Graham, Councilor Hyatt, Dahle, Kaplan, DuQuenne and Hansen were present. Councilor Dylan Bloom was not present.

1. **Public Input**

Mark Brouillard/Ashland/Spoke on being homeless in the past, outreach, agency facilities, and explained involuntarily homelessness and being in the system.

Debbie Neisewander/Ashland/Spoke regarding the revised camping ordinance, reviewed shelter goals, and commented on the dusk to dawn camping area.

2. **Water Management and Conservation Plan Update**

Public Works Director Scott Fleury introduced Tim Henkle and Adam Sussman from GIS Water Solutions. Henkle provided a presentation (see attached) that included:

- **Water Management and Conservation Plan Update**
- **Today's Topics**
- **Project Background and Purposes**
- **Water Management and Conservation Plan Overview**
- **Public Involvement n WMCP Development**
- **Annual Water Demand**

Henkle confirmed increases in watering demand over time due to higher temperatures was a factor.

- **Average & Maximum Day Demands**
- **2022 Water Service Connections & Consumption**
- **Monthly Water Consumption**

Henkle clarified classification is irrigation meters. Fleury explained Ashland's irrigation was not from the TID. It was a potable water service that went to a residence.

- **Water Loss**

Henkle explained leaking lines, reservoir overflow, and meter inaccuracies contributed to water loss.

- **Conservation Program**
- **Select Conservation Measures**
- **Water Curtailment Plan**
- **Supply Element**

- **Climate Impacts Analysis**
- **Climate Change Impacts on Demand**

Removing outdoor irrigation would be flat with little impact on demand. Summer peaks occurred 2 to 3 times during the summer.

- **Demand Projections**
- **Supply Analysis**

There was plenty of water in summer due to the reservoir. TAP blended into the total capacity for the water systems. There was more of a concern in September and October when temperatures were warmer. The regulatory requirement of having the Reeder reservoir at 60% will be discussed in the future.

- **Supply Analysis (continued)**

Fleury responded to a question whether housing and TAP opposed each other. Supply and demand accounted for the full build out and included the UGB based on anticipated zoning, not the EFU status.

Henkle responded to population differences. The study looked at single family units, apartments, smaller spaces as opposed to multifamily. Fleury spoke about planning code requirements for landscaping and open space needs for multifamily versus commercial. Looking at landscape requirements going forward could help reduce outdoor water use.

Fleury spoke to certifying the city's 1,000 acre-feet water right to Lost Creek. Staff projected certifying 450-acre feet based on demand projections.

- **Climate Change Analysis: Summary of Results**
- **Supply analysis**
- **Next Steps**

Council discussed adding city staff to support the conservation element of the plan and treating water supply regionally. Staff spoke about storing water and explained the difference between treated and raw water storage. The cost was astronomical. The plan was expanding TAP instead.

Public Input

Larry Cooper/Ashland/Did not speak but submitted a document into the record (see attached).

Kate Jackson/Ashland/Was a member of MAC and provided background on the conservation program.

3. Water Utility Rates Overview

Council moved the item to a future study session.

4. City Manager Process & Next Steps

Interim City Manager Sabrina Cotta and Human Resource Director Molly Taylor spoke to the item. The position would start February 2, 2024. January 16, 2024 was the only meeting council could make an appointment in time to start February 1, 2024.

Council agreed to have the item come back January with an agenda item to discuss the pro tem city manager appointment during December.

5. Adjournment of Study Session

Councilor Bloom/DuQuenne m/s to adjourn the meeting at 7:09 p.m. Voice Vote: ALL AYES. Motion passed. The meeting was adjourned at 7:09 p.m.

Alissa Kolodzinski

City Recorder Alissa Kolodzinski

Attest:

Tonya Graham

Mayor Tonya Graham



Today's Topics

1. Overview of Water Management and Conservation Plan (WMCP)
2. Summary of major elements of Ashland's WMCP and public involvement process
3. Q & A
4. Next steps

Project Background and Purposes

- Oregon Administrative Rules 690-086
- WMCPs updated every 10 years
- Previous WMCP approved by Oregon Water Resources Department in 2013
- WMCP pertains to use of stored water in Lost Creek Reservoir: Permit S-54337
- Opportunity to re-evaluate conservation program, obtain public input, and consider climate change impacts on water resources

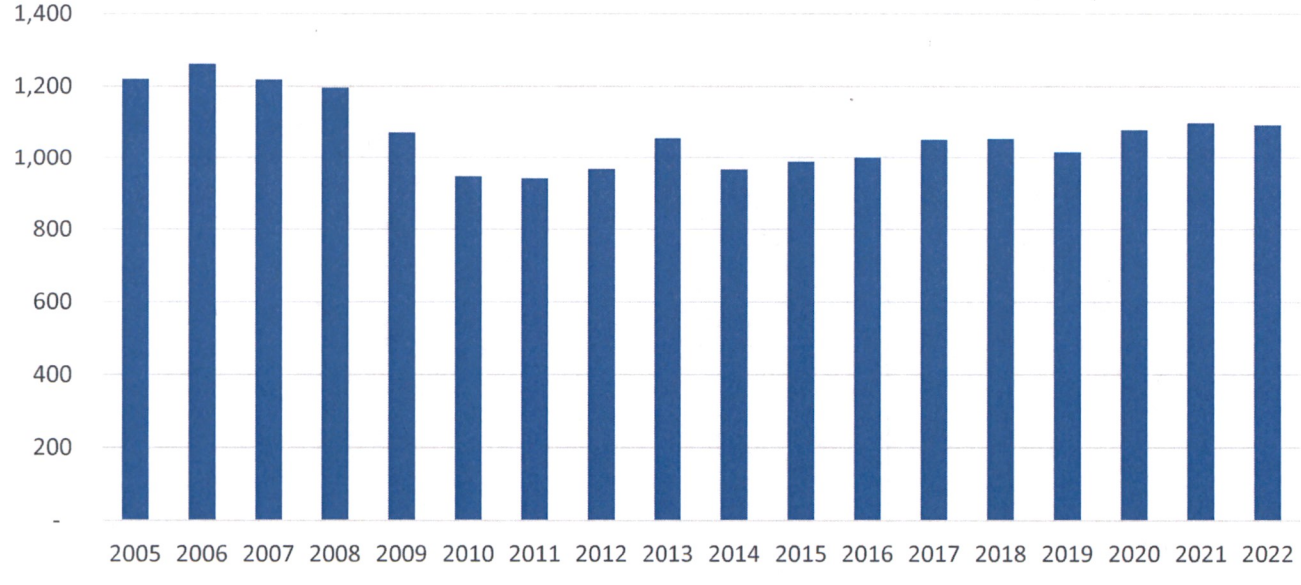
Water Management and Conservation Plan Overview

- Descriptions of:
  - Historical water supply/water use
  - Water management and conservation measures and benchmarks
  - Water curtailment plan
  - Water demand projections and supply analysis

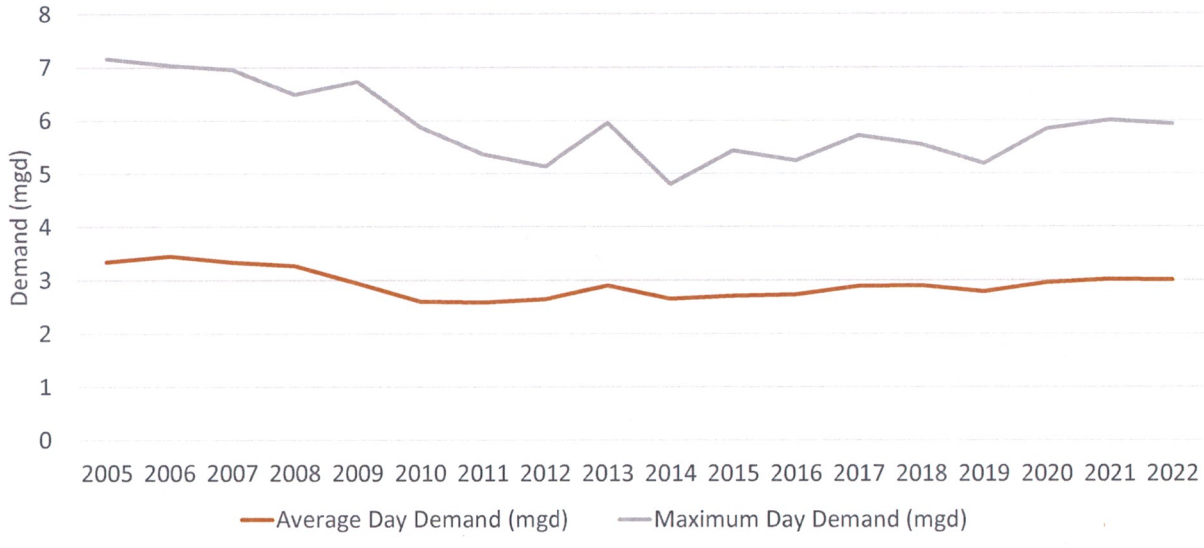
Public Involvement in WMCP Development

- 6-member Management Advisory Committee
  - 4 meetings and collaboration
  - Helped define future conservation programming
  - Provided input on curtailment planning
  - Reviewed climate change study/water supply analysis
  - Reviewed draft WMCP and provided input
- Draft WMCP reviewed by Climate and Environmental Policy Advisory Committee
- Draft WMCP posted on City website for public input

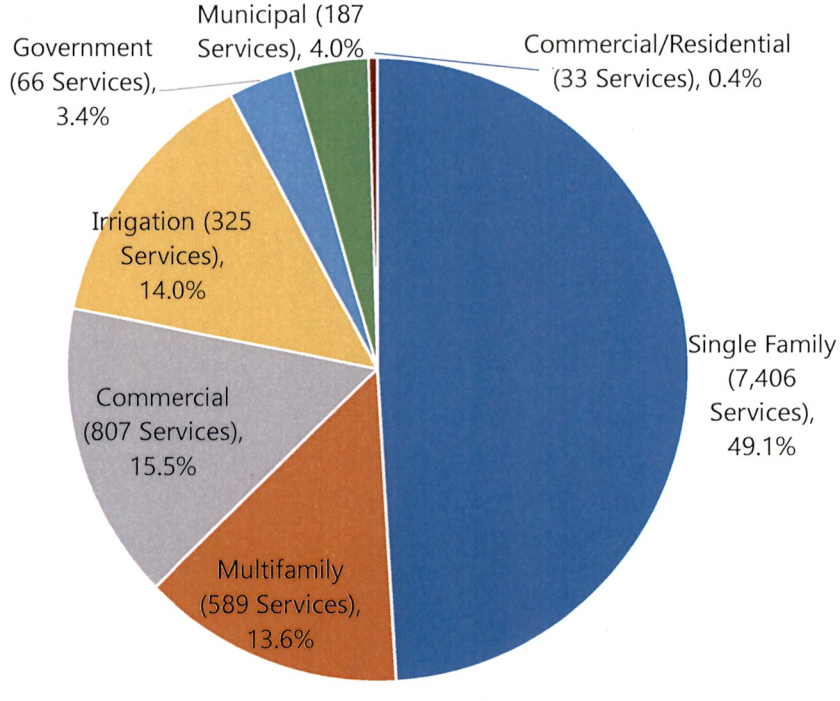
Annual Water Demand



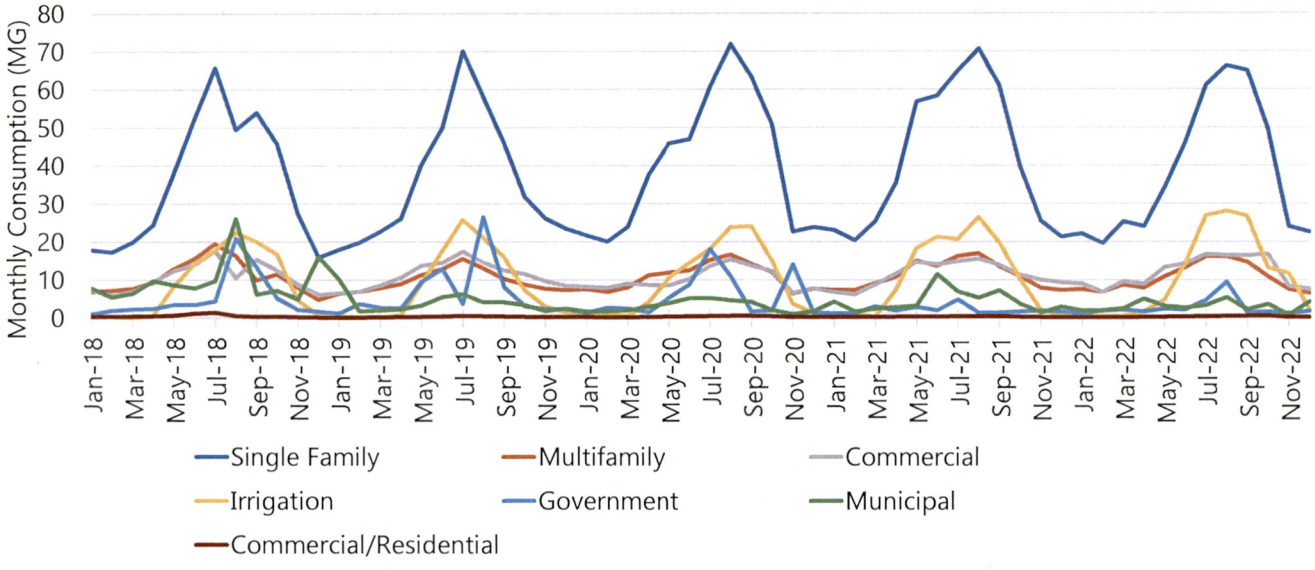
Average & Maximum Day Demands



2022 Water Service Connections & Consumption



Monthly Water Consumption



Water Loss

- Loss = Demand – Consumption
- 2022: Large leak contributed to loss

Year	Water Loss as % of Total Water Demand
2018	7.2%
2019	9.3%
2020	9.9%
2021	9.3%
2022	14.1%
5-Year Avg.	**10.0%**

Conservation Program

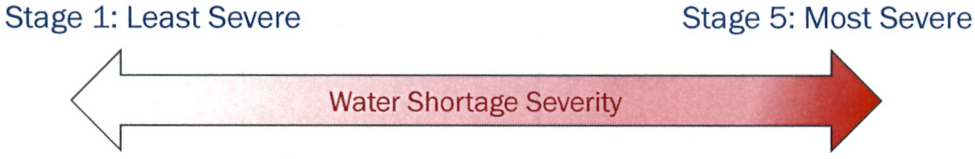
- Ashland's current program exceeds requirements
- Broad array of conservation measures
  - Ex.: technical assistance (e.g. irrigation audits), financial assistance (e.g. rebates), education and outreach (e.g. waterwise landscaping website)
- Advisory Committee and City staff developed a priority list of conservation measures to help expand or enhance program as resources allow

Meter Testing and Maintenance	• Establish a five-year testing program for master meters by 2025 and begin testing these meters in 2026
Public Education	• Maintain existing level of public education programming, with modifications over time to accommodate shifts in priorities and available resources
Technical and Financial Assistance	• **Within two years, begin performing irrigation system evaluations at City parks** • **Within two years, provide financial incentives for irrigation contractors to install water-wise landscapes**
Retrofit or Replacement of Fixtures	• **Within two years, provide water efficiency grants to install water efficient fixtures to low-income residents**
Rate Structure and Billing Practices	• Over the next two years, consider revising commodity charges to make more progressive
Water Reuse	• Continue promoting graywater and rain catchment systems • **Within the next five years, consider studying a potentially feasible large-scale reclaimed water use project**

Select Conservation Measures

Water Curtailment Plan

- 5 stages of alert to address range of potential water supply shortage events
- Triggers for each stage
- Curtailment measures for each stage, progressively more stringent
- Alignment with Medford Water Commission



Water Curtailment Plan

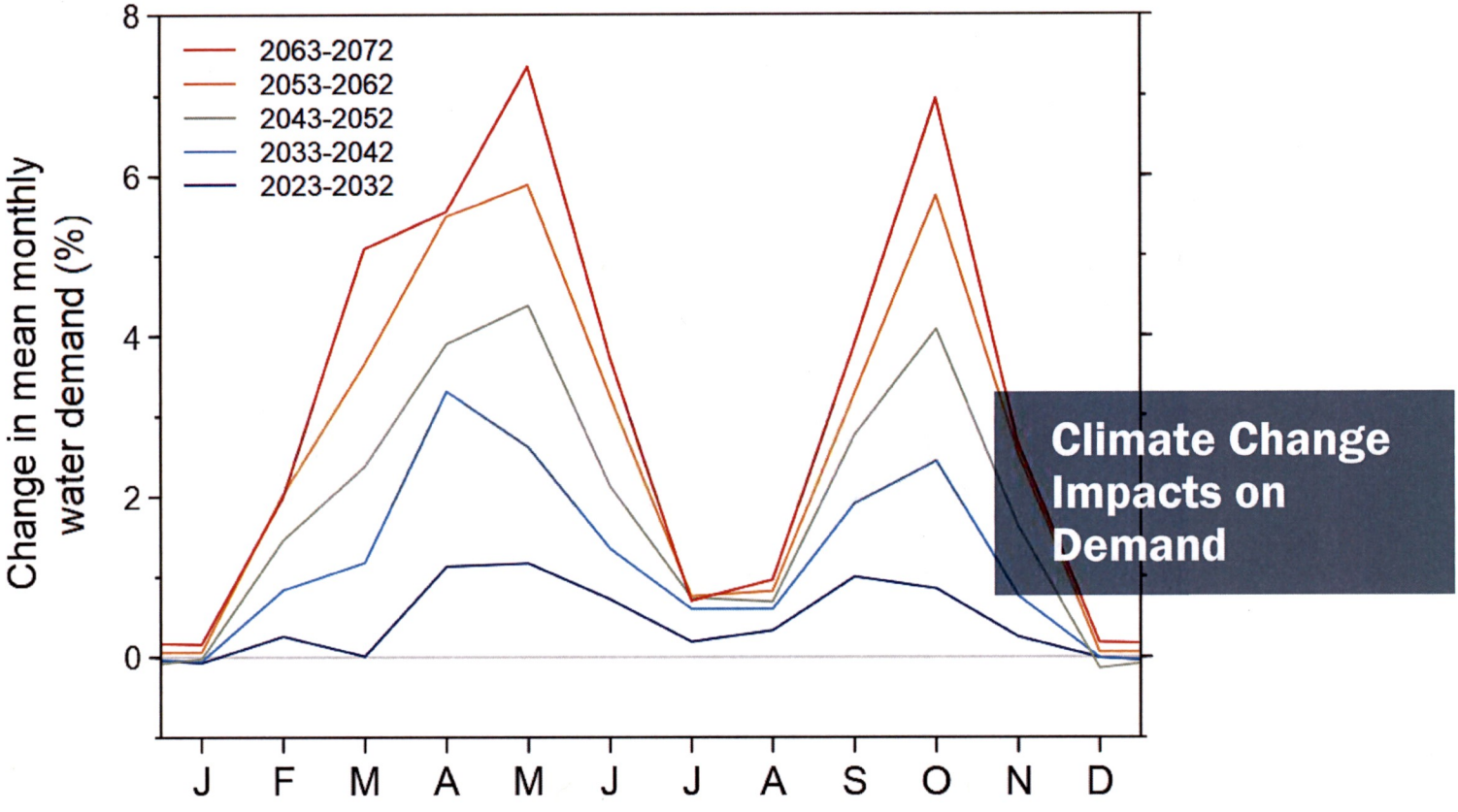
Curtailment Stage	Trigger Example	Curtailment Measure Examples
Early Stages	Awareness of the potential for water supply shortage	Voluntary measures • City to limit water main flushing • Limit landscape irrigation
Mid-Stages	Demand may or will reach or exceed system capacity	Mandatory measures • Limited use of irrigation to certain day of week • Cease water distribution system line extensions
Final Stage	Near system or full system failure	Mandatory measures • Implement temporary rate surcharges • Customer usage limited to basic health and safety needs

Supply Element

- Future demand
  - Projection of demands in 10, 20, and 50-year planning horizons
  - Primary driver: projected population growth
  - Addressed projected impacts of climate change

Climate Impacts Analysis

- Conducted by Oregon Climate Change Research Institute's David Rupp, PhD
- Assessed impacts to 2073 on:
  - Water system demand
  - Local sources of supply



Demand Projections

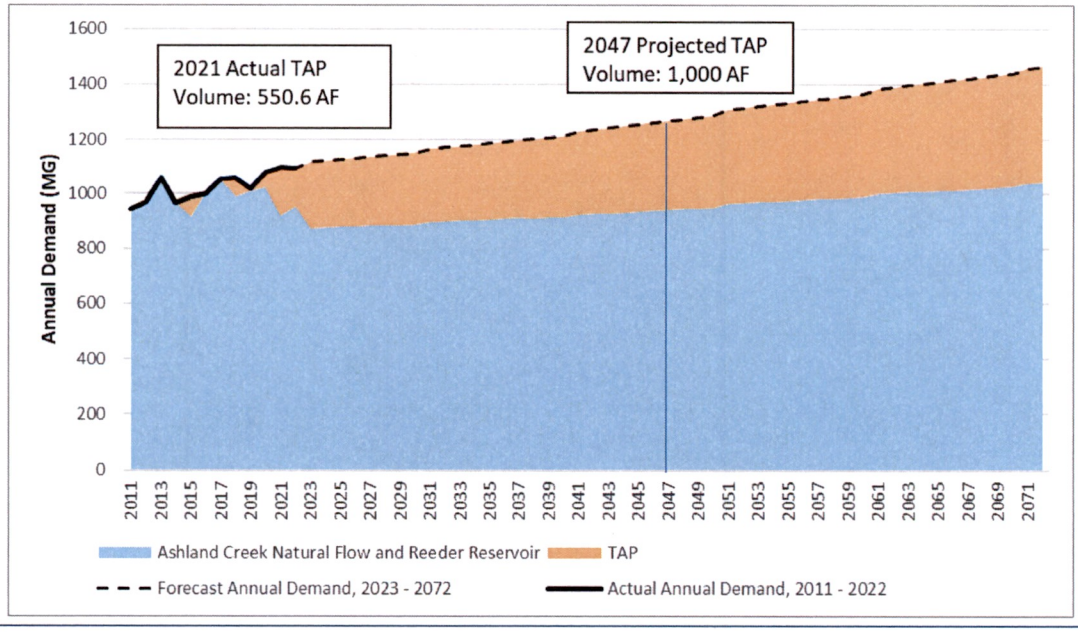
	Annual Demand (MG)	Peak Season (May - September) Demand (MG)	Average Day Demand (mgd)	Maximum Day Demand (mgd)	Peaking Factor	UGB Population	Per Capita Daily Demand (gpcd)
2033	1,177	722	3.22	5.81	1.80	23,611	137
2043	1,243	763	3.40	6.09	1.79	24,710	138
2053	1,320	808	3.62	6.41	1.77	25,942	139
2063	1,396	852	3.82	6.71	1.75	27,164	141
2073	1,471	895	4.03	**7.00**	1.74	28,379	142

Supply Analysis

Percent Flow Change in E. & W. Fork Ashland Creeks from Baseline

Month	Decade					
	2021 – 2030	2031 – 2040	2041 – 2050	2051 – 2060	2061 – 2070	2071 – 2080
Jan	20%	28%	38%	50%	80%	94%
Feb	13%	26%	45%	61%	83%	88%
Mar	9%	18%	30%	35%	45%	42%
Apr	5%	7%	6%	1%	**-6%**	**-19%**
May	**-7%**	**-17%**	**-29%**	**-42%**	**-52%**	**-61%**
Jun	**-21%**	**-40%**	**-51%**	**-65%**	**-71%**	**-76%**
Jul	**-15%**	**-32%**	**-36%**	**-47%**	**-45%**	**-49%**
Aug	**-4%**	**-6%**	**-8%**	**-9%**	**-8%**	**-8%**
Sep	5%	**-1%**	**-3%**	**-10%**	**-8%**	**-9%**
Oct	2%	2%	**-10%**	**-12%**	**-21%**	**-13%**
Nov	14%	19%	26%	26%	31%	36%
Dec	25%	36%	51%	55%	74%	87%

Supply Analysis (continued)



Climate Change Analysis: Summary of Results

- Climate change is projected to increase demands
- Drought will continue to have the largest impact on supply and demand compared to climate change impacts
- These factors are expected to:
  - Extend peak season, increasing total peak season demand
  - Increase Ashland's reliance on water from Lost Creek Reservoir over time

Supply analysis

- Conclusion
  - WMCP requests the City gain full access its 1,000 acre-feet Lost Creek Reservoir water rights
  - City's current sequencing of use of its sources of supply appropriate to meet future demands

Next Steps

- Draft WMCP to "affected" local governments (December)
- Draft WMCP to OWRD (January)
- OWRD comments incorporated in WMCP (est. March)
- Final order issued by OWRD (est. May)

Measure	Major Benefits	Major Barriers	Measure Status[1]	Resources Currently Available (time, budget, staff) via IGA with Medford Water[2]	Potential for Water Reduction[3]	Level of Effort to Implement & Maintain	Recommended Timing of Implementation[4]	Measure Source	Basis of Potential for Water Reduction[5]	Correlate w/ WMCP Conservation Section
On the City's conservation webpage, cross-reference Fire Adaptive Landscaping (FAL) information from www.fireadaptedashland.org	Merges two mutually-beneficial landscaping techniques	City does not have a staff position to update website	Partially in process	Not currently	High	High	Short-term	Advisory Committee	City's 2018 water savings and cost-effectiveness analysis (DSS) model ranks Education and Outreach as providing high water savings relative to other measures modeled.	Outreach & Education
Re-instate utility bill conservation newsletter	• Low effort • High visibility	City does not have a staff position to lead communication efforts	For implementation	Yes	High	High	Short-term	Advisory Committee	DSS model ranks Education and Outreach as providing high water savings relative to other measures modeled.	Outreach & Education
Increase social media presence	• Low effort • High visibility	City does not have a staff position to lead communication efforts	For implementation	Yes	High	High	Short-term	Advisory Committee	DSS model ranks Education and Outreach as providing high water savings relative to other measures modeled.	Outreach & Education
City's website should be easier to find information about FAL	Easy-to-access resource for customers	City does not have a staff position to update website	For implementation	Yes	High	High	Short-term	Advisory Committee	DSS model ranks Education and Outreach as providing high water savings relative to other measures modeled	Outreach & Education
Expand kids conservation page on City website	Expands outreach	None initially identified	For implementation	Not currently	High	High	Short-term	City staff	DSS model ranks Education and Outreach as providing high water savings relative to other measures modeled.	Outreach & Education

From: [redacted]
To: City Council; comment_to_the_council council
Subject: Comments from Larry Cooper on the WMP
Date: Monday, November 20, 2023 5:44:19 PM

[EXTERNAL SENDER]

In case I'm not able to step up to my laptop in the middle of dinner to deliver my comments, here's the text: For November 20, 2023 meeting

I'm Larry Cooper and I served on the Water Management Plan advisory committee. I think there is consensus from the community that the WMP should be adopted, but we also agreed that more needs to be done towards increased future water conservation by the city and its water users.

1. It has been 3 years that Ashland has been without a water conservation specialist
2. We have taken advantage of part time water conservation services from the Medford Water Commission during that time
3. It's time for Ashland to prioritized water conservation once again so that we can be prepared for the coming water supply changes that are described in the WMP.

Here is why Ashland must again pursue an aggressive water conservtion program: First, We know from the WMP that our water supply during peak season demand will be declining in the future and at the same time there will be some increased demand from growth in the community.

Secondly, Ashland is looked to as a regional leader in water conservation, along with the Medford Water Commission, and it makes sense, given our strong history in creating and implementing an effective water conservation program, that we should lead in this area going forward.

Third, Ashland is part of an intergovernmental Agreement that provides for sharing water among the various munitipalities that have water rights to Lost Creek, so it is in our interest to promote water conservation both here in Ashland as well as throughout the communities of the Bear Creek watershed. The benefit to having a strong water conservation program is that when water emergencies like droughts and fires occur in the future, which we know they will, we will be more resilient with our water supply and distribution system.

The water management plan provides clear support for stronger water conservation measures going forward.

The City of Ashland needs to support water conservation with a budget and a plan for recuiting, hiring, and maintaining a qualified water conservation specialist for our community. THIS ACTION IS CALLED FOR BY THE CEPAC AND OUR CEAP!

Also, there has been strong evidence gathered by community organizations such as the Ashland Climate Collaborative over the last 3 years that there is both demand and need for more City of Ashland support for community members who are ready to save water and use water more wisely. We just need more guidance and support.

Study Sessions

Speaker Request Form

THIS FORM IS A PUBLIC RECORD
ALL INFORMATION PROVIDED WILL BE MADE AVAILABLE TO THE PUBLIC

THOSE INTERESTED IN GIVING ORAL TESTIMONY AT A COUNCIL MEETING WILL NEED TO:

1) Complete this form, including the topic you want to speak on and send to the City Recorder: mailto:melissa.huhtala@ashland.or.us
2) Begin the oral testimony during the meeting by stating your name for the record.
3) Limit your comments to the amount of time given to you by the Mayor, usually 3 or 5 minutes.
4) If you present written materials, please email a copy of the materials with this form to the City Recorder for the record.
5) Speakers are solely responsible for the content of their public statement.

Meeting Date 11/

Name Jessie Neiswander

[redacted]

Study Session

Agenda topic/item number/Topic Homelessness

The Public Meeting Law requires that all city meetings are open to the public. Oregon law does not always require that the public be permitted to speak.

Comments and statements by speakers do not represent the opinion of the City Council, City Officers or employees or the City of Ashland.

Study Sessions

Speaker Request Form

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1) Complete this form, indicate the topic you want to speak on and return it to the City Recorder at the start of the meeting.
2) State your name and address for the record.
3) Limit your comments to the amount of time given to you by the Mayor, usually 3 or 5 minutes.
4) If you present written materials, please give a copy to the City Recorder for the record.
5) You may give written comments to the City Recorder for the record if you do not wish to speak. (Comments can be added to the back of this sheet if necessary)
6) Speakers are solely responsible for the content of their public statement.

Meeting Date 11/20/2023

Name MARK BRAILARD
(please print)

[redacted]

Study Session

Agenda topic/item number/Topic PUBLIC FORUM

The Public Meeting Law requires that all city meetings are open to the public. Oregon law does not always require that the public be permitted to speak.

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Study Sessions

Speaker Request Form

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5) Speakers are solely responsible for the content of their public statement.

Meeting Date Nov 20

Name Kate Jackson

[redacted]

Study Session

Agenda topic/item number/Topic WMCP

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Council Business Meeting

December 5, 2023

Agenda Item	Approval of Liquor License Request for Martino's Macaroni's Ristorante	
From	Alissa Kolodzinski	City Recorder
Contact	recorder@ashland.or.us; 541-488-5307	
Item Type	Requested by Council ☐ Update ☐ Request for Direction ☐ Presentation ☐	

SUMMARY

This is a request for approval of a liquor license application for Martino's Macaroni's Ristorante, 58 E. Main St., Ashland, OR 97520.

POLICIES, PLANS & GOALS SUPPORTED

AMC Chapter 6.32 Liquor License Review.

BACKGROUND AND ADDITIONAL INFORMATION

This is a liquor license application for a Change of Ownership of a commercial liquor license.

FISCAL IMPACTS

N/A

STAFF RECOMMENDATION

Staff recommends approval of the liquor license application. The City has determined that the location of this business complies with the City's land use requirements. The applicant has a Business License and has registered as a restaurant.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

I move to approve the liquor license for Martino's Macaroni's Ristorante located at 58 E. Main St., Ashland, OR 97520.

REFERENCES & ATTACHMENTS

Attachment 1: Application

Better Together

LIQUOR LICENSE APPLICATION

Check the appropriate license request option:

☐ New Outlet | ☒ Change of Ownership | ☐ Greater Privilege | ☐ Additional Privilege

Select the license type you are applying for.

More information about all license types is available online.

Full On-Premises

- ☐ Commercial
- ☐ Caterer
- ☐ Public Passenger Carrier
- ☐ Other Public Location
- ☐ For Profit Private Club
- ☐ Nonprofit Private Club

Winery

- ☐ Primary location
- Additional locations: ☐2nd ☐3rd ☐4th ☐5th

Brewery

- ☐ Primary location
- Additional locations: ☐2nd ☐3rd

Brewery-Public House

- ☐ Primary location
- Additional locations: ☐2nd ☐3rd

Grower Sales Privilege

- ☐ Primary location
- Additional locations: ☐2nd ☐3rd

Distillery

- ☐ Primary location

Additional tasting locations: (Use the DISTT form **HERE**)

☐ **Limited On-Premises**

☐ **Off Premises**

☐ **Warehouse**

☐ **Wholesale Malt Beverage and Wine**

LOCAL GOVERNMENT USE ONLY

LOCAL GOVERNMENT
After providing your recommendation, return this form to the applicant **WITH** the recommendation marked below

Name of City OR County (not both)

Please make sure the name of the Local Government is printed legibly or stamped below

Date application received:

Optional: Date Stamp Received Below

☐ Recommend this license be granted

☐ Recommend this license be denied

☐ No Recommendation/Neutral

Printed Name _____ Date _____

Signature _____

Martino's Macaroni's Ristoarante

Trade Name

LIQUOR LICENSE APPLICATION

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1:	Name of entity or individual applicant #2:
Trattoria Inc.	
Name of entity or individual applicant #3:	Name of entity or individual applicant #4:

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):

Martino's Macaroni's Ristoarante

Premises street address (The physical location of the business and where the liquor license will be posted):

58 E Main St.

City:	Zip Code:	County:
Ashland	97520	Jackson

Business phone number:	Business email:
541-488-4420/541-488-3359	beasybob1@msn.com

Business mailing address (where we will send any items by mail as described in OAR 845-004-0065[1].):

58 E Main St.

City:	State:	Zip Code:
Ashland	OR	97520

Does the business address currently have an OLCC liquor license? ☒ Yes ☐ No	Does the business address currently have an OLCC marijuana license? ☐ Yes ☐ No

APPLICATION CONTACT INFORMATON – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative Form must be completed and submitted with this application.

Application Contact Name:

Robert C Harvey

Phone number:	Email:
[redacted]	beasybob1@msn.com

LIQUOR LICENSE APPLICATION

TERMS

- "Real property" means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- "Common area" is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area's designation as a "common area" is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the "Application Information" section of this form has read and understands OAR 845-005-0311 and attests that:

1. At least one applicant listed in the "Application Information" section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.

2. No person not listed as an applicant in the "Application Information" section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.

3. The licensed premises at the premises street address proposed to be licensed either:
   a. Does not include any common areas; or
   b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
      - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in "common areas" and that this requirement applies at all times, even when the business is closed.

4. The licensed premises at the premises street address either:
   a. Has no area on property controlled by a public entity (like a city, county, or state); or
   b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

Martino's Macaroni's Ristoarante

LIQUOR LICENSE APPLICATION

Martino's Macaroni's Ristoarante

Applicant Signature(s): Each individual listed in the applicant information box on page 2 (entity or individuals applying for the license) must sign the application.

If an applicant listed in the applicant information box on page 2 is an entity (such as a corporation or limited liability company), at least one member or officer of the entity must sign the application.

- Each applicant listed in the "Application Information" section of this form has read and understands OAR 845-006-0362 and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

Applicant name	Signature	Date
ROBERT C. HARVEY	Robert C. Harvey	11/10/2023

Applicant/Licensee Representative(s): If you would like to designate a person/entity to act on your behalf you must complete the Authorized Representative Form. You may submit the form with the application or anytime thereafter. The form must be received by the OLCC before the representative can receive or submit information for the applicant.

Please note that applicants/licensees are responsible for all information provided, even if an authorized representative submits additional forms on behalf of the applicant.

Council Business Meeting

December 5, 2023

Agenda Item	Approval of Liquor License Request for Lithia Loft	
From	Alissa Kolodzinski	City Recorder
Contact	recorder@ashland.or.us; 541-488-5307	
Item Type	Requested by Council ☐ Update ☐ Request for Direction ☐ Presentation ☐	

SUMMARY

This is a request for approval of a liquor license application for Lithia Loft, 144 Lithia Way, Ashland, OR 97520.

POLICIES, PLANS & GOALS SUPPORTED

AMC Chapter 6.32 Liquor License Review.

BACKGROUND AND ADDITIONAL INFORMATION

This is a liquor license application for a New Outlet with Limited On-Premises use of a commercial liquor license.

FISCAL IMPACTS

N/A

STAFF RECOMMENDATION

Staff recommends approval of the liquor license application. The City has determined that the location of this business complies with the City's land use requirements. The applicant has a Business License and has registered as a restaurant.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

I move to approve the liquor license for Lithia Loft located at 144 Lithia Way, Ashland, OR 97520.

REFERENCES & ATTACHMENTS

Attachment 1: Application

OREGON LIQUOR & CANNABIS COMMISSION

LIQUOR LICENSE APPLICATION

Instructions

1. **Complete and sign** this application.
2. Prior to submitting this application to the OLCC, send the completed application to **the local government for the premises address** to obtain a recommendation.
   - If the premises street address is within a city's limits, the local government is the city.
   - If the premises street address is not within a city's limits, the local government is the county.
3. You can submit the application to the OLCC if:
   1. You have WRITTEN documentation showing the date the local government received the application or;
   2. The local government has provided you their recommendation.

ALL forms and documents must be a **PDF** attachment

4. **Email the PDF application that contains the local government recommendation or proof of submission** to: OLCC.LiquorLicenseApplication@Oregon.Gov.
5. **Do not** include any license fees with your application packet (fees will be collected at a later time).
   When it's time to pay the license fee you must pay the full yearly fee for the current license year (the license fee will not be prorated). If you pay in the last quarter of your license year you must also pay the yearly fee for the next license year.

License Request Options - *Please see the general definitions of the license request options below:*

- **New Outlet:** The licensing of a business that does not currently hold an active liquor license.
- **Change of Ownership:** The request to completely change the licensee of record at a licensed business.
- **Greater Privilege:** The request to replace a Limited On-Premises sales license with a Full On-Premises sales license.
- **Additional Privilege:** The licensee currently holds an active liquor license at the premises and that same licensee would like to request to add an **additional** different liquor license type at that same premises location.

Additional Information

Applicant Identification: Please review OAR 845-006-0301 for the definitions of "applicant" and "licensee" and OAR 845-005-0311 to confirm that all individuals or entities with an ownership interest (other than a waivable ownership interest, per OAR 845-005-0311[6]) in the business have been identified as license applicants on this document. If you have a question about whether an individual or entity needs to be listed as an applicant for the license, discuss this with the OLCC staff person assigned to your application.

Premises Address: This is the physical location of the business and where the liquor license will be posted.

Applicant Signature(s): Each individual listed in the applicant information box on page 2 (entity or individuals applying for the license) must sign the application.

If an applicant listed in the applicant information box on page 2 is an entity (such as a corporation or limited liability company), at least one individual who is authorized to sign for the entity must sign the application.

Applicant/Licensee Representative(s): In order to make changes to a license or application or to receive information about a license or application by someone other than the applicant/licensee you must:

- Complete the below Authorized Representative area on page 2 as the applicant/licensee and/or
- Provide a Power of Attorney document showing the permissions allowable on the behalf of the applicant/licensee with this submission

Please note that applicants/licensees are responsible for all information provided on this form, even if an authorized representative or individual with authority signs on behalf of the applicant.

For help with this application or any related documents or processes, email olcc.alcohollicensing@oregon.gov.

LIQUOR LICENSE APPLICATION

Check the appropriate license request option:

☒ New Outlet | ☐ Change of Ownership | ☐ Greater Privilege | ☐ Additional Privilege

Select the license type you are applying for.

More information about all license types is available online.

Full On-Premises

- ☐ Commercial
- ☐ Caterer
- ☐ Public Passenger Carrier
- ☐ Other Public Location
- ☐ For Profit Private Club
- ☐ Nonprofit Private Club

Winery

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th

Brewery

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Brewery-Public House

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Grower Sales Privilege

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Distillery

- ☐ Primary location

Additional tasting locations: (Use the DISTT form **HERE**)

☒ **Limited On-Premises**

☐ **Off Premises**

☐ **Warehouse**

☐ **Wholesale Malt Beverage and Wine**

LOCAL GOVERNMENT USE ONLY

LOCAL GOVERNMENT:

After providing your recommendation, return this application to the applicant WITH the recommendation marked below

City OR County name: (not both)

(Please specify city **OR** county)

Date application received:

Optional: Date Stamp Received Below

☐ Recommend this license be granted

☐ Recommend this license be denied

☐ No Recommendation/Neutral

Printed Name

Date

Signature

LITHIA LOFT, LLC

Trade Name

LIQUOR LICENSE APPLICATION

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1:	Name of entity or individual applicant #2:
KELLY L HAMMOND	JACOB S HAMMOND
Name of entity or individual applicant #3:	Name of entity or individual applicant #4:

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):
LITHIA LOFT, LLC

Premises street address (The physical location of the business and where the liquor license will be posted):
144 LITHIA WAY

City:	Zip Code:	County:
ASHLAND	97520	JACKSON

Business phone number:	Business email:
541-414-4157	info@lithialoft.com

Business mailing address (where we will send any items by mail as described in OAR 845-004-0065[1].):
144 LITHIA WAY

City:	State:	Zip Code:
ASHLAND	OR	97520

Does the business address currently have an OLCC liquor license? ☐ Yes ☒ No	Does the business address currently have an OLCC marijuana license? ☐ Yes ☒ No

AUTHORIZED REPRESENTATIVE

AUTHORIZED REPRESENTATIVE – A liquor applicant or licensee may give a representative authorization to make changes to the license or application on behalf of the licensee or to receive information about a license or application.

I give permission for the below named representative to:

☐ Make changes regarding this license/application on my behalf.
☐ Sign application forms regarding this license/application on my behalf.
☐ Receive information about the status of this application, including information about pending compliance action or communications between OLCC and the licensee/applicant.

Representative Name:

Phone number:	Email:

Mailing address:

City:	State:	Zip Code:

LIQUOR LICENSE APPLICATION

APPLICATION CONTACT INFORMATON – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative section must be filled in and the appropriate permission(s) must be selected.

Application Contact Name:
KELLY L HAMMOND

Phone number:	Email:
[redacted]	info@lithialoft.com

TERMS

- "Real property" means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- "Common area" is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area's designation as a "common area" is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the "Application Information" section of this form has read and understands OAR 845-005-0311 and attests that:

1. At least one applicant listed in the "Application Information" section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.

2. No person not listed as an applicant in the "Application Information" section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.

3. The licensed premises at the premises street address proposed to be licensed either:
   a. Does not include any common areas; or
   b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
      - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in "common areas" and that this requirement applies at all times, even when the business is closed.

4. The licensed premises at the premises street address either:
   a. Has no area on property controlled by a public entity (like a city, county, or state); or
   b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

LIQUOR LICENSE APPLICATION

LITHIA LOFT, LLC

- Each applicant listed in the "Application Information" section of this form has read and understands OAR 845-006-0362 and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

Print name	Signature	Date	Atty. Bar Info (if applicable)
KELLY L HAMMOND		10/2/23	
JACOB S HAMMOND		10/2/23	

Council Business Meeting

December 5, 2023

Agenda Item	Approval of Liquor License Request for Brother's Restaurant	
From	Alissa Kolodzinski	City Recorder
Contact	recorder@ashland.or.us; 541-488-5307	
Item Type	Requested by Council ☐ Update ☐ Request for Direction ☐ Presentation ☐	

SUMMARY

This is a request for approval of a liquor license application for Brother's Restaurant, 95 N. Main St., Ashland, OR 97520.

POLICIES, PLANS & GOALS SUPPORTED

AMC Chapter 6.32 Liquor License Review.

BACKGROUND AND ADDITIONAL INFORMATION

This is a liquor license application for use of a commercial liquor license.

FISCAL IMPACTS

N/A

STAFF RECOMMENDATION

Staff recommends approval of the liquor license application. The City has determined that the location of this business complies with the City's land use requirements. The applicant has a Business License and has registered as a restaurant.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

I move to approve the liquor license for Brother's Restaurant located at 95 N. Main St., Ashland, OR 97520.

REFERENCES & ATTACHMENTS

Attachment 1: Application

Better Together

LIQUOR LICENSE APPLICATION

Check the appropriate license request option:

☒ New Outlet | ☐ Change of Ownership | ☐ Greater Privilege | ☐ Additional Privilege

Select the license type you are applying for.

More information about all license types is available online.

Full On-Premises

- ☒ Commercial
- ☐ Caterer
- ☐ Public Passenger Carrier
- ☐ Other Public Location
- ☐ For Profit Private Club
- ☐ Nonprofit Private Club

Winery

- ☐ Primary location

Additional locations: ☐2nd ☐3rd ☐4th ☐5th

Brewery

- ☐ Primary location

Additional locations: ☐2nd ☐3rd

Brewery-Public House

- ☐ Primary location

Additional locations: ☐2nd ☐3rd

Grower Sales Privilege

- ☐ Primary location

Additional locations: ☐2nd ☐3rd

Distillery

- ☐ Primary location

Additional tasting locations: (Use the DISTT form HERE)

☐ **Limited On-Premises**

☐ **Off Premises**

☐ **Warehouse**

☐ **Wholesale Malt Beverage and Wine**

LOCAL GOVERNMENT USE ONLY

LOCAL GOVERNMENT
After providing your recommendation, return this form to the applicant **WITH** the recommendation marked below

Name of City OR County (not both)

Please make sure the name of the Local Government is printed legibly or stamped below

Date application received:

Optional: Date Stamp Received Below

☐ Recommend this license be granted

☐ Recommend this license be denied

☐ No Recommendation/Neutral

Printed Name _____ Date _____

Signature _____

Brother's Restaurant

Trade Name

LIQUOR LICENSE APPLICATION

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1:	Name of entity or individual applicant #2:
De La Cruz Brothers, Inc.	
Name of entity or individual applicant #3:	Name of entity or individual applicant #4:

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):

Brother's Restaurant

Premises street address (The physical location of the business and where the liquor license will be posted):

95 N Main St

City:	Zip Code:	County:
Ashland	97520	Jackson

Business phone number:	Business email:
541-944-2268	delacruz89jose@icloud.com

Business mailing address (where we will send any items by mail as described in OAR 845-004-0065[1].):

95 N Main St

City:	State:	Zip Code:
Ashand	OR	97520

Does the business address currently have an OLCC liquor license? ☐ Yes ☒ No	Does the business address currently have an OLCC marijuana license? ☐ Yes ☒ No

APPLICATION CONTACT INFORMATON – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative Form must be completed and submitted with this application.

Application Contact Name:

Jose De La Cruz

Phone number:	Email:
[redacted]	delacruz89jose@icloud.com

LIQUOR LICENSE APPLICATION

TERMS

- "Real property" means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- "Common area" is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area's designation as a "common area" is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the "Application Information" section of this form has read and understands OAR 845-005-0311 and attests that:

1. At least one applicant listed in the "Application Information" section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.

2. No person not listed as an applicant in the "Application Information" section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.

3. The licensed premises at the premises street address proposed to be licensed either:
   a. Does not include any common areas; or
   b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
      - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in "common areas" and that this requirement applies at all times, even when the business is closed.

4. The licensed premises at the premises street address either:
   a. Has no area on property controlled by a public entity (like a city, county, or state); or
   b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

LIQUOR LICENSE APPLICATION

Brother's Restaurant

Applicant Signature(s): Each individual listed in the applicant information box on page 2 (entity or individuals applying for the license) must sign the application.

If an applicant listed in the applicant information box on page 2 is an entity (such as a corporation or limited liability company), at least one member or officer of the entity must sign the application.

- Each applicant listed in the "Application Information" section of this form has read and understands OAR 845-006-0362 and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

Applicant name	Signature	Date
Jose De La Cruz		11/27/23

Applicant/Licensee Representative(s): If you would like to designate a person/entity to act on your behalf you must complete the Authorized Representative Form. You may submit the form with the application or anytime thereafter. The form must be received by the OLCC before the representative can receive or submit information for the applicant.

Please note that applicants/licensees are responsible for all information provided, even if an authorized representative submits additional forms on behalf of the applicant.

OREGON LIQUOR & CANNABIS COMMISSION

INDIVIDUAL HISTORY FORM

PRINT FORM

RESET FORM

1. Name (Print):	De La Cruz Last	Jose First	 Middle

2. Other names used (maiden, other):

3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes ☒ No ☐
If yes, you must list your SSN: [redacted]

SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC§ 552(a).

4. Do you consent to the OLCC's use of my SSN as described above? Check this box: ☑

5. Date of Birth (DOB): [redacted] (mm) (dd) (yyyy)

6. Driver License or State ID #: [redacted]

8. Contact Phone [redacted]

9. E-mail Address: delacruz89jose@icloud.com

10. Mailing Address:	95 N Main St (Number and Street)	Ashland (City)	OR (State)	97520 (Zip Code)

11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon?

No ☒ Yes ☐ (If yes, explain in the space provided, below) Unsure ☐ Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.

OREGON LIQUOR & CANNABIS COMMISSION

INDIVIDUAL HISTORY FORM

12. Do you, or any entity that you are a part of, **currently hold** or **have you previously held** a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No ☒ Yes ☐ Please list licenses (and year(s) licensed) below Unsure ☐ Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No ☒ Yes ☐ Please list licenses (and year(s) licensed) below Unsure ☐ Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No ☒ Yes ☐ Please list applications below Unsure ☐ Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, ***may not*** sign your form.

Affirmation

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	De La Cruz (Last)	Jose (First)	(Middle)
Signature:		**Date:** 11/27/23	

This box for OLCC use ONLY

_____ Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?

FULL ON-PREMISES, COMMERCIAL (F-COM)
FULL ON-PREMISES, FOR-PROFIT PRIVATE CLUB (F-FPC)
FOOD SERVICE AFFIRMATION

Applicant / Licensee De La Cruz Brothers, Inc

Trade Name of the Business (Name Customers Will See)

Brother's Restaurant

Business Address 95 N Main St, Ashland, 97520

(Number, Street Address, City, and Zip Code)

I affirm that I have read OAR 845-006-0459, OAR 845-006-0460, and OAR 845-006-0466 and

I affirm:

- I understand that "meal" means a food item, or combination of food items, prepared or cooked on the licensed premises that the Commission determines is a main course and is a serving of food sufficient to satisfy the appetite of one individual. Food items that are appetizers, snacks, and desserts do not qualify as a meal. Examples include, but are not limited to, popcorn, peanuts, chips, a serving of food that is not sufficient to satisfy the appetite of one individual, and food items offered by the licensee as other than a meal.
- I understand that "dining seats" means seating at tables or food counters as defined in OAR 845-006-0340(2)(j) located in areas of the licensed premises regularly open to the public where the Commission determines that each table top or seating area provides a minimum space that will accommodate a place setting consisting of a plate or dish, glassware, napkin and utensils for each seat. Seats at counters in entertainment areas and at bars as defined in OAR 845-006-0340 do not qualify as dining seating.
- I will have at least 30 dining seats during a time period which must last at least two hours prior to 10:00 p.m.
- I will make at least five different meals available at all times and in all areas where alcohol service is available. However, I may make fewer than five different meals available if the OLCC has determined that the clearly dominant emphasis in the areas with alcoholic beverage service is food service.
- I will always have a food preparation area and equipment on my licensed premises that are adequate to meet the food service requirements of this license.
- I am authorized to sign this form on behalf of the applicant or licensee.

Name (print) Jose De La Cruz Date 11/27/23

Signature

PRINT FORM

RESET FORM

Oregon Liquor & Cannabis Commission

CORPORATE QUESTIONNAIRE

Corporation or Foreign Corporation Name De La Cruz Brothers, Inc

Trade Name of Business (Name Customers Will See) Brother's Restaurant

LIST OFFICERS (Please follow directions on page 1. You may include information on a separate sheet.)

Title	Name (please print)
President (if required)	Jose De La Cruz
Secretary (if required)	
Treasurer (list only if have one)	
Vice president with responsibility over the operation of the business (list only if have one)	

LIST BOARD OF DIRECTORS (Please follow directions on page 1. You may include information on a separate sheet.)

Name (please print)	Name (please print)
Jose De La Cruz	

LIST SHAREHOLDERS (Please follow directions on page 1. You may include information on a separate sheet.)

Name (please print)	Percentage of issued shares held
Jose De La Cruz	100%

SERVER EDUCATION DESIGNEE (Please follow directions on page 1)

Name (please print)	Date of Birth
Jose De La Cruz	05/03/1989

OFFICER'S SIGNATURE (Please follow directions on page 1)

NAME of Signing Officer (please type or print) Jose De La Cruz

SIGNATURE of signing officer (may electronically sign) DATE 11/27/23

This box OLCC use ONLY

Does the entity hold, or has it ever held, an OLCC-issued liquor license? _____

LAW ORIENTATION AFFIRMATION

Trade Name of Business Brothers Restaurant

Business Location 95 N Main st Ashland 97520
(number, street) (city) (zip code)

I have read the Commission's "Law Orientation for Retailers" booklet.

Today's Date 11/27/23

Jose De la Cruz
Name (print)

Signature

Name (print)

Signature

Name (print)

Signature

Name (print)

Signature

(rev 12.1.16)

OREGON LIQUOR & CANNABIS COMMISSION

BUSINESS INFORMATION

Please Print or Type

Applicant Name: De La Cruz Brothers, Inc. Phone [redacted]

Trade Name (dba): Brother's Restaurant

Business Location Address: 95 N Main St

City: Ashland ZIP Code: 97520

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 7 am to 10 pm
Monday 7 am to 10 pm
Tuesday 7 am to 10 Pm
Wednesday 7 am to 10 Pm
Thursday 7 am to 10 Pm
Friday 7 am to 10 Pm
Saturday 7 am to 10 Pm

Outdoor Area Hours:

Sunday 8 am to 8 pm
Monday 8 am to 8 pm
Tuesday 8 am to 8 pm
Wednesday 8 am to 8 pm
Thursday 8 am to 8 pm
Friday 8 am to 8 pm
Saturday 8 am to 8 pm

The outdoor area is used for:

☒ Food service Hours: 8 am to 8 pm
☒ Alcohol service Hours: 8 am to 8 pm
☐ Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

_____ (Investigator's Initials)

Seasonal Variations: ☐ Yes ☒ No If yes, explain: _____

ENTERTAINMENT

Check **ALL** that apply:

☐ Live Music
☐ Recorded Music
☐ DJ Music
☐ Dancing ☐ Nude Dancing
☐ Live Entertainment
☐ Minor Entertainers
☐ Karaoke
☐ Coin-operated Games
☐ Video Lottery Machines
☐ Social Gaming
☐ Pool Tables
☐ Other: _____

***Minor Entertainers in an area prohibited to minors need prior approval from the OLCC**

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

SEATING COUNT

Restaurant: 60 Outdoor: 8 Lounge: _____
Banquet: _____ Other (explain): _____ Total Seating: 68

OLCC USE ONLY

Investigator Verified Seating: ____(Y) ____(N)
Investigator Initials: _____
Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [signature] **Date:** 11-27-23

OREGON LIQUOR & CANNABIS COMMISSION

FLOOR PLAN FORM

Your floor plan must be submitted on this form

De La Cruz Brothers Inc.
Applicant Name

Brother's Restaurant
Trade Name (dba)



Date: _____ **Initials:** _____

(rev. 03/22)

Council Business Meeting

December 5, 2023

Agenda Item	Public Hearing and First Reading of Ordinance 3229 Amending Ashland's Parking Standards	
From	Brandon Goldman	Community Development Director
Contact	Brandon.goldman@ashland.or.us 541-552-2076 Derek.severson@ashland.or.us	
Item Type	Requested by Council ☐ Update ☐ Request for Direction ☐ Presentation ☐	

SUMMARY

The City of Ashland is required to update its Parking Ordinance by December 31, 2023, in compliance with state mandates stemming from the Climate-Friendly and Equitable Communities (CFEC) rules adopted by the Land Conservation and Development Commission in July 2022.
This proposed ordinance modifies our existing ordinances.

POLICIES, PLANS & GOALS SUPPORTED

The proposed elimination of minimum parking requirements in the City of Ashland aligns with several policies and goals that the city may aim to achieve:

- **Compliance with State Mandates**: The proposed changes are necessary to comply with state mandates, such as the Climate-Friendly and Equitable Communities rules. Ensuring compliance with state regulations is a fundamental policy goal.
- **Sustainability and Environmental Goals:** By eliminating parking mandates, the city can encourage alternative transportation options, such as walking, cycling, and public transit. This reduction in car usage can contribute to lower greenhouse gas emissions and align with sustainability and climate action goals. The retention of Bike Parking requirements further promotes use of alternative transportation.
- **Urban Density and Walkability:** Eliminating parking mandates can promote urban density and walkability by reducing the emphasis on car-centric planning. This supports goals related to creating more walkable and vibrant urban areas.
- **Economic Development:** Eliminating parking mandates can reduce development costs and regulatory burdens, which may attract businesses and developers, potentially spurring economic development and job growth in the city.
- **Housing affordability:** By eliminating minimum parking requirements for residential units, the city can reduce housing development costs, enabling more affordable housing options and higher-density housing, aligning with affordability goals.
- **Accessibility and Inclusion:** Focusing on accessible parking provisions for individuals with disabilities, even when there is no parking minimum requirement, demonstrates the city's commitment to accessibility and inclusion. This aligns with goals related to creating an inclusive and accessible environment for all residents.

BACKGROUND AND ADDITIONAL INFORMATION

The Climate-Friendly and Equitable Communities (CFEC) rules, adopted by the Land Conservation and Development Commission (LCDC) in July of 2022, included substantial changes to the ways that cities can regulate parking. With the first tier of these new rules, which took effect January 1st, cities are no longer allowed to mandate off-street parking within ½-mile of frequent transit. In addition, cities can no longer mandate parking (on- or off-street) for small units (< 750 s.f.), affordable housing, single room occupancy housing, shelters, childcare facilities, or facilities for people with disabilities. Additionally, cities can no longer require more than one parking space per dwelling unit for residential developments with more than one dwelling unit.

On January 1, 2023, the City initiated the implementation of the Climate Friendly and Equitable Communities (CFEC) rules, marking a significant step towards more sustainable urban planning. Following this, Ordinance 3229 was introduced to formally integrate these rules into our local Land Use Ordinance. This integration not only aligns local regulations with the CFEC standards but also presents a timely opportunity to address and clarify certain aspects of the existing code, particularly those concerning parking and driveways. These sections, previously highlighted for revision through various planning applications, are now being refined to ensure consistency and effectiveness in line with the new environmental and equitable standards set forth by the CFEC rules.

The CFEC rulemaking process established 3 different options, or reform paths, for cities to consider in amending parking regulations in their jurisdictions. These options are more fully addressed in the attached Staff Report dated 11/14/2023. Following the September 12th Planning Commission study session, and Council's discussion on October 17th, staff has incorporated the requisite "Option 1" CFEC amendments into Ordinance 3229, removing parking minimums, retaining parking maximums, and drafted additional amendments to the Ashland Land Use Ordinance as follows:

- Added draft code language allowing an applicant to newly obtain a Conditional Use Permit to exceed the maximum number of parking space provided in the Parking Spaces by Use Table (18.4.3.030.B.2)
- Added draft code language that requires at least one ADA-accessible parking space be provided in those instances when no other parking is proposed (18.4.3.050).
    - This provision would not apply in the C-1-D (Downtown) zone due to historic development patterns.
    - Where parking is voluntarily proposed the State Building Code stipulates the requisite number of accessible spaces required.
- Added new code language, and revised bicycle parking graphics, relating to cargo-bike dimensions and bike parking layouts (18.4.3.070.C.6)
- Incorporated requisite CFEC tree canopy coverage and maintenance requirements for parking lot trees (18.4.3.080.B.6)
- Removed code language which stipulated a 50' separation between driveways on neighborhood streets for lots serving three or more units. Retains the requisite 24' separation between driveways (18.4.3.080.C.3.c.i).

- Amended existing code language addressing width requirements for two-way vehicular circulation, and one-way vehicular circulation based on consistency with a prior variance approval (18.4.3.080.D.3).
- Amended code language for on-street parking associated with Performance Standards Options subdivisions (18.3.9.060).
- Amended existing code language relating to the maximum grade of flag drives to allow multiple sections, to exceed 15% grade, up to a maximum of 18%, to clarify intent based on consistency with a prior variance approval (18.5.3.060.F)

As noted previously, the draft ordinance presented at First Reading implements "Option 1" from the Climate Friendly and Equitable Communities (CFEC) rules. By implementing Option 1 from the CFEC rules Ashland is exempt from the more complex approaches outlined in Options 2 and 3 as it has already chosen to remove all city-wide parking mandates. Jurisdictions that don't remove these mandates must follow a different approach and adopt a fair parking policy as per OAR 660-012-0445(1)(a). This includes implementing at least two policies from that rule. Examples include requiring parking fees be charged and be separated from the rental, lease, or sale price of residential units, also known as unbundling parking. This unbundled parking methodology could also apply to tenants of commercial buildings. Ashland, having chosen to remove all parking mandates, isn't required to adopt these alternative parking policies under CFEC rules. Ordinance No 3229 as presented doesn't include any measures for unbundling parking costs.

During the November 14th public hearing on this ordinance, the Planning Commission expressed interest in having future discussions regarding the benefits and implications of unbundling parking, and more carefully examining implementation issues regarding the City's involvement and enforcement with private lease and sales agreements. However, the Commission recommended that the current ordinance should proceed without addressing unbundling parking at this time.

FISCAL IMPACTS

There are no direct fiscal impacts for the City resulting from the adoption of the proposed land use amendments to the parking standards.

Although not a direct impact of the legislation under consideration, eliminating parking mandates has the potential to positively impact a city's finances by fostering growth, increasing tax revenue, and reducing certain infrastructure costs.

RECOMMENDATIONS

Staff Recommendations

Staff recommends that the Council approve First Reading of Ordinance No 3229 and send it to second Reading for its enactment.

Commission/Committee recommendations

The Planning Commission advises the Council to approve Ordinance 3229 as presented. At the Planning Commission November 14th, 2023 public hearing, the Commission did recommend an amendment to exempt the C-1-D zone (downtown) from the requirement to provide at least one accessible space (18.4.3.050) as this area has historically been exempt from any onsite parking requirements and therefore many buildings in this zone could not retroactively provide an accessible space due to the pattern of zero lot line development. This amendment has been incorporated into the draft Ordinance 3229 presented at First Reading.

The Transportation Advisory Committee reviewed the ordinance on November 16th. During their review the Committee recognized that Ordinance No. 3229 effectively implements the State regulations regarding the elimination of parking mandates. However, several committee members raised concerns about this state mandate in general and the resulting diminishment of the City's authority to mandate parking in relation to specific uses and transportation impacts.

ACTIONS, OPTIONS, AND POTENTIAL MOTIONS

1. I move to approve First Reading of Ordinance 3229, AN ORDINANCE AMENDING THE ASHLAND LAND USE ORDIANCE TO REMOVE AUTOMOBILE PARKING MANDATES AND AMEND PARKING STANDARDS SET FORTH IN ASHLAND MUNICIPAL CODE SECTIONS 18.2.2, 18.2.3, 18.3.14, 18.3.2, 18.3.4, 18.3.5, 18.3.9, 18.4.2, 18.4.3, 18.4.4, 18.4.6, 18.5.2, 18.5.3, 18.5.4, 18.5.5, AND 18.5.6; and to schedule Second Reading on December 19th, 2023.

REFERENCES & ATTACHMENTS

- Draft Ordinance 3229 amending the Ashland land use ordinance to remove automobile parking mandates and amend parking standards
- Staff Report dated 11/14/2023
- DLCD Implementation Guidance – Unbundled Parking
- Draft Planning Commission Findings
    - Reviewed by Planning Commission scheduled for 11/28
- Public Comments Received:
    - Sharon Dormann Letter – Dated 11/10/2023
    - Housing Authority of Jackson County (Ryan Hanes) Letter – Dated 11/13/2023
    - Cat Gould Letter – Dated 11/13/2023
    - Streets for Everyone Letter – Dated 11/17/2023
    - Gary Scaff Letter 1 – Dated 11/10/2023
    - Gary Schaff Letter 2 – Dated 11/12/2023
    - Ray Chirgwin Letter – Sated 10/14/2022

DRAFT

ORDINANCE NO. 3229

AN ORDINANCE AMENDING THE ASHLAND LAND USE ORDIANCE TO REMOVE AUTOMOBILE PARKING MANDATES AND AMEND PARKING STANDARDS SET FORTH IN ASHLAND MUNICIPAL CODE SECTIONS 18.2.2, 18.2.3, 18.3.14, 18.3.2, 18.3.4, 18.3.5, 18.3.9, 18.4.2, 18.4.3, 18.4.4, 18.4.6, 18.5.2, 18.5.3, 18.5.4, 18.5.5, AND 18.5.6.

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 amendments are in compliance with OAR 660-012-0400, relating to implementation of the parking mandate reform requirements from the Climate Friendly and Equitable Communities (CFEC) rules adopted by the Land Conservation and Development Commission on July 21, 2022; and

WHEREAS, the CFEC rules require cities with populations over 10,000 to reform parking standards, plan for mixed use "climate-friendly" areas where residents, workers, and visitors can

meet most of their daily needs by walking, bicycling or riding transit, and create more equitable and accessible communities, especially for those traditionally underserved and who experience discrimination; and

WHEREAS, the City of Ashland Planning Commission considered the above-referenced recommended amendments to the Ashland Land Use Ordinance at a duly advertised public hearings on November 14, 2023, and following deliberations, recommended approval of the amendments by a vote of 5-0; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on December 5, 2023; and

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter.; 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 Municipal Code and 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. Ashland Municipal Code Title 18.4.3 Land Use is hereby amended as follows.

18.4.3.010 Purpose

Where automobile parking is voluntarily provided, it must meet the requirements of Chapter 18.4.3 **which also** contains requirements for ~~**automobile and**~~ bicycle parking**,** ~~**and**~~ vehicular and pedestrian access, circulation, and connectivity. The purpose **of this chapter** is to provide safe and effective access and circulation for pedestrians, bicyclists, and vehicles. For transportation improvement requirements, refer to chapter 18.4.6 Public Facilities**. While off-street parking is not required, access for emergency vehicles must be retained, and adequate accessible parking spaces, loading areas, delivery areas, pick-up/drop-off areas should be considered.**

18.4.3.020 Applicability

A. The requirements of this chapter apply to parking, access, and circulation facilities in all zones, except those specifically exempted, whenever any building is erected or enlarged, parking, access or circulation is expanded or reconfigured, or the use is changed.

~~**B. The City may require a study prepared by a qualified professional to determine offsets in parking demand, access, circulation, and other transportation impacts, pursuant to this section.**~~

~~**C. All required parking, access, and circulation facilities shall be constructed when a use is intensified by the addition of floor space, seating capacity, or change in use, or when an existing building or dwelling is altered or enlarged by the addition or creation of dwelling units or guest rooms.**~~

B~~**D**~~**. Exceptions and Variances.** Requests to depart from the requirements of this chapter are subject to chapter 18.5.5 Variances, except that deviations from the standards in subsections 18.4.3.080.B.4 ~~**and 5**~~ , **18.4.3.080.B.5, 18.4.3.080.B.6,** and section 18.4.3.090 Pedestrian Access and Circulation are subject to 18.5.2.050.E Exception to the Site Development and Design Standards.

~~E. Variance to Parking Standard for Commercial Buildings in the Historic District. In order to preserve existing structures within the Historic District overlay while permitting the redevelopment of property to its highest commercial use, the Staff Advisor, through a Type I procedure and pursuant to section 18.5.1.050, may grant a Variance to the parking standards of section 18.4.3.040 by up to 50 percent for commercial uses within the Historic District overlay. The intent of this provision is to provide as much off-street parking as practical while preserving existing structures and allowing them to develop to their full commercial potential. The City, through this ordinance provision, finds that reuse of the building stock within the Historic District overlay is an exceptional circumstance and an unusual hardship for the purposes of granting a variance.~~

18.4.3.030 General Automobile Parking Requirements and Exceptions

~~A. Minimum Number of Off-Street Automobile Parking Spaces. Off-street parking shall be provided pursuant to one of the following three methods and shall include required Disabled Person Parking.~~

~~1. Standard Ratios for Automobile Parking. The standards in Table 18.4.3.040.~~

~~2. Unspecified Use. Where automobile parking requirements for any use are not specifically listed in Table 18.4.3.040, such requirements shall be determined by the Staff Advisor based upon the most comparable use specified in this section, and other available data.~~

~~3. Parking Demand Analysis. The approval authority through a discretionary review may approve a parking standard that is different than the standards under subsections 18.4.3.030.A.1 and 18.4.3.030.A.2, above, as follows:~~

~~a. The applicant submits a parking demand analysis with supporting data prepared by a professional engineer, planner, architect, landscape architect, or other qualified professional;~~

~~b. The parking analysis, at a minimum, shall assess the average parking demand and available supply for existing and proposed uses on the subject site; opportunities for shared parking with other uses in the vicinity; existing public~~

~~parking in the vicinity; transportation options existing or planned near the site, such as frequent bus service, carpools, or private shuttles; and other relevant factors. The parking demand analysis option may be used in conjunction with, or independent of, the options provided under section 18.4.3.060, Parking Management Strategies.~~

~~c. The review procedure shall be the same as for the main project application.~~

~~B~~ **A.** Maximum Number of Off-Street Automobile Parking Spaces. ~~The number of spaces provided by any particular use in ground surface lots shall not exceed the number of spaces required by this chapter by more than ten percent.~~ **Voluntarily provided off-street automobile parking spaces shall not exceed the maximum number of spaces listed in Table 18.4.3.040 'Parking Spaces by Use'.**

1. Automobile ~~S~~spaces provided on-street, or within the ~~building~~ footprint of structures, such as in rooftop parking or under-structure parking, or in multi-level parking above or below surface lots, shall not apply towards the maximum number of allowable spaces.

2. Construction of additional off-street parking spaces. in excess of the maximum parking spaces established by use, as specified in Table 18.4.3.040, requires approval of a Conditional Use Permit under chapter 18.5.4.

~~C. Commercial Downtown Zone. All uses within the C-1-D zone, except for hotel, motel, and hostel uses, are exempt from the off-street parking requirements of this section.~~

~~D. North Mountain Plan District. Within the Neighborhood Central zone of the North Mountain (NM) Neighborhood Plan district, all uses are exempt from the off-street parking requirements of this section, except that residential uses are required to provide a minimum of one parking space per residential unit. (Ord. 3167 § 11, amended, 12/18/2018)~~

18.4.3.040 ~~Parking Ratios~~ **Vehicle and Bicycle Quantity Standards**

Except as provided by section 18.4.3.030, the standard ratios required for ~~automobile~~ parking are as follows, **as are the maximum allowances for voluntarily provided off-street automobile spaces.** Fractional spaces shall be rounded up to the next whole number. See also accessible parking space requirements in section 18.4.3.050.

~~Table 18.4.3.040. Parking Spaces by Use~~

~~Use Categories~~	~~Minimum Number of Parking Spaces per Land Use (Based on Gross Floor Area; fractional spaces are rounded up to next whole number.)~~
~~Residential Categories~~	~~See definition of dwelling types in section 18.6.1.030.~~
~~Single-Family Dwellings~~	~~2 spaces for detached dwelling units and the following for attached dwelling units:~~ ~~a. Studio units or 1-bedroom units less than 500 sq. ft. 1 space/unit.~~ ~~b. 1-bedroom units 500 sq. ft. or larger 1.50 spaces/unit.~~ ~~c. 2-bedroom units 1.75 spaces/unit.~~ ~~d. 3-bedroom or greater units 2.00 spaces/unit.~~
~~Accessory Residential Unit~~	~~No additional parking spaces required. See definition of accessory residential unit in section 18.6.1.030.~~
~~Duplex~~	~~a. 2 spaces per duplex meeting the standards in section 18.2.3.110. See definition of duplex in section 18.6.1.030.~~ ~~b. Use multifamily dwelling parking ratio for duplex not meeting the standards of section 18.2.3.110. See definition of duplex in section 18.6.1.030.~~
~~Multifamily Dwellings~~	~~a. Studio units or 1-bedroom units less than 500 sq. ft. 1 space/unit.~~ ~~b. 1-bedroom units 500 sq. ft. or larger 1.50 spaces/unit.~~

~~Use Categories~~	~~Minimum Number of Parking Spaces per Land Use (Based on Gross Floor Area; fractional spaces are rounded up to next whole number.)~~
	~~c. 2-bedroom units—1.75 spaces/unit.~~ ~~d. 3-bedroom or greater units—2.00 spaces/unit.~~ ~~e. Retirement complexes for seniors 55 years or greater—1 space per unit.~~ ~~f. Transit Triangle (TT) overlay option developments, see chapter 18.3.14.~~
~~Cottage Housing~~	~~a. Units less than 800 sq. ft.—1 space/unit.~~ ~~b. Units greater than 800 sq. ft. and less than 1,000 sq. ft.—1.5 spaces/unit.~~ ~~c. Units greater than 1,000 sq. ft.—2.00 spaces/unit.~~ ~~d. Retirement complexes for seniors 55 years or greater—1 space per unit.~~
~~Manufactured Housing~~	~~Parking for a manufactured home on a single-family lot is same as a single-family dwelling; for manufactured housing developments, see sections 18.2.3.170 and 18.2.3.180.~~
~~Performance Standards Developments~~	~~See chapter 18.3.9.~~
~~Commercial Categories~~	
~~Auto, boat or trailer sales, retail nurseries and other outdoor retail uses~~	~~1 space per 1,000 sq. ft. of the first 10,000 sq. ft. of gross land area; plus 1 space per 5,000 sq. ft. for the excess over 10,000 sq. ft. of gross land area; and 1 space per 2 employees.~~
~~Bowling Alleys~~	~~3 spaces per alley, plus 1 space for auxiliary~~

~~Use Categories~~	~~Minimum Number of Parking Spaces per Land Use (Based on Gross Floor Area; fractional spaces are rounded up to next whole number.)~~
	~~activities set forth in this section.~~
~~Chapels and Mortuaries~~	~~1 space per 4 fixed seats in the main chapel.~~
~~Hotels~~	~~1 space per guest room, plus 1 space for the owner or manager; see also, requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities.~~
~~Offices~~	~~General Office: 1 space per 500 sq. ft. floor area.~~
	~~Medical/Dental Office: 1 space per 350 sq. ft. floor area.~~
~~Restaurants, Bars, Ice Cream Parlors, Similar Uses~~	~~1 space per 4 seats or 1 space per 100 sq. ft. of gross floor area, whichever is less.~~
~~Retail Sales and Services~~	~~General: 1 space per 350 sq. ft. floor area.~~
	~~Furniture and Appliances: 1 space per 750 sq. ft. floor area.~~
~~Skating Rinks~~	~~1 space per 350 sq. ft. of gross floor area.~~
~~Theaters, Auditoriums, Stadiums, Gymnasiums and Similar Uses~~	~~1 space per 4 seats.~~
~~Travelers' Accommodations~~	~~1 space per guest room, plus 2 spaces for the owner or manager.~~
~~Industrial Categories~~	
~~Industrial, Manufacturing and Production, Warehousing and Freight~~	~~1 space per 1,000 sq. ft. of gross floor area, or 1 space for each 2 employees, whichever is less, plus 1 space per company vehicle.~~

~~Use Categories~~	~~Minimum Number of Parking Spaces per Land Use (Based on Gross Floor Area; fractional spaces are rounded up to next whole number.)~~
~~Institutional and Public Categories~~	
~~Aircraft Hangar – Ashland Municipal Airport~~	~~1 space per hangar or 1 space per 4 aircraft occupying a hangar, whichever is greater. Parking spaces shall be provided within the hangar or within designated vehicle parking areas identified in the adopted Ashland Municipal Airport Master Plan.~~
~~Clubs, Fraternity and Sorority Houses; Rooming and Boarding Houses; Dormitories~~	~~2 spaces for each 3 guest rooms; in dormitories, 100 sq. ft. shall be equivalent to a guest room.~~
~~Daycare~~	~~1 space per 2 employees; a minimum of 2 spaces is required.~~
~~Golf Courses~~	~~Regular: 8 spaces per hole, plus additional spaces for auxiliary uses.~~
	~~Miniature: 4 spaces per hole.~~
~~Hospital~~	~~2 spaces per patient bed.~~
~~Nursing and Convalescent Homes~~	~~1 space per 3 patient beds.~~
~~Public Assembly~~	~~1 space per 4 seats.~~
~~Religious Institutions and Houses of Worship~~	~~1 space per 4 seats.~~
~~Rest Homes, Homes for the Aged, or Assisted Living~~	~~1 space per 2 patient beds or 1 space per apartment unit.~~
~~Schools~~	~~Elementary and Junior High: 1.5 spaces per~~

~~Use Categories~~	~~Minimum Number of Parking Spaces per Land Use (Based on Gross Floor Area; fractional spaces are rounded up to next whole number.)~~
	~~classroom, or 1 space per 75 sq. ft. of public assembly area, whichever is greater.~~
	~~High Schools: 1.5 spaces per classroom, plus 1 space per 10 students the school is designed to accommodate; or the requirements for public assembly area, whichever is greater.~~
	~~Colleges, Universities and Trade Schools: 1.5 spaces per classroom, plus 1 space per 5 students the school is designed to accommodate, plus requirements for on-campus student housing.~~
~~Other Categories~~	
~~Temporary Uses~~	~~Parking standards for temporary uses are the same as for primary uses, except that the City decision-making body may reduce or waive certain development and design standards for temporary uses.~~

Table 18.4.3.040. Automobile and Bike Parking Spaces by Use

Use Categories	Maximum Number of Voluntarily-Provided Off-Street Automobile Parking Spaces (fractional spaces shall be rounded up to next whole number)	Minimum Number of Bike Parking Spaces per Land Use (fractional spaces shall be rounded up to next whole number)
Residential Categories	See definition of dwelling	

Use Categories	Maximum Number of Voluntarily-Provided Off-Street Automobile Parking Spaces (fractional spaces shall be rounded up to next whole number)	Minimum Number of Bike Parking Spaces per Land Use (fractional spaces shall be rounded up to next whole number)
	types in section 18.6.1.030.	
Single-Family Dwellings, Accessory Residential Units and Duplexes	No maximum.	No bike parking requirements.
Multifamily Dwellings	A maximum of 2 spaces per multifamily dwelling unit.	a. Dwellings with an individual garage are not required to provide bike parking. b. 1 sheltered space per studio/1 bedroom c. 1.5 sheltered spaces per 2 bedrooms d. 2 sheltered spaces per 3 bedrooms e. Senior housing. 1 sheltered space per 8 dwelling units
Cottage Housing	A maximum of 1.5 spaces per cottage.	1 sheltered space per cottage.
Manufactured Housing	A maximum of 2 spaces.	2 sheltered spaces per manufactured dwelling without a garage.
Performance Standards Developments	See chapter 18.3.9.	

Use Categories	Maximum Number of Voluntarily-Provided Off-Street Automobile Parking Spaces (fractional spaces shall be rounded up to next whole number)	Minimum Number of Bike Parking Spaces per Land Use (fractional spaces shall be rounded up to next whole number)
Commercial Categories		
Auto, boat or trailer sales, retail nurseries and other outdoor retail uses	A maximum of 1 space per 1,000 sq. ft. of the first 10,000 sq. ft. of gross land area; plus 1 space per 5,000 sq. ft. for the excess over 10,000 sq. ft. of gross land area; and a maximum of 1 space per 2 employees.	1 per 5,000 sq. ft. of sales area
Bowling Alleys	A maximum of 3 spaces per alley, plus additional spaces for auxiliary uses.	1 per 2 per alleys
Chapels and Mortuaries	A maximum of 1 space per 4 fixed seats in the main chapel.	1 per 20 seats
Hotels	A maximum of 1 space per guest room, plus 1 space for the owner or manager; see also, requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities.	1 per 5 guest rooms
Offices	General Office: A maximum of 1 space per 500 sq. ft. floor area.	1 per 2,500 sq. ft. office

Use Categories	Maximum Number of Voluntarily-Provided Off-Street Automobile Parking Spaces (fractional spaces shall be rounded up to next whole number)	Minimum Number of Bike Parking Spaces per Land Use (fractional spaces shall be rounded up to next whole number)
	Medical/Dental Office: A maximum of 1 space per 350 sq. ft. floor area.	1 per 1,750 sq. ft. office
Restaurants, Bars, Ice Cream Parlors, Similar Uses	A maximum of 1 space per 4 seats or 1 space per 100 sq. ft. of gross floor area, whichever is more	1 per 20 seats or 1 per 500 sq. ft. of gross floor area, whichever is less.
Retail Sales and Services	General: A maximum of 1 space per 350 sq. ft. floor area.	1 per 1,000 sq. ft. floor area
	Furniture and Appliances: A maximum of 1 space per 750 sq. ft. floor area.	1 per 2,500 sq. ft. floor area
Skating Rinks	A maximum of 1 space per 350 sq. ft. of gross floor area.	1 per 1,000 sq. ft. floor area
Theaters, Auditoriums, Stadiums, Gymnasiums and Similar Uses	A maximum of 1 space per 4 seats.	1 per 10 seats
Travelers' Accommodations	A maximum of 1 space per guest room, plus 2 spaces for the owner or manager.	1 per 10 guest rooms
Industrial Categories		
Industrial, Manufacturing and Production, Warehousing	A maximum of 1 space per 1,000 sq. ft. of gross floor area, or 1 space for each 2	1 per 5,000 sq. ft. floor area

Use Categories	Maximum Number of Voluntarily-Provided Off-Street Automobile Parking Spaces (fractional spaces shall be rounded up to next whole number)	Minimum Number of Bike Parking Spaces per Land Use (fractional spaces shall be rounded up to next whole number)
and Freight	employees, whichever is more , plus 1 space per company vehicle.	
Institutional and Public Categories		
Aircraft Hangar – Ashland Municipal Airport	Parking spaces shall be provided within the hangar or within designated vehicle parking areas identified in the adopted Ashland Municipal Airport Master Plan.	Parking spaces shall be provided within the hangar or within designated vehicle parking areas identified in the adopted Ashland Municipal Airport Master Plan.
Clubs, Fraternity and Sorority Houses; Rooming and Boarding Houses; Dormitories	A maximum of 2 spaces for each 3 guest rooms; in dormitories, 100 sq. ft. shall be equivalent to a guest room.	1 per 5 guest rooms
Child Care Facilities	A maximum of 1 space per 2 employees, plus 1 space per 10 children the facility is designed to accommodate.	Home: None Commercial: 1 per classroom
Golf Courses	Regular: A maximum of 8 spaces per hole, plus additional spaces for auxiliary uses.	0.5 per hole
	Miniature: A maximum of 4 spaces per hole.	1 per hole

Use Categories	Maximum Number of Voluntarily-Provided Off-Street Automobile Parking Spaces (fractional spaces shall be rounded up to next whole number)	Minimum Number of Bike Parking Spaces per Land Use (fractional spaces shall be rounded up to next whole number)
Hospital	A maximum of 2 spaces per patient bed.	1 per 2,000 sq. ft.
Nursing and Convalescent Homes	A maximum of 1 space per 3 patient beds.	1 per 5 employees
Public Assembly	A maximum of 1 space per 4 seats.	1 per 20 seats
Religious Institutions and Houses of Worship	A maximum of 1 space per 4 seats.	1 per 20 seats in main assembly area
Rest Homes, Homes for the Aged, or Assisted Living	A maximum of 1 space per 2 patient beds or 1 space per apartment unit.	1 per 5 employees
Schools	Elementary and Junior High: A maximum of 1.5 spaces per classroom, or 1 space per 75 sq. ft. of public assembly area, whichever is greater.	Preschool: 1 per classroom Elementary and Junior High: 6 per classroom
	High Schools: A maximum of 1.5 spaces per classroom, plus 1 space per 10 students the school is designed to accommodate; or the requirements for public assembly area, whichever is greater.	High school: 6 per classroom
	Colleges, Universities and	1 per 3 students/staff

Use Categories	Maximum Number of Voluntarily-Provided Off-Street Automobile Parking Spaces (fractional spaces shall be rounded up to next whole number)	Minimum Number of Bike Parking Spaces per Land Use (fractional spaces shall be rounded up to next whole number)
	Trade Schools: A maximum of 1.5 spaces per classroom, plus 1 space per 5 students the school is designed to accommodate, plus requirements for on-campus student housing.	
Other Categories		
Temporary Uses	Parking standards for temporary uses are the same as for primary uses, except that the City decision-making body may reduce or waive certain development and design standards for temporary uses.	Bike parking standards will be determined the same as primary uses, except that the City decision-making body may reduce or waive certain development and design standards for temporary uses.
Transit Station	Automobile parking maximums are determined through the discretion of the City decision-making body.	4 per 10 automobile parking spaces
Park and Ride	Automobile parking maximums are determined through the discretion of the City decision-making body.	4 per 10 automobile parking spaces

(**Ord 3229, amended 12/19/2023;** Ord. 3199 § 21, amended, 06/15/2021; Ord. 3191 § 23, amended, 11/17/2020; Ord. 3167 § 12, amended, 12/18/2018; Ord. 3155 § 9, amended, 07/17/2018; Ord. 3147 § 7, amended, 11/21/2017)

18.4.3.050 Accessible Parking Spaces

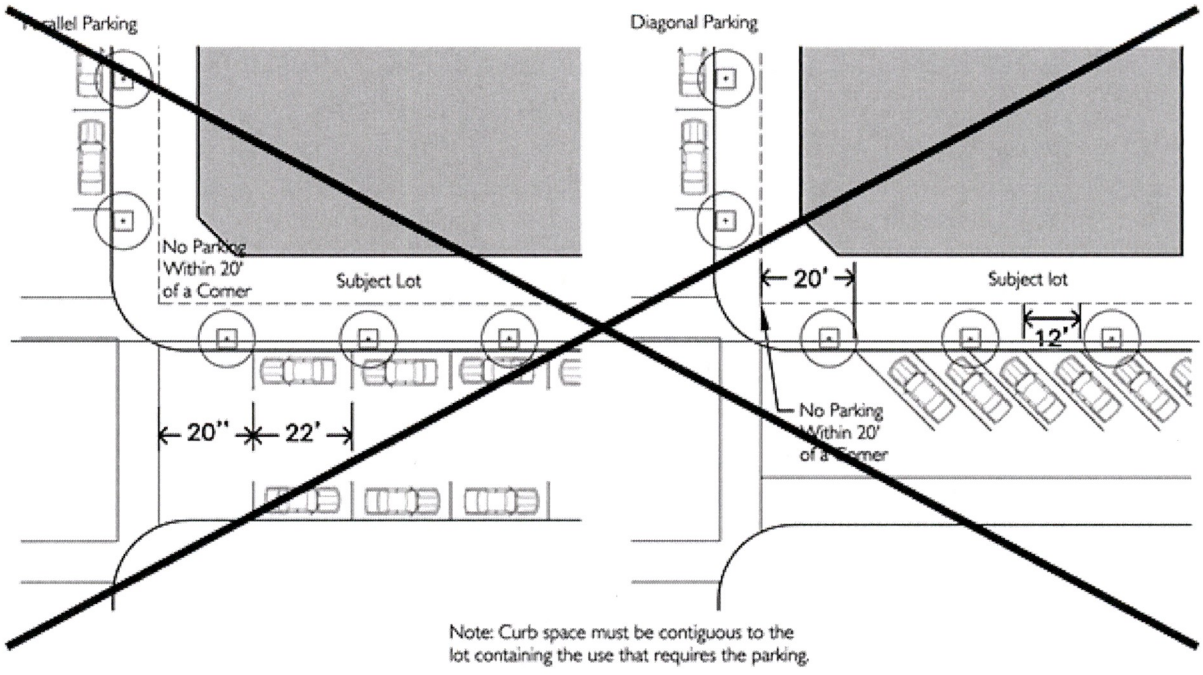
Where off-street vehicle parking is voluntarily provided, it must include the required number of accessible vehicle parking spaces as specified by the state building code and federal standards. Such parking spaces must be sized, signed, and marked as required by these regulations and in compliance with ORS 447. In cases where no parking spaces are voluntarily proposed, outside of the C-1-D zone, for commercial, industrial, public use, mixed-use, and multifamily developments with three or more dwelling units, it is mandatory to provide at least one accessible parking space. Accessible parking shall be provided consistent with the requirements of the building code, including but not limited to the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.. Accessible parking shall be included and identified on the planning application submittals.

~~**18.4.3.060 Parking Management Strategies**~~

~~**Except for detached single-family dwellings and duplexes, the off-street parking spaces may be reduced through the application of the following credits. The total maximum reduction in off-street parking spaces is 50 percent, except as allowed for off-site shared parking credits in subsection 18.4.3.060.E, below. The approval authority shall have the discretion to adjust the proposed off-street parking reduction based upon site specific evidence and testimony, and may require a parking analysis prepared by a qualified professional. See subsection 18.4.3.030.A.3 for parking analysis requirements.**~~

~~**A. On-Street Parking Credit. Credit for on-street parking spaces may reduce the required off-street parking spaces up to 50 percent, as follows.**~~

~~**1. Credit. One off-street parking space credit for one on-street parking space meeting the standards of subsections 2-4, below. See Figure 18.4.3.060.A.1.**~~



~~Figure 18.4.3.060.A.1. On-Street Parking Credit~~

~~2. Dimensions. On-street parking shall follow the established configuration of existing on-street parking, except that 45-degree diagonal parking may be allowed with the approval of the Public Works Director, taking into account traffic flows and street design, with the parking spaces designed in accord with the standards on file with the Public Works Department.~~

~~a. Parallel parking, each 22 feet of uninterrupted curb.~~

~~b. 45-degree diagonal, each 12 feet of uninterrupted curb.~~

~~3. Location.~~

~~a. Curb space must be contiguous to the lot containing the use that requires the parking.~~

~~b. Parking spaces may not be counted that are within 20 feet measured along the curb of any corner or intersection of an alley or street, nor any other parking configuration that violates any law or standard of the City or State.~~

c. Parking spaces located on arterials and collectors may only receive credit if the arterial or collector is greater in width than the minimums established by the street standards in section 18.4.6.040.

d. Parking spaces may not be counted that are within 200 feet of a C-1-D or SOU zone.

e. Parking spaces may not be counted that are required as on-street parking in accordance with section 18.3.9.060 in a development under the Performance Standards Option.

4. Availability. On-street parking spaces credited for a specific use shall not be used exclusively by that use, but shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be permitted.

B. Alternative Vehicle Parking. Alternative vehicle parking facilities may reduce the required off-street parking spaces up to 25 percent, as follows:

1. Motorcycle or scooter parking. One off-street parking space credit for four motorcycle or scooter parking spaces.

2. Bicycle parking. One off-street parking space credit for five additional, non-required bicycle parking spaces.

3. Microcar parking. One off-street parking space credit for two microcar parking spaces. Microcar spaces shall be designed so that one full-size automobile can use two microcar spaces, and the microcar spaces shall not be limited in use by hours or type of vehicle through signage or other legal instrument.

C. Mixed Uses. In the event that several users occupy a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for the several uses computed separately unless it can be shown that the peak parking demands are offset, in which case the mixed-use credit may reduce the off-street parking requirement by a percentage equal to the reduced parking demand. A mixed-use parking credit may reduce the required off-street parking spaces up to 50 percent.

~~D. Joint Use of Facilities. Required parking facilities of two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g., uses primarily of a daytime vs. nighttime nature) and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use. Jointly used parking facilities may reduce the required off-street parking spaces up to 50 percent.~~

~~E. Off-Site Shared Parking. One off-street parking space credit for every one parking space constructed in designated off-site shared parking areas, or through payment of in-lieu-of-parking fees for a common parking. Off-site shared parking facilities may reduce the required off-street parking spaces up to 100 percent.~~

~~F. TDM Plan Credit. Through implementation of an individual Transportation Demand Management (TDM) plan that demonstrates a reduction of long-term parking demand by a percentage equal to the credit requested. A TDM plan may reduce the required off-street parking spaces up to 50 percent.~~

~~G. Transit Facilities Credit. Sites where at least 20 spaces are required and where at least one lot line abuts a street with transit service may substitute transit-supportive plazas as follows. A Transit Facilities Credit may reduce the required off-street parking spaces up to 50 percent.~~

~~1. Pedestrian and transit supportive plazas may be substituted for up to ten percent of the required parking spaces on site.~~

~~2. A street with transit service shall have a minimum of 30-minute peak period transit service frequency.~~

~~3. Existing parking areas may be converted to take advantage of these provisions.~~

~~4. The plaza must be adjacent to and visible from the transit street. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop.~~

~~5. The plaza must be at least 300 square feet in area and be shaped so that a ten-foot by ten-foot (10 feet X 10 feet) square will fit entirely in the plaza.~~

~~6. The plaza must include all of the following elements:~~

~~a. A plaza that is open to the public. The owner must record a public access easement that allows public access to the plaza.~~

~~b. A bench or other sitting area with at least five linear feet of seating.~~

~~c. A shelter or other weather protection. The shelter must cover at least 20 square feet and the plaza must be landscaped. This landscaping is in addition to any other landscaping or screening required for parking areas by this ordinance. (Ord. 3199 § 22, amended, 06/15/2021; Ord. 3167 § 13, amended, 12/18/2018; Ord. 3155 § 10, amended, 07/17/2018)~~

18.4.3.070 Bicycle Parking Standards

A. Applicability and Minimum Requirement. All uses, with the exception of ~~residential units~~ **single family residences, accessory residential units and duplexes** ~~with a garage~~ and uses in the C-1-D zone, are required to provide ~~a~~ **the** minimum ~~of two sheltered~~ bike parking spaces **required in Table 18.4.3.030.** ~~pursuant to this section.~~ The required bicycle parking shall be constructed when an existing residential building or dwelling is altered or enlarged by the addition or creation of dwelling units, or when a non-residential use is intensified by the addition of floor space, seating capacity, or change in use.

~~B. Calculation. Fractional spaces shall be rounded up to the next whole space.~~

~~C. Bicycle Parking for Residential Uses. Every residential use of two or more dwelling units per structure and not containing a garage for each dwelling shall provide bicycle parking spaces as follows.~~

~~1. Multi-Family Residential. One sheltered space per studio unit or one-bedroom unit; 1.5 sheltered spaces per two-bedroom unit; and two sheltered spaces per three-bedroom unit.~~

~~2. Senior Housing. One sheltered space per eight dwelling units where 80 percent of the occupants are 55 or older.~~

~~D. Bicycle Parking for Non-Residential Uses. Uses required to provide off street parking, except as specifically noted, shall provide two spaces per primary use, or one bicycle parking space for every five required automobile parking spaces, whichever is greater. Fifty percent of the bicycle parking spaces required shall be sheltered from the weather. All spaces shall be located in proximity to the uses they are intended to serve.~~

~~E. Bicycle Parking for Parking Lots and Structures. All public parking lots and structures shall provide two spaces per primary use, or one bicycle parking space for every five automobile parking spaces, of which 50 percent shall be sheltered.~~

~~F. Primary and Secondary Schools. Elementary, Junior High, Middle, and High Schools shall provide one sheltered bicycle parking space for every five students.~~

~~G. Colleges, Universities, and Trade Schools. Colleges, universities, and trade schools shall provide one bicycle parking space for every five required automobile parking spaces, of which 50 percent shall be sheltered.~~

~~H. No Fee for Use. No bicycle parking spaces required by this standard shall be rented or leased, however, a refundable deposit fee may be charged. This does not preclude a bike parking rental business.~~

~~I~~ **C. Bicycle Parking Design Standards.**

1. Bicycle parking shall be located so that it is visible to and conveniently accessed by cyclists, and promotes security from theft and damage.

2. Bicycle parking requirements, pursuant to this section, can be met in any of the following ways.

   a. Providing bicycle racks or lockers outside the main building, underneath an awning or marquee, or in an accessory parking structure.

   b. Providing a bicycle storage room, bicycle lockers, or racks inside the building.

c. Providing bicycle racks on the public right of way, subject to review and approval by the Staff Advisor.

3. All required exterior bicycle parking shall be located on-site and within 50 feet of a regularly used building entrance and not farther from the entrance than the closest motor vehicle parking space. Bicycle parking shall have direct access to both the public right-of-way and to the main entrance of the principal use. For facilities with multiple buildings, building entrances or parking lots (such as a college), exterior bicycle parking shall be located in areas of greatest use and convenience for bicyclists.

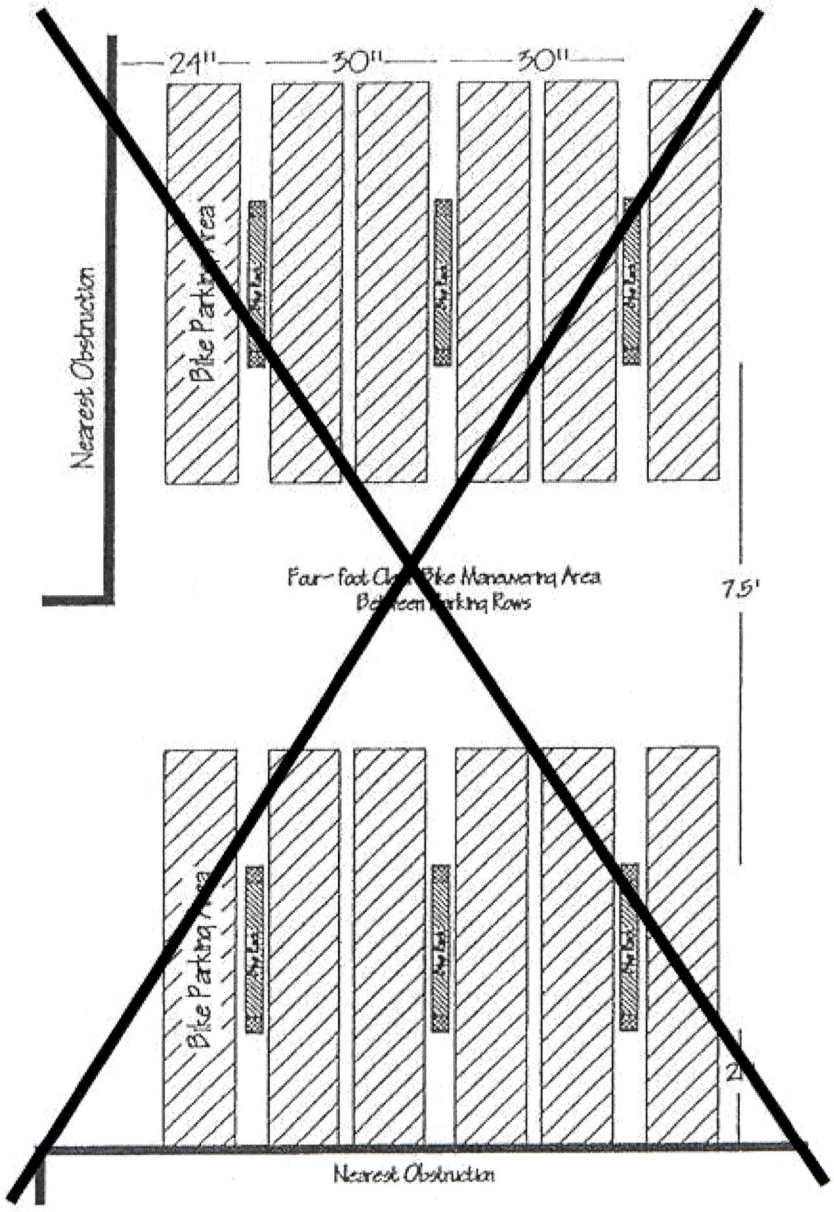
4. Required bicycle parking spaces located out ~~of~~ doors shall be visible enough to provide security. Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated**, well-lit,** and visible from adjacent walkways or motor vehicle parking lots during all hours of use. ~~**Bicycle parking shall be at least as well lit as automobile parking.**~~

5. Paving and Surfacing. Outdoor bicycle parking facilities shall be surfaced in the same manner as the automobile parking area or with a minimum of two inch thickness of hard surfacing (i.e., asphalt, concrete, pavers, or similar material) and shall be relatively level. This surface will be maintained in a smooth, durable, and well-drained condition

6. Bicycle parking located outside the building shall provide and maintain an aisle for bicycle maneuvering between each row of bicycle parking. Bicycle parking including rack installations shall conform to the minimum clearance standards as illustrated in Figure ~~**18.4.3.070.I.6.**~~**18.4.3.070.C.6**

a. Bicycle parking must be installed in a manner to allow space for the bicycle to be maneuvered to a position where it may be secured without conflicts from other parked bicycles, walls, or other obstructions.

b. Bicycle parking should include sufficient bicycle parking spaces to accommodate large bicycles, including family and cargo bicycles.



~~Figure 18.4.3.070.I.6.~~

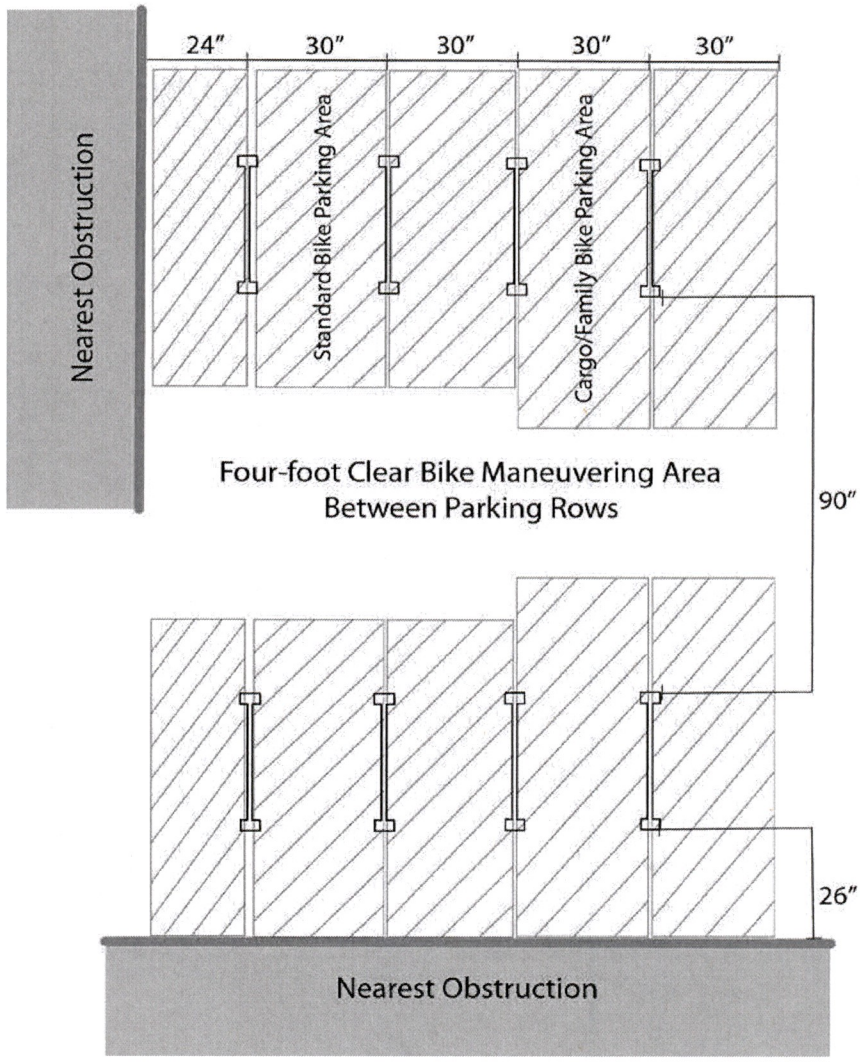


Figure 18.4.3.070.C.6 Bike Parking Layout

7. A bicycle parking space located inside of a building for employee bike parking shall be a minimum of six feet long by three feet wide by four feet high.

8. Each required bicycle parking space shall be accessible without moving another bicycle.

9. Areas set aside for required bicycle parking shall be clearly marked and reserved for bicycle parking only.

10. Sheltered parking shall mean protected from all precipitation and must include the minimum protection coverages as illustrated in Figure ~~18.4.3.070.I.10~~ **18.4.3.070.C.10.a**

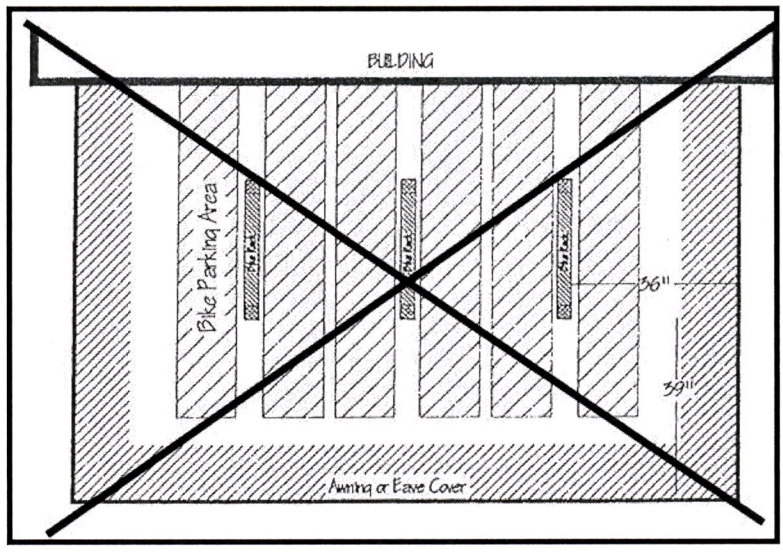
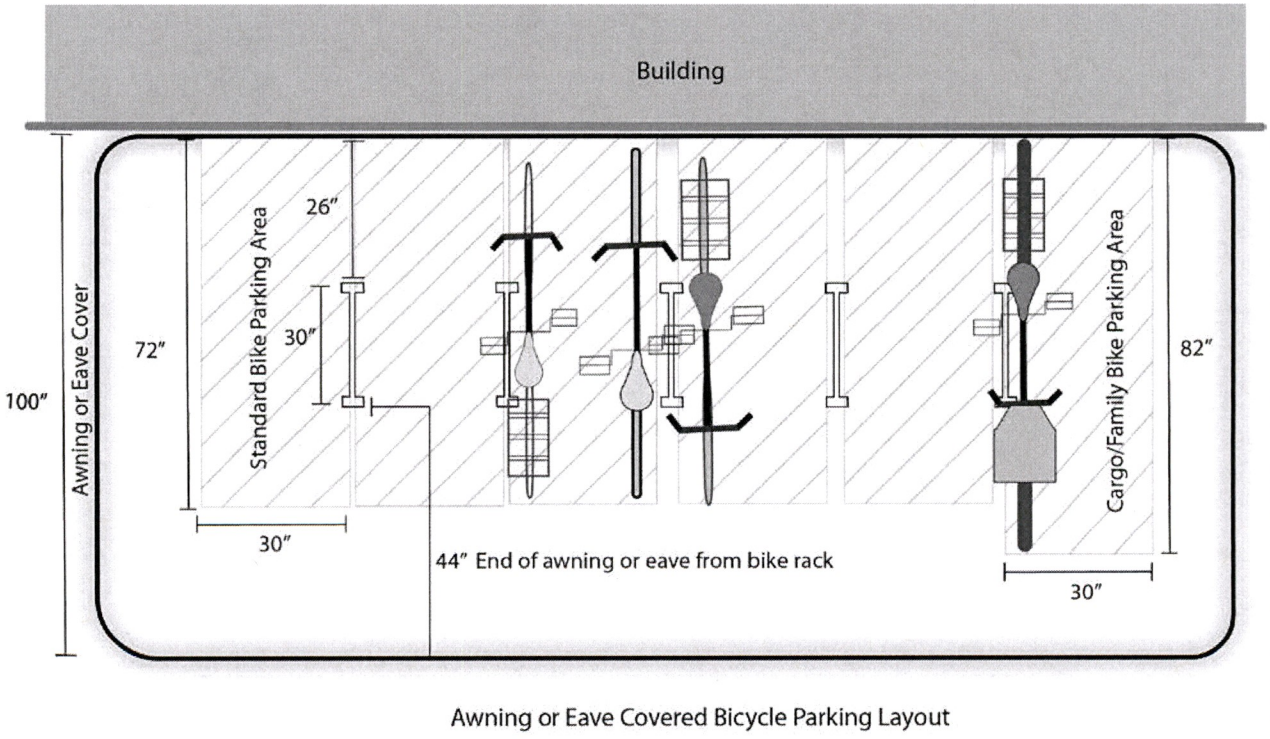
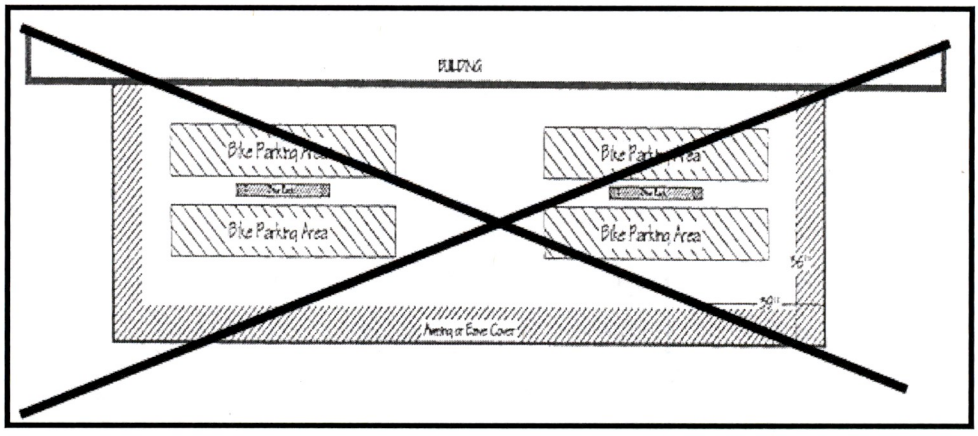


Figure ~~18.4.3.070.I.10.a.~~



Awning or Eave Covered Bicycle Parking Layout

18.4.3.070.C.10.a. Covered Bike Parking Layout



~~**Figure 18.4.3.070.I.10.b Covered Bike Parking Layout**~~

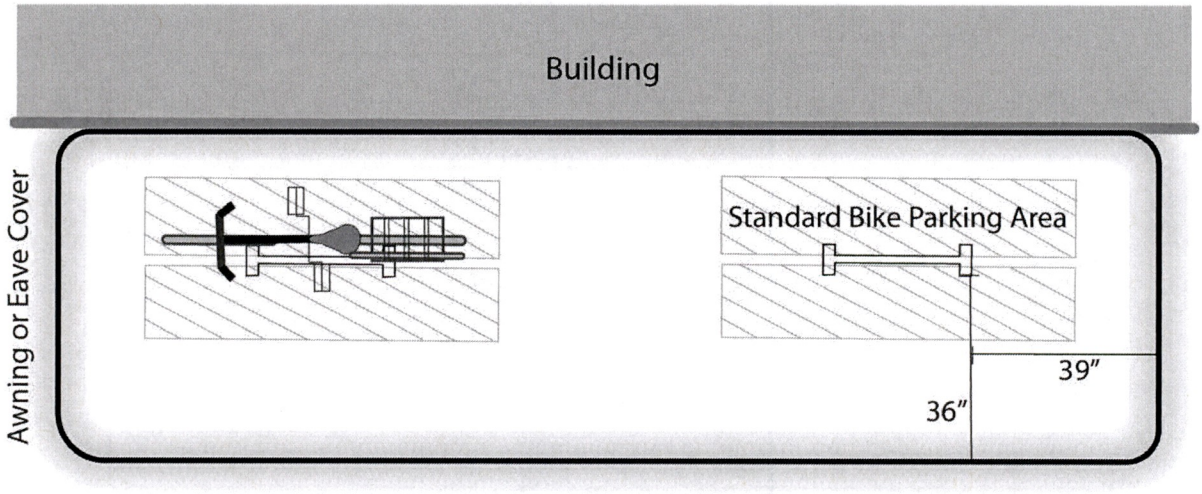


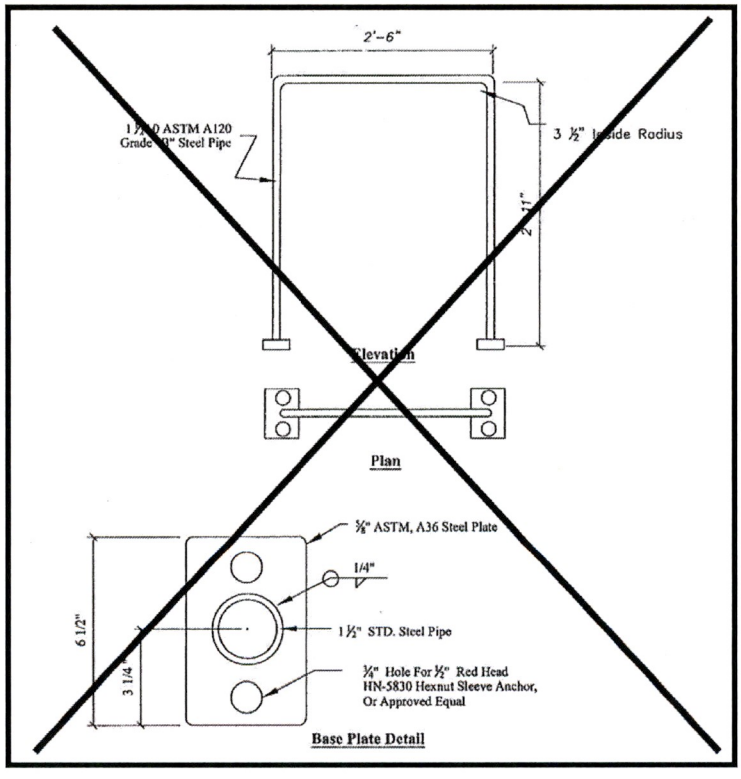
Figure 18.4.3.070.C.10.b. Covered Bike Parking Layout

11. Bicycle parking shall be located to minimize the possibility of accidental damage to either bicycles or racks. Where needed, barriers shall be installed.

12. Bicycle parking shall not impede or create a hazard to pedestrians. They shall not be located so as to violate the vision clearance standards of section 18.2.4.050. Bicycle parking facilities should be harmonious with their environment both in color and design. Facilities should be incorporated whenever possible into building design or street furniture.

~~J~~ **D. Bicycle Parking Rack Standards.** The intent of the following standards is to ensure that required bicycle racks are designed so that bicycles may be securely locked to them without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

1. Bicycle parking racks shall consist of staple-design or inverted-u steel racks meeting the individual rack specifications as illustrated in Figure ~~18.4.3.070.J.1~~ **18.4.3.070.D.1**. The Staff Advisor, **in consultation with the Public Works Director,** ~~following review by the Transportation Commission,~~ may approve alternatives to the above standards. Alternatives shall conform to all other applicable standards of this section **including accommodating large bicycles, family bicycles, or cargo bicycles so they may be secured by at least two points, and providing adequate shelter and lighting**.



~~Figure 18.4.3.070.J.1. Bicycle Parking Rack~~

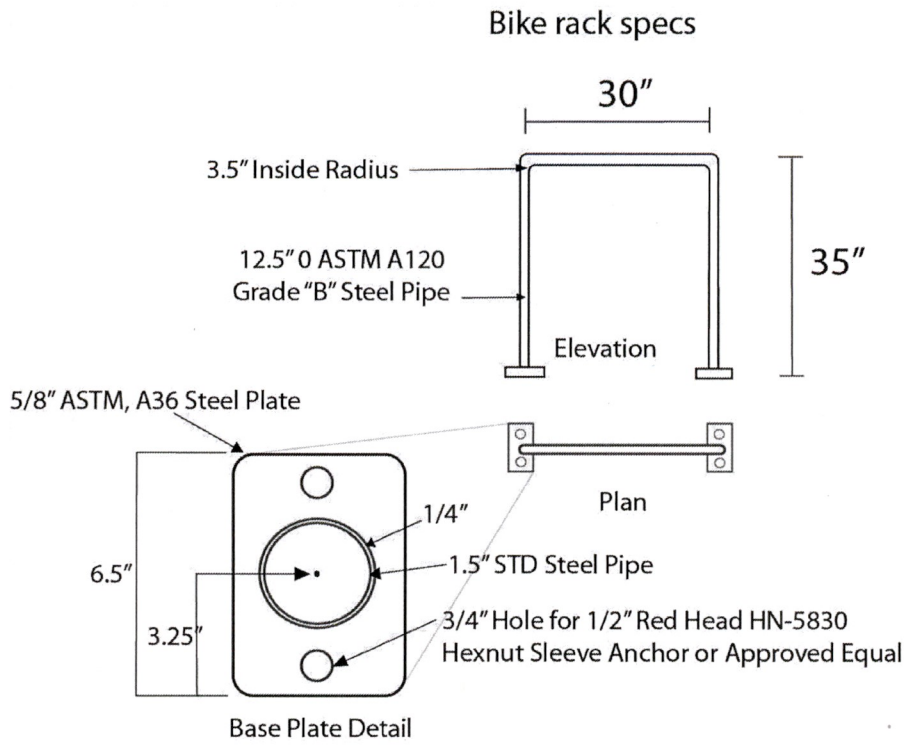


Figure 18.4.3.070.D.1. Bicycle Parking Rack

2. Commercial bike lockers are acceptable according to manufacturer's specifications.

3. Bicycle parking racks or lockers shall be anchored securely.

4. Bicycle racks shall hold bicycles securely by means of the frame. The frame shall be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels. Bicycle racks shall accommodate all of the following.

   a. Locking the frame and both wheels to the rack with a high-security U-shaped shackle lock, if the bicyclist removes the front wheel.

   b. Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock, if the bicyclist leaves both wheels on the bicycle.

   c. Locking the frame and both wheels to the rack with a chain or cable not longer than six feet without removal of the front wheel.

18.4.3.080 Vehicle Area Design

A. Parking Location.

~~**1. Except for single-family dwellings and duplexes, required automobile parking facilities may be located on another parcel of land, provided said parcel is within 200 feet of the use it is intended to serve. The distance from the parking lot to the use shall be measured in walking distance from the nearest parking space to an access to the building housing the use, along a sidewalk or other pedestrian path separated from street traffic. Such right to use the off-site parking must be evidenced by a deed, lease, easement, or similar written instrument establishing such use, for the duration of the use.**~~

~~2.~~**1.** Except as allowed in the subsection below, automobile parking shall not be located in a required front and side yard setback area abutting a public street, except alleys.

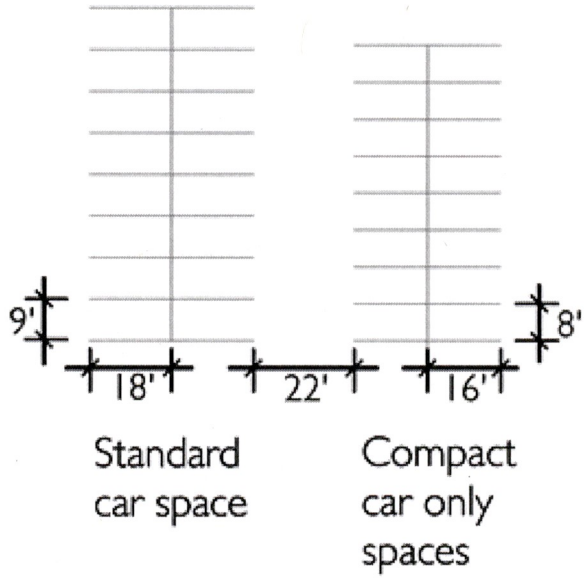
~~3.~~ **2.** In all residential zones, off-street parking in a front yard for all vehicles, including trailers and recreational vehicles, is limited to a contiguous area no more than 25 percent of the area of the front yard, or a contiguous area 25 feet wide and the depth of the front yard, whichever is greater. Since parking in violation of this section is occasional in nature, and is incidental to the primary use of the site, no vested rights are deemed to exist and violations of this section are not subject to the protection of the nonconforming use sections of this code.

B. Parking Area Design. ~~Required~~ **Voluntarily provided** parking areas **and parking spaces** shall be designed in accordance with the following standards and dimensions as illustrated in Figure 18.4.3.080.B. See also accessible parking space requirements in section 18.4.3.050 and parking lot and screening standards in subsection 18.4.4.030.F.

1. Parking spaces shall be a minimum of 9 feet by 18 feet.

2. ~~**Up to 50 percent of the total automobile parking spaces in a parking lot**~~ **Parking spaces** may be designated for compact cars. Minimum dimensions for compact spaces shall be 8 feet by 16 feet. Such spaces shall be signed or the space painted with the words "Compact Car Only."

3. Parking spaces shall have a back-up maneuvering space not less than 22 feet, except where parking is angled, and which does not necessitate moving of other vehicles.



~~**Note: Up to 50% of the total of all parking spaces in a parking lot may be designed for compact cars.**~~

Figure 18.4.3.080.B. Parking Area Dimensions

4. Parking lots with 50 or more parking spaces, and parking lots where pedestrians must traverse more than 150 feet of parking area, as measured as an average width or depth, shall be divided into separate areas by one or more of the following means: a building or group of buildings; plaza landscape areas with walkways at least five feet in width; streets; or driveways with street-like features as illustrated in Figure18.4.3.080.B.4. "Street-like features," for the purpose of this section, means a raised sidewalk of at least five feet in width, with six-inch curb, accessible curb ramps, street trees in planters or tree wells and pedestrian-oriented lighting (i.e., not exceeding 14 feet typical height).

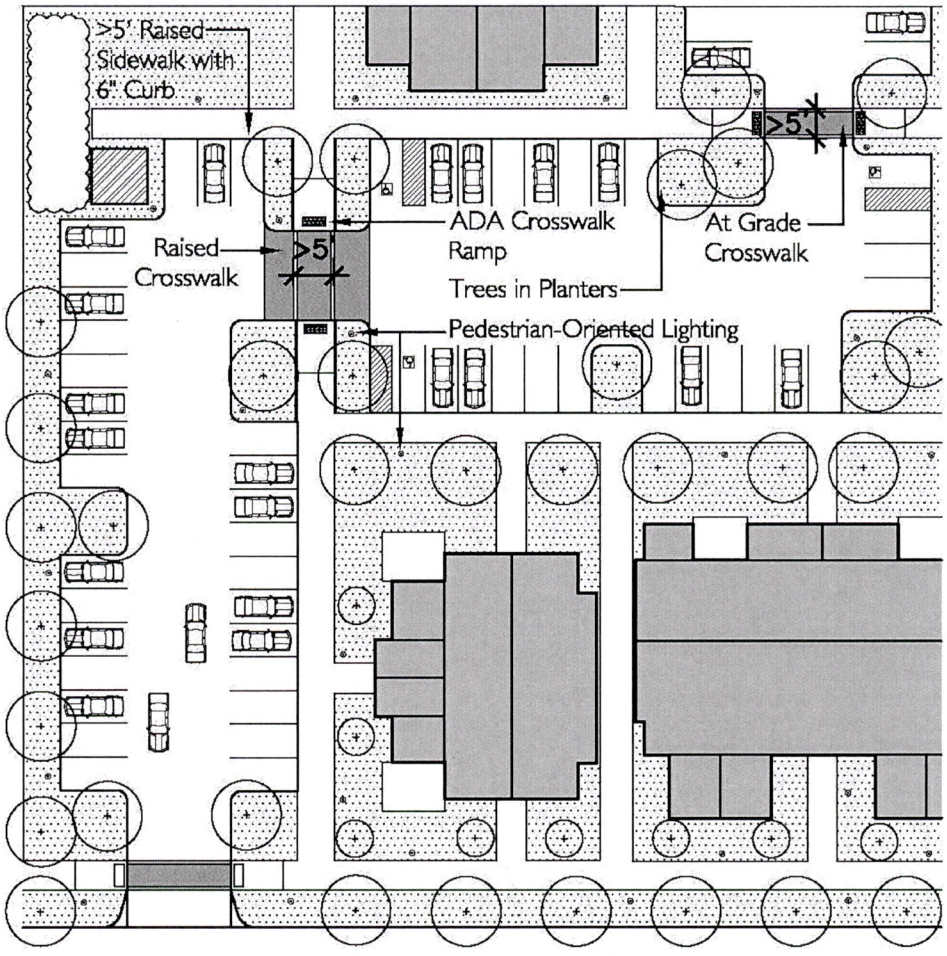


Figure 18.4.3.080.B.4. Dividing Parking Lots into Separate Areas

5. Parking areas shall be designed to minimize the adverse environmental and microclimatic impacts of surface parking through design and material selection as illustrated in Figure 18.4.3.080.B.5. Parking areas of more than seven parking spaces shall meet the following standards:

a. Use one or more of the following strategies for the surface parking area, or put 50 percent of parking underground. For parking lots with 50 or more spaces the approval authority may approve a combination of strategies.

i. Use light colored paving materials with a high solar reflectance (Solar Reflective Index (SRI) of at least 29) to reduce heat absorption for a minimum of 50 percent of the parking area surface.

ii. Provide porous solid surfacing or an open grid pavement system that is at least 50 percent pervious for a minimum of 50 percent of the parking area surface.

iii. Provide at least 50 percent shade from tree canopy over the parking area surface within five years of project occupancy.

iv. Provide at least 50 percent shade from solar energy generating carports, canopies or trellis structures over the parking area surface.

b. Design parking lots and other hard surface areas in a way that captures and treats runoff with landscaped medians and swales.

c. Parking lot areas include all parking spaces, driveways and circulation and maneuvering areas.

6. Parking lot designs shall incorporate the strategies identified in 18.4.3.080.B.5.a and 18.4.3.080.B.5.b above, and further incorporate the following:

a. New or redeveloped parking lots of less than one-half acre in area shall include tree canopy covering at least 30 percent of the parking lot area at maturity, but no more than 15 years after planting.

b. New or redeveloped parking areas greater than one-half acre in area, shall provide one of the following:

i. **Tree canopy covering at least 40 percent of the new parking lot area at maturity, but no more than 15 years after planting.**

ii. **The installation of solar panels with a generation capacity of at least one-half kilowatt per new parking space. These panels may be located anywhere on the property. In lieu of installing solar panels on site, the developer may pay an in-lieu-of fee of $1,500 per new parking space to a city-established fund dedicated to equitable solar and/or wind energy development.**

iii. **For public buildings, demonstration of compliance with OAR 330-135-0010, which requires that projects involving public buildings spend at least 1.5 percent on green energy.**

c. Parking Lot Trees Planting Standards. Parking lot trees shall be selected from the 'Parking Lot Trees' list found in the City of Ashland Recommended Street Trees Guide. Alternative tree selections may be approved by the Staff advisor in consultation with utility providers, and the Tree Advisory Committee.

i. Parking lot trees shall be planted and maintained to maximize their root health and chances for survival, and maintained to 2021 American National Standards Institute (ANSI) A300 standards including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species, or as amended by ANSI.

ii. A parking lot tree canopy plan for parking lots shall be prepared by a licensed landscape architect or International Society of Arboriculture (ISA) certified arborist and include certification that the plan is consistent with ANSI A300 standards and was prepared in coordination with the local electrical utility. Prior to final inspection or occupancy approval, written certification from a licensed landscape architect or ISA-certified arborist that the planting was completed according to the approved plans shall be provided.

iii. Canopy coverage is measured from a plan view based on expected canopy diameter 15 years after planting. Existing mature trees to be preserved may be counted at their existing diameter. Paved areas not for use by passenger vehicles, such as loading areas or outdoor storage of goods or materials, may be exempted from the canopy coverage calculation.

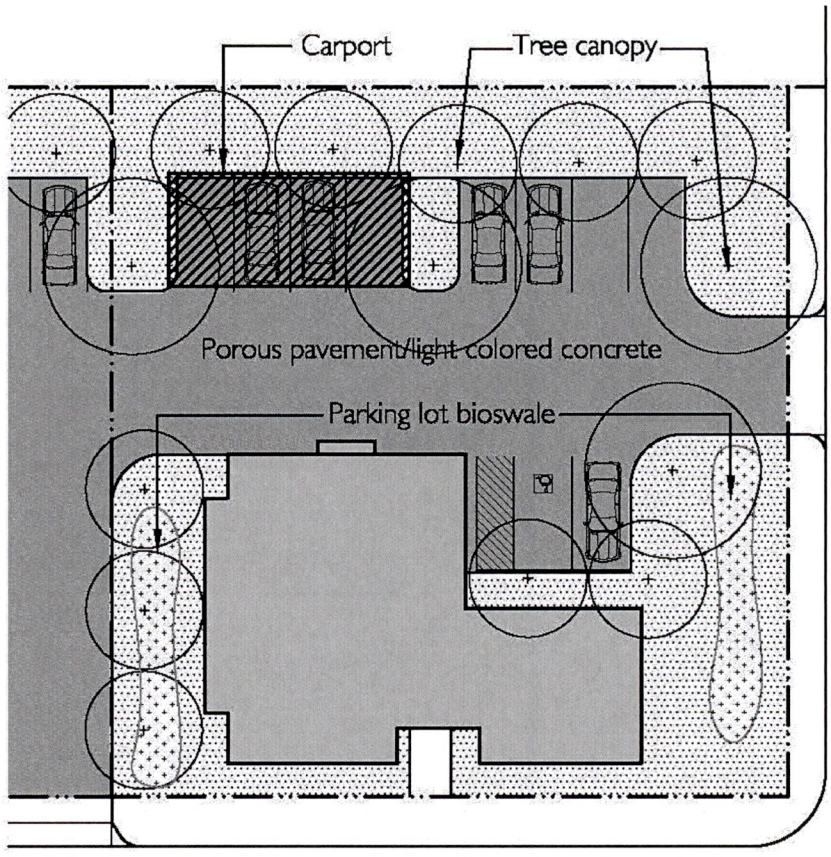


Figure 18.4.3.080.B.5. Parking Design to Reduce Environmental Impacts

C. Vehicular Access and Circulation. The intent of this subsection is to manage access to land uses and on-site circulation and maintain transportation system safety and operations. For transportation improvement requirements, refer to chapter18.4.6, Public Facilities.

1. Applicability. This section applies to all public streets within the City and to all properties that abut these streets. The standards apply when developments are subject to a planning action (e.g., site design review, conditional use permit, land partition, performance standards subdivision).

2. Site Circulation. New development shall be required to provide a circulation system that accommodates expected traffic on the site. All on-site circulation systems shall incorporate street-like features as described in 18.4.3.080.B.4. Pedestrian connections on the site, including connections through large sites, and connections between sites and adjacent sidewalks must conform to the provisions of section 18.4.3.090.

3. Intersection and Driveway Separation. The distance from a street intersection to a driveway, or from a driveway to another driveway shall meet the minimum spacing requirements for the street's classification in the Ashland Transportation System Plan (TSP) as illustrated in Figures 18.4.3.080.C.3.a and 18.4.3.080.C.3.b.

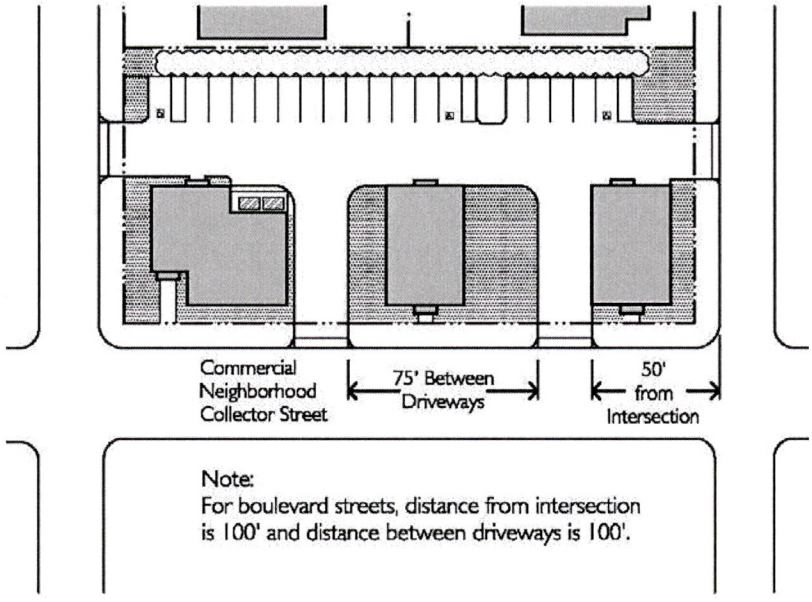


Figure 18.4.3.080.C.3.a. Driveway Separation for Boulevards, Avenues, and Collectors

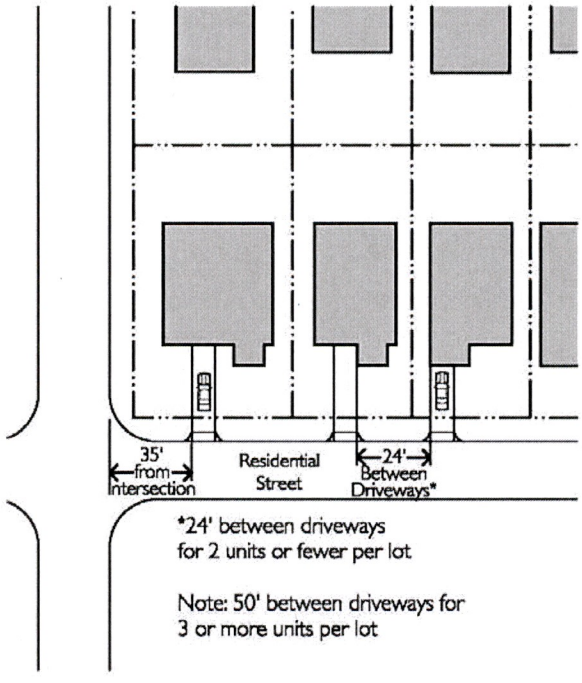


Figure 18.4.3.080.C.3.b. Driveway Separation for Neighborhoods Streets

a. In no case shall driveways be closer than 24 feet as measured from the bottom of the existing or proposed apron wings of the driveway approach.

b. Partitions and subdivisions of property located in an R-2, R-3, C-1, E-1, CM, or M-1 zone shall meet the controlled access standards set forth below. If applicable, cross access easements shall be required so that access to all properties created by the land division can be made from one or more points.

c. Street and driveway access points in an R-2, R-3, C-1, E-1, CM, or M-1 zone shall be limited to the following:

i. Distance between driveways.

on boulevard streets:	100 feet
on collector streets:	75 feet
on neighborhood streets:	24 feet ~~for 2 units or fewer per lot, 50 feet for three or more units per lot~~

ii. Distance from intersections.

on boulevard streets:	100 feet
on collector streets:	50 feet
on neighborhood streets:	35 feet

d. Access Requirements for Multifamily Developments. All multifamily developments which will have automobile trip generation in excess of 250 vehicle trips per day shall provide at least two driveway access points to the development. Trip generation shall be determined by the methods established by the Institute of Transportation Engineers.

4. Shared Use of Driveways and Curb Cuts.

a. Plans submitted for developments subject to a planning action shall indicate how driveway intersections with streets have been minimized through the use of shared driveways and all necessary access easements. Where necessary from traffic safety and access management purposes, the City may require joint access and/or shared driveways in the following situations.

i. For shared parking areas.

ii. For adjacent developments, where access onto an arterial is limited.

iii. For multifamily developments, and developments on multiple lots.

b. Developments subject to a planning action shall remove all curb cuts and driveway approaches not shown to be necessary for existing improvements or the proposed development. Curb cuts and approaches shall be replaced with standard curb, gutter, sidewalk, and planter/furnishings strip as appropriate.

c. If the site is served by a shared access or alley, access for motor vehicles must be from the shared access or alley and not from the street frontage.

5. Alley Access. Where a property has alley access, vehicle access shall be taken from the alley and driveway approaches and curb cuts onto adjacent streets are not permitted.

D. Driveways and Turn-Around Design. Driveways and turn-arounds providing access to parking areas shall conform to the following provisions.

1. A driveway for a single-family dwelling or a duplex shall be a minimum of nine feet in width except that driveways over 50 feet in length or serving a flag lot shall meet the width and design requirements of section 18.5.3.060. Accessory residential units are exempt from the requirements of this subsection.

2. Parking areas of seven or fewer spaces shall be served by a driveway 12 feet in width, except for those driveways subject to subsection 18.4.3.080.D.1, above. Accessory residential units are exempt from the requirements of this subsection.

3. Parking areas of more than seven parking spaces shall be served by a driveway ~~**20 feet in width and**~~ constructed to: facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety; be clearly and permanently marked and defined; ~~**and**~~ provide adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner; **and a driveway width as follows:**

a. A driveway accommodating two-way vehicular circulation on-site shall be 20 feet in width.

b. A driveway configured for one-way vehicular circulation on-site, which provides seperated ingress and egress access onto the public street, may be reduced to 15 feet in width upon demonstration that adequate fire apparatus access is provided.

4. The width of driveways and curb cuts in the parkrow and sidewalk area shall be minimized.

5. For single-family lots and multifamily developments, the number of driveway approaches and curb cuts shall not exceed one approach/curb cut per street frontage. For large multifamily developments and other uses, the number of approaches and curb cuts shall be minimized where feasible to address traffic safety or operations concerns.

6. Vertical Clearances. Driveways, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13.5 feet for their entire length and width. Parking structures are exempt from this requirement.

7. Vision Clearance. No obstructions may be placed in the vision clearance area except as set forth in section 18.2.040.

8. Grades for new driveways in all zones shall not exceed 20 percent for any portion of the driveway. If required by the City, the developer or owner shall provide certification of driveway grade by a licensed land surveyor.

9. All driveways shall be installed pursuant to City standards prior to issuance of a certificate of occupancy for new construction.

10. Driveways for lots created or modified through a land division or property line adjustment, including those for flag lots, shall conform to the requirements of chapter 18.5.3, Land Divisions and Property Line Adjustments.

E. Parking and Access Construction. The development and maintenance as provided below shall apply in all cases, except single-family dwellings, accessory residential units, and duplexes.

1. Paving. All ~~required~~ parking areas, aisles, turn-arounds, and driveways shall be paved with concrete, asphaltic, porous solid surface, or comparable surfacing, constructed to standards on file in the office of the City Engineer.

2. Drainage. All ~~required~~ parking areas, aisles, and turn-arounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.

3. Driveway Approaches. Approaches shall be paved with concrete surfacing constructed to standards on file in the office of the City Engineer.

4. Marking. Parking lots of more than seven spaces shall have all spaces permanently and clearly marked.

5. Wheel stops. Wheel stops shall be a minimum of four inches in height and width and six feet in length. They shall be firmly attached to the ground and so constructed as to withstand normal wear. Wheel stops shall be provided where appropriate for all spaces abutting property lines, buildings, landscaping, and no vehicle shall overhang a public right-of-way.

6. Walls and Hedges.

   a. Where a parking facility is adjacent to a street, a decorative masonry wall or fire-resistant broadleaf evergreen sight-obscuring hedge screen between 30 and 42 inches in height and a minimum of 12 inches in width shall be established parallel to and not nearer than two feet from the right-of-way line, pursuant to the following requirements:

      i. The area between the wall or hedge and street line shall be landscaped.

      ii. Screen planting shall be of such size and number to provide the required screening within 12 months of installation.

iii. All vegetation shall be adequately maintained by a permanent irrigation system, and said wall or hedge shall be maintained in good condition.

iv. Notwithstanding the above standards, the required wall or screening shall be designed to allow access to the site and sidewalk by pedestrians and shall meet the vision clearance area requirements in section 18.2.4.040, and shall not obstruct fire apparatus access, fire hydrants, or other fire appliances.

b. In all zones, except single-family zones, where a parking facility or driveway is adjacent to a residential or agricultural zone, school yard, or like institution, a sight-obscuring fence, wall, or fire-resistant broadleaf evergreen sight-obscuring hedge shall be provided, pursuant to the following requirements:

i. The fence, wall or hedge shall be placed on the property line and shall be between five feet and six feet in height as measured from the high grade side of the property line, except that the height shall be reduced to 30 inches within a required setback area and within ten feet of a street property line.

ii. Screen plantings shall be of such size and number to provide the required screening within 12 months of installation.

iii. Adequate provisions shall be made to protect walls, fences, or plant materials from being damaged by vehicles using said parking area.

iv. Notwithstanding the above standards, the required wall or screening shall be designed to meet the vision clearance area requirements in section 18.2.4.040.

v. The fence, wall, or hedge shall be maintained in good condition.

7. Landscaping. In all zones, all parking facilities shall include landscaping to cover not less than seven percent of the area devoted to outdoor parking facilities, including the landscaping required in subsection 18.4.3.080.E.6, above. Said landscaping shall be uniformly distributed throughout the parking area, and provided with irrigation facilities and protective curbs or raised wood headers. It may consist of trees, plus shrubs, ground cover, or related material. A minimum of one tree per seven parking spaces is required **and in compliance with the parking lot tree canopy standards set forth in 18.4.3.080.B.6.**

8. Electric Vehicle Charging. Mixed-use or multifamily residential developments with five or more dwelling units shall provide electrical service capacity by extending conduit to support future electric vehicle charging infrastructure to at least 40 percent of the off-street parking spaces provided.

9. Where new designated employee parking areas are voluntarily provided in new developments, preferential parking for carpools and vanpools shall be included.

~~8~~**10.** Lighting. Lighting of parking areas within 100 feet of property in residential zones shall be directed into or on the site and away from property lines such that the light element shall not be directly visible from abutting residential property. Lighting shall comply with section 18.4.4.050. (Ord. 3199 § 23, amended, 06/15/2021; Ord. 3158 § 5, amended, 09/18/2018; Ord. 3155 § 11, amended, 07/17/2018)

18.4.3.090 Pedestrian Access and Circulation

A. Purpose. The purpose of this section is to provide for safe, direct, and convenient pedestrian access and circulation.

B. Standards. Development subject to this chapter, except single-family dwellings on individual lots, accessory residential units, duplexes, and associated accessory structures, shall conform to the following standards for pedestrian access and circulation:

1. Continuous Walkway System. Extend the walkway system throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent sidewalks, trails, parks, and common open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property for this purpose.

2. Safe, Direct, and Convenient. Provide safe, reasonably direct, and convenient walkway connections between primary building entrances and all adjacent streets. For the purposes of this section, the following definitions apply:

a. Reasonably Direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

b. Safe and Convenient. Reasonably free from hazards and provides a reasonably direct means of walking between destinations.

c. Primary Entrance. For a non-residential building, the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

d. Primary Entrance. For a residential building, the front door (i.e., facing the street). For multifamily buildings and mixed-use buildings where not all dwelling units have an individual exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway serving as a common entrance for more than one dwelling.

3. Connections within Development. Walkways within developments shall provide connections meeting all of the following requirements as illustrated in Figures 18.4.3.090.B.3.a and 18.4.3.090.B.3.b:

a. Connect all building entrances to one another to the extent practicable.

b. Connect on-site parking areas, common and public open spaces, and common areas, and connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections.

c. Install a protected raised walkway through parking areas of 50 or more spaces, and where pedestrians must traverse more than 150 feet of parking area, as measured as an average width or depth.

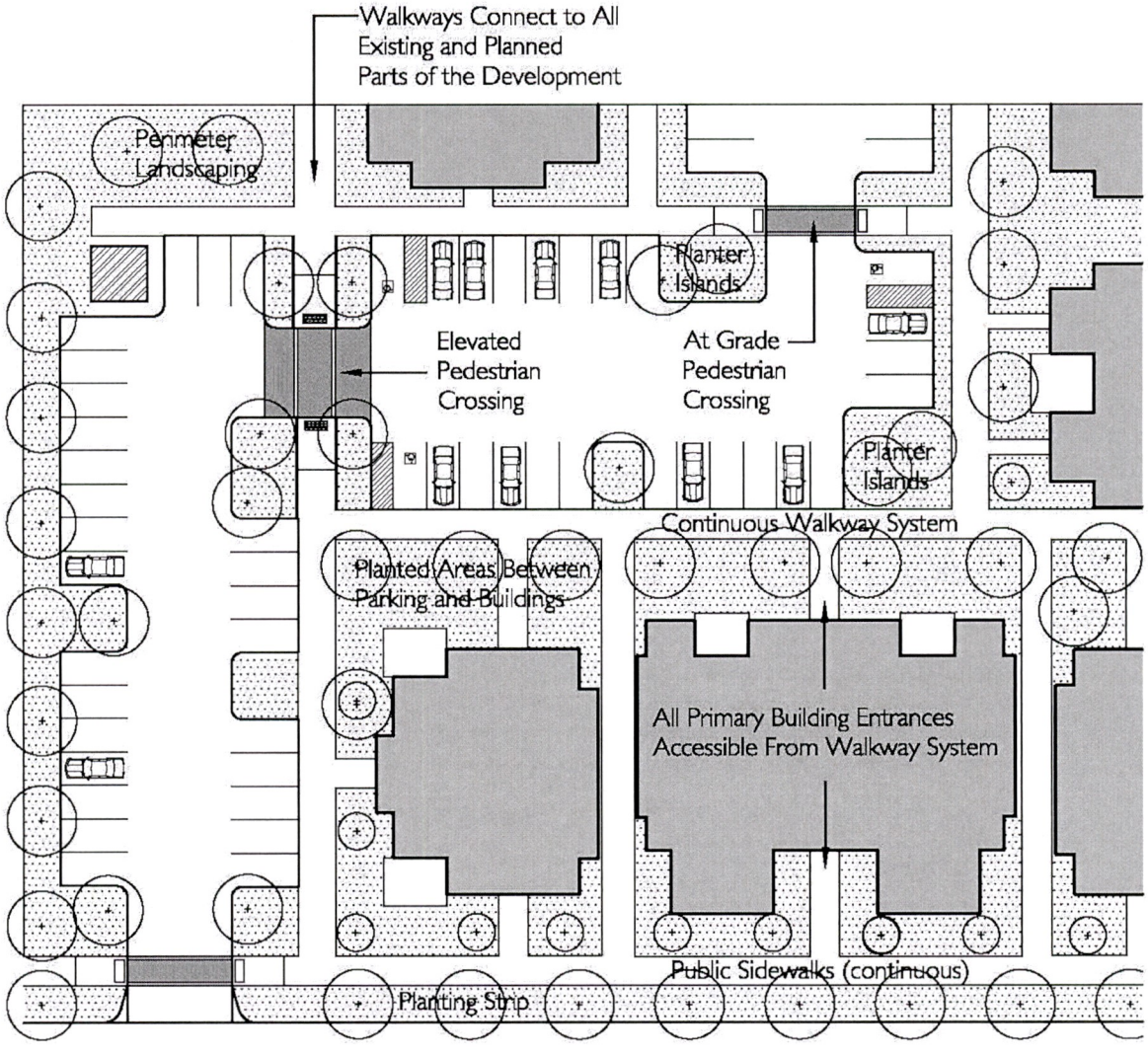


Figure 18.4.3.090.B.3.a. Pedestrian Access and Circulation

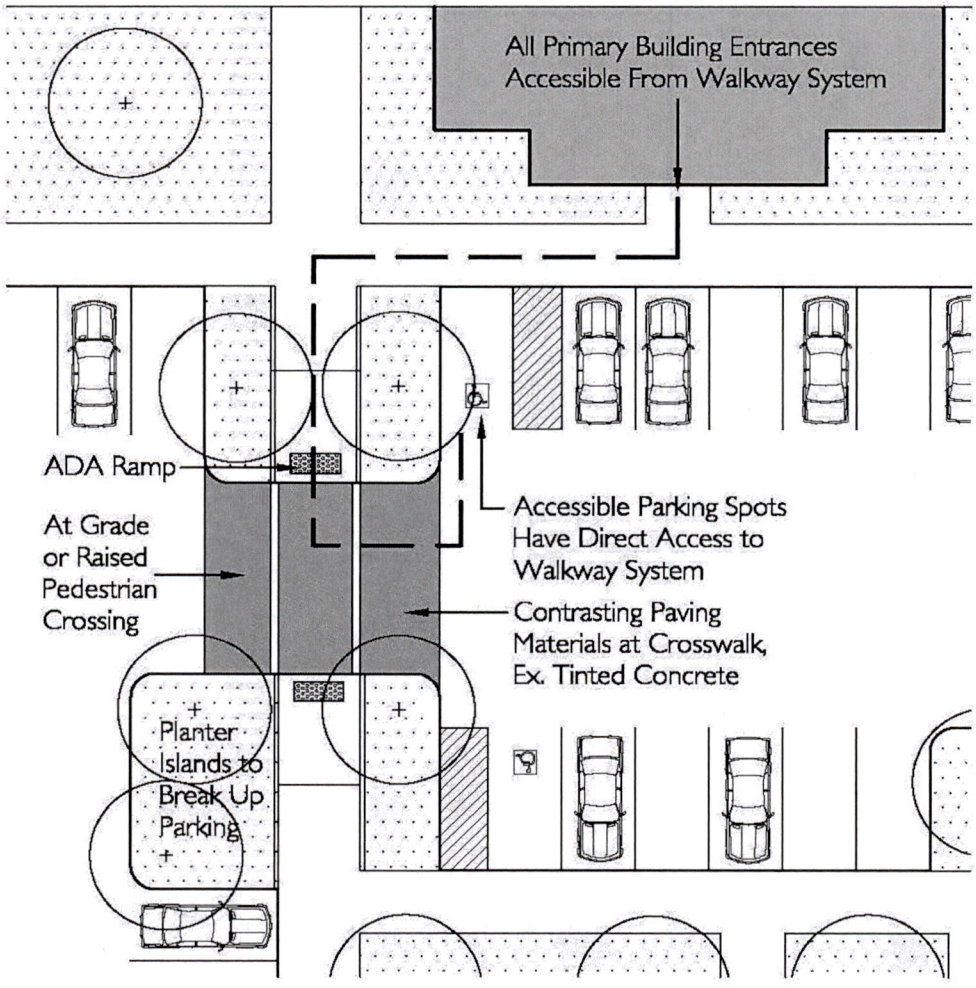


Figure 18.4.3.090.B.3.b. Pedestrian Access and Circulation Detail

4. Walkway Design and Construction. Walkways shall conform to all of the following standards as illustrated in Figures 18.4.3.090.B.3.a and 18.4.3.090.B.b. For transportation improvement requirements, refer to chapter 18.4.6, Public Facilities.

a. Vehicle/Walkway Separation. Except for crosswalks, where a walkway abuts a driveway or street, it shall be raised six inches and curbed along the edge of the driveway. Alternatively, the approval authority may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is distinguished from vehicle-maneuvering areas. Examples of alternative treatments are mountable curbs, surface treatments such as stamped concrete or reflector bumps, and using a row of decorative metal or concrete bollards to separate a walkway from a driveway.

b. Crosswalks. Where walkways cross a parking area or driveway, clearly mark crosswalks with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

c. Walkway Surface and Width. Walkway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, and at least five feet wide. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, and at least ten feet wide, in accordance with section 18.4.6.040, Street Design Standards.

d. Accessible routes. Walkways shall comply with applicable Americans with Disabilities Act (ADA) and State of Oregon requirements. The ends of all raised walkways, where the walkway intersects a driveway or street, shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

e. Lighting. Lighting shall comply with section 18.4.4.050. (Ord. 3199 § 24, amended, 06/15/2021; Ord. 3191 § 24, amended, 11/17/2020)

18.4.3.100 Construction

~~The required p~~**P**arking, access, and circulations facilities, shall be installed **as approved** prior to a release of a certificate of use and occupancy or a release of utilities, and shall be permanently maintained as a condition of use. However, the Building Official may, unless otherwise directed by the Planning Commission or Staff Advisor, release a temporary certificate of use and occupancy and a temporary release of utilities before the installation of said facilities provided: (1) there is proof that the owner has entered into a contract with a qualified, bonded, and insured contractor for the completion of the parking, including walkways, landscaping, and other elements required by this chapter, with a specified time, and no other conditions of approval are outstanding; or (2) the owner has posted a satisfactory performance bond to ensure the installation of said parking facilities within a specified time.

18.4.3.110 Availability of Facilities

~~Required p~~Parking, access, and circulation shall be available for use by residents, customers, and employees only, and shall not be used for the storage or display of vehicles or materials.

SECTION 2. Section 18.2.2, Base Zones and Allowed Uses, Table 18.2.2.030 is hereby amended to allow Public Parking Facilities a permitted use in all zones as follows:

Table 18.2.2.030. Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
D. Public and Institutional Uses										
Public Parking Facility	~~N~~ P	~~N~~ P	~~N~~ P	~~N~~ P	~~N~~ P	~~N~~ P	P	P	P	

1 KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

SECTION 3. Section 18.2.3, Special Use Standards, is hereby amended as follows:

~~**18.2.3.040.E. Accessory Residential Units Off-street parking spaces are not required for accessory residential units as specified in the parking ratio requirements in section 18.4.3.040.**~~

~~**18.2.3.090.C.3.i Cottage Housing. Parking shall meet the minimum parking ratios per section 18.4.3.040.**~~

18.2.3.100.B.2 Drive-Thru's. All facilities providing drive-up service shall provide ~~**at least two designated parking spaces**~~ **a waiting area to accommodate at least two customer vehicles outside of the queue** immediately beyond the service window or provide other satisfactory methods to allow customers requiring excessive waiting time to receive service. ~~**while parked.**~~

18.2.3.110.F. Duplexes. ~~**The property shall have two off-street parking spaces in conformance with the parking ratio requirements in section**~~ 18.4.3.040. Parking spaces shall

meet the vehicle area design requirements of section 18.4.3.080, except that parking spaces, turn-arounds, and driveways are exempt from the requirements in subsections 18.4.3.080.D.1 and 2 and paving requirements in subsection 18.4.3.080.E.1. (Ord. 3199 § 6, amended, 06/15/2021)

~~**18.2.3.130.B.4 4. Dwelling in Non-Residential Zone. Off-street parking is not required for residential uses in the C-1-D zone. (Ord. 3167 § 5, amended, 12/18/2018)**~~

18.2.3.180. Manufactured Housing Developments.

A. Purpose. The purpose of this section is to encourage the most appropriate use of land for manufactured housing development purposes, to encourage design standards which will create pleasing appearances, to provide sufficient open space for light, air, and recreation, to provide adequate access to ~~**and parking for**~~ manufactured housing sites, and to refer minimum utility service facilities to appropriate City codes.

~~**18.2.3.180.D.8. Off-Street Parking Standards. Each manufactured housing unit shall be provided with one off-street parking space on each manufactured housing site, set back 20 feet from the street. In addition, guest parking facilities of one parking space for each manufactured housing site shall also be provided on the project site, within 200 feet of the units they are intended to serve, either adjacent to the road or in an off-street parking lot. Parking space construction, size, landscaping, and design requirements shall be according to chapters 18.4.3 and 18.4.4.**~~

~~**18.2.3.180.E.8 . Each manufactured housing unit shall have a one parking space located on or adjacent to the unit space. The parking space shall be set back at least 20 feet from the street.**~~

18.2.3.200 Multi-Family Rental Unit Conversion to For Purchase Housing

C.1 Existing multiple-family dwelling structures may be converted from rental units to for-purchase housing, where all or only a portion of the structure is converted, as set forth in Table 18.2.3.200.C.1, provided the existing structure meets the following regulations

of the applicable zone: permitted density, yard requirements, maximum height, maximum lot coverage, open space, maximum permitted floor area, waste enclosures, ~~**parking,**~~ and bike storage.

C.2.a. Conversion of existing multiple-family structures to for-purchase housing shall comply with the following general regulations and the site development and design standards in part 18.4: number of bike ~~**and automobile**~~ parking spaces, trash, and recycling enclosures.

18.2.3.210 Retail Uses Allowed in the Railroad Historic District. Uses are limited to those designed to serve primarily pedestrian traffic. ~~**No additional off-street parking is required, except for accessible parking as required by the building code.**~~

~~**AMC 18.2.3.220.B.5 Travelers Accommodations. Each accommodation must have one off-street parking space and the business-owner's unit must have two parking spaces. All parking spaces shall be in conformance with chapter 18.4.3.**~~

18.2.3.220.C.4 Accessory Travelers Accommodations. ~~**The property must have two off-street parking spaces.**~~ The total number of guest vehicles associated with the accessory travelers' accommodation must not exceed one.

SECTION 4. Section 18.3.2, Croman Mill District, is hereby amended as follows:

18.3.2.060.A.11 On-Street Parking. On-street parallel parking may be required along the central boulevard and local streets as illustrated in Figure 18.3.2.060.A.10.~~**If on-street parking is required on streets identified on the On-Street Parking map, angled parking and loading zones are prohibited on these streets.**~~ Options addressing the street configuration will be evaluated with the final design of the streets identified on the On-Street Parking map.

18.3.2.060.B.4. Parking Areas and On-Site Circulation. Except as otherwise required by this chapter, automobile parking, loading, and circulation areas shall comply with the requirements of part 18.4, Site Development and Design Standards, and the following standards:

a. Primary parking areas shall be located behind buildings with limited parking on one side of the building, except that parking shall be located behind buildings only where development is adjacent to an active edge street or is within a NC, MU or OE zone.

b. Parking areas shall be shaded by deciduous trees, buffered from adjacent non-residential uses and screened from non-residential uses.

~~**c. Maximum On-Site Surface Parking. After a parking management strategy for the Croman Mill District is in place, a maximum of 50 percent of the required off-street parking can be constructed as surface parking on any development site. The remaining parking requirement can be met through one or a combination of the credits for automobile parking in chapter 18.4.3, Parking, Access, and Circulation.**~~

18.3.2.060.C.13 b. Structured Parking Bonus. A building may be increased by up to one story in height when ~~**the corresponding required**~~ **voluntarily provided automobile** parking is accommodated underground or within a private structured parking facility, subject to building height limitations for the zoning district.

SECTION 5. Section 18.3.4, Normal Neighborhood District, is hereby amended as follows:

18.3.4.060.A.4 Required On-Street Parking. On-street parking is a key strategy to traffic calming and ~~**is**~~ **may** be required along the neighborhood collector and local streets.

18.3.4.060.B.5 Off-Street Parking. Where provided, a~~**A**~~utomobile parking, loading and circulation areas must comply with the requirements of chapter 18.4.3, Parking, Access, and Circulation, and as follows:

a. Neighborhood serving commercial uses within the NN-1-3.5-C zone must have parking primarily accommodated by the provision of public parking areas and on-street parking spaces~~**, and are not required to provide private off-street parking or loading areas, except for residential uses where one space shall be provided per residential unit**~~.

SECTION 6. Section 18.3.5, North Mountain Neighborhood District, Table 18.5.050 is hereby amended to allow public parking lots as a permitted use as follows:

Table 18.3.5.050. North Mountain Neighborhood Uses Allowed by Zone[1]

	North Mountain Neighborhood Zones[2]				
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C	NM-Civic
B. Public and Institutional Uses					
Public Parking Lots	~~N~~ P	~~N~~ P	~~N~~ P	~~CU~~ P	~~N~~ P

1 **Key:** P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

SECTION 7. Section 18.3.9, Performance Standards Option & PSO Overlay, is hereby amended as follows:

18.3.9.060 Parking Standards

All development under this chapter shall conform to the following parking standards, which are in addition to the requirements of chapter 18.4.3, Parking, Access, and Circulation.

A. On-Street Parking Required. ~~**At least one on-street parking space per dwelling unit shall be provided, in addition to the off-street parking requirements for all developments in an R-1 zone, with the exception of cottage housing developments, and for all developments in R-2 and R-3 zones that create or improve public streets**~~. **For all Performance Standards Subdivisions in R-1 zones, and for all Performance Standards Subdivisions in R-2 or R-3 zones which create or improve city streets, at least one on-street parking space per proposed lot shall be provided with the following exceptions.**

1. Where on-street parking is provided on newly created or improved streets, the total number of on-street spaces required should not surpass the available street frontage, with each parking space being considered equivalent to 22 feet in length without interruption and exclusive of designated no-parking areas.

2. Streets outside the City of Ashland's jurisdiction, such as those overseen by the State of Oregon Department of Transportation (ODOT) or Jackson County, which are improved by a development, are not required to provide on-street parking as outlined in this requirement if prohibited or exempted by the governing jurisdiction.

3. Lots containing cottage housing developments, housing units smaller than 750 square feet, or affordable housing are not subject to the requirement of providing on-street parking in Performance Standards Subdivisions.

B. On-Street Parking Standards. On-street parking spaces shall be immediately adjacent to the public right-of-way on publicly or association-owned land and be directly accessible from public right-of-way streets. On-street parking spaces shall be located within 200 feet of the ~~**dwelling**~~ **lot** that it is intended to serve. In addition, on-street public parking may be provided pursuant to minimum criteria established under subsection 18.4.3.060.A.

C. Signing of Streets. The installation of "No Parking" signs regulating parking in the public right-of-way and any other signs related to the regulation of on-street parking shall be consistent with the Street Standards in 18.4.6.030, and shall be consistent with the respective City planning approval.

SECTION 8. Section 18.3.14 Transit Triangle Overlay, is hereby amended as follows:

C. Parking ~~Ratios.~~ Properties developed under the TT overlay option are subject to the standard requirements of chapter 18.4.3 , Parking, Access, and Circulation, ~~**except as provided by subsection 18.4.3.030.C.**~~

~~**1. Multi-Family Dwellings. The minimum number of off-street automobile parking spaces required for multi-family dwelling units for development under the TT overlay option are as follows:**~~

~~**a. Units less than 800 square feet – 1 space/unit.**~~

~~**b. Units greater than 800 square feet and less than 1,000 square feet – 1.5 spaces/unit.**~~

~~**c. Units greater than 1,000 square feet – 2.00 spaces/unit.**~~

~~2. Retail Sales and Services, Offices, and Restaurants. The required off-street parking spaces may be reduced up to three parking spaces for retail sales and services, general office, or restaurant uses. The maximum reduction under this subsection is three parking spaces per building.~~

~~D. Availability of Parking Facilities. For properties developed under the TT overlay option, required off-street automobile parking spaces shall be available for use by residents, customers, and employees, and shall not be limited in use by hours or type of user through signage or other legal instrument. Required off-street automobile parking shall not be used for the storage or display of vehicles or materials. (Ord. 3166 § 2 (part), added, 12/18/2018)~~

SECTION 9. Section 18.5.2, Site Design Review, is hereby amended as follows:

18.5.2.020.A.7 Any change of occupancy from a less intense to a more intensive occupancy, as defined in the building code~~, or a change in use that requires a greater number of parking spaces~~.

~~**18.5.2.020.B.5. Any change in use that requires a greater number of parking spaces.**~~

SECTION 10. Section 18.5.3, Land Divisions and Property Line Adjustments, is hereby amended as follows:

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 ~~for not more than~~ **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 of the criteria for approval in chapter 18.5.5 Variances.

18.5.3.060.K ~~**Each flag lot has at least three parking spaces**~~ **Where off-street parking is voluntarily provided on a flag lot, it shall be** situated to eliminate the necessity for vehicles backing out.

SECTION 11. Section 18.5.4, Conditional Use Permits, is hereby amended as follows:

18.5.4.050.B.7 Designating the size, number, location, ~~**and/or**~~ design, **and screening** of vehicle and pedestrian access points, ~~**or**~~ **and applicant proposed** parking and loading areas.

SECTION 12. Section 18.5.5, Variances, is hereby amended as follows:

~~**18.5.5.030.A.5. Up to ten percent reduction in the number of required parking spaces.**~~

~~**18.5.5.030.A.6. Up to 50 percent reduction for parking requirements in the Historic District.**~~

SECTION 13. Section 18.5.6, Modifications to Approved Planning Actions , is hereby

18.5.6.030.A Authorization of Major Modifications. The approval authority and review procedure for Major Modification applications is the same as for the original project or plan approval. Any one of the following changes constitutes a Major Modification.

1. A change in land use, from a less intensive use to a more intensive use, as evidenced by ~~**parking, paved area**~~, **an** estimated ~~**an**~~ increase in automobile or truck trips (peak and/or average daily trips), an increase in hours of operation, ~~**an increased demand for parking**~~, additional paved area, or similar factors, where the increase is 20 percent or more, provided the standards of parts 18.2, 18.3, and 18.4 are met.

SECTION 14. Codification. In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within such limitations, may:

(a) Renumber sections and parts of sections of the ordinance;

(b) Rearrange sections;

(c) Change reference numbers to agree with renumbered chapters, sections or other parts;

(d) Delete references to repealed sections;

(e) Substitute the proper subsection, section, or chapter numbers;

(f) Change capitalization and spelling for the purpose of uniformity;

(g) Add headings for purposes of grouping like sections together for ease of reference; and

(h) Correct manifest clerical, grammatical, or typographical errors.

SECTION 15. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

The foregoing ordinance was first ready by title only in accordance with Article X, Section 2(C) of the City Charter on the _____day of_____, 2023, and duly PASSED and ADOPTED this _____day of_____, 2023.

PASSED by the City Council this _____ day of _____, 2023.

ATTEST:

_____
Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2023.

_____
Tonya Graham, Mayor

Reviewed as to form:

_____
Douglas M. McGeary, Acting City Attorney

ASHLAND PLANNING DIVISION

STAFF REPORT

November 14, 2023

PLANNING ACTION: PA-T3-2023-00006

APPLICANT: City of Ashland

ORDINANCE REFERENCES:

AMC 18.2.2	Base Zones and Allowed Uses
AMC 18.2.3	Special Use Standards
AMC 18.3.14	Transit Triangle Overlay
AMC 18.3.2	Croman Mill District
AMC 18.3.4	Normal Neighborhood District
AMC 18.3.5	North Mountain Neighborhood District
AMC 18.3.9	Performance Standards Option and PSO Overlay
AMC 18.4.2	Building Placement, Orientation, and Design
AMC 18.4.3	Parking, Access, and Circulation
AMC 18.4.4	Landscaping, Lighting, and Screening
AMC 18.4.6	Public Facilities
AMC 18.5.2	Site Design Review
AMC 18.5.3	Land Divisions and Property Line Adjustments
AMC 18.5.4	Conditional Use Permits
AMC 18.5.5	Variances
AMC 18.5.6	Modifications to Approved Planning Applications

REQUEST: The proposal involves amendments to the Ashland Land Use Ordinance to remove automobile parking mandates and amend parking standards set forth in the Ashland Municipal Code (AMC) in order to implement the requirements of the State of Oregon's Climate-Friendly & Equitable Communities (CFEC) rules. The proposal includes amendments to AMC 18.2.2, 18.2.3, 18.3.14, 18.3.2, 18.3.4, 18.3.5, 18.3.9, 18.4.2, 18.4.3, 18.4.4, 18.4.6, 18.5.2, 18.5.3, 18.5.4, 18.5.5, AND 18.5.6.

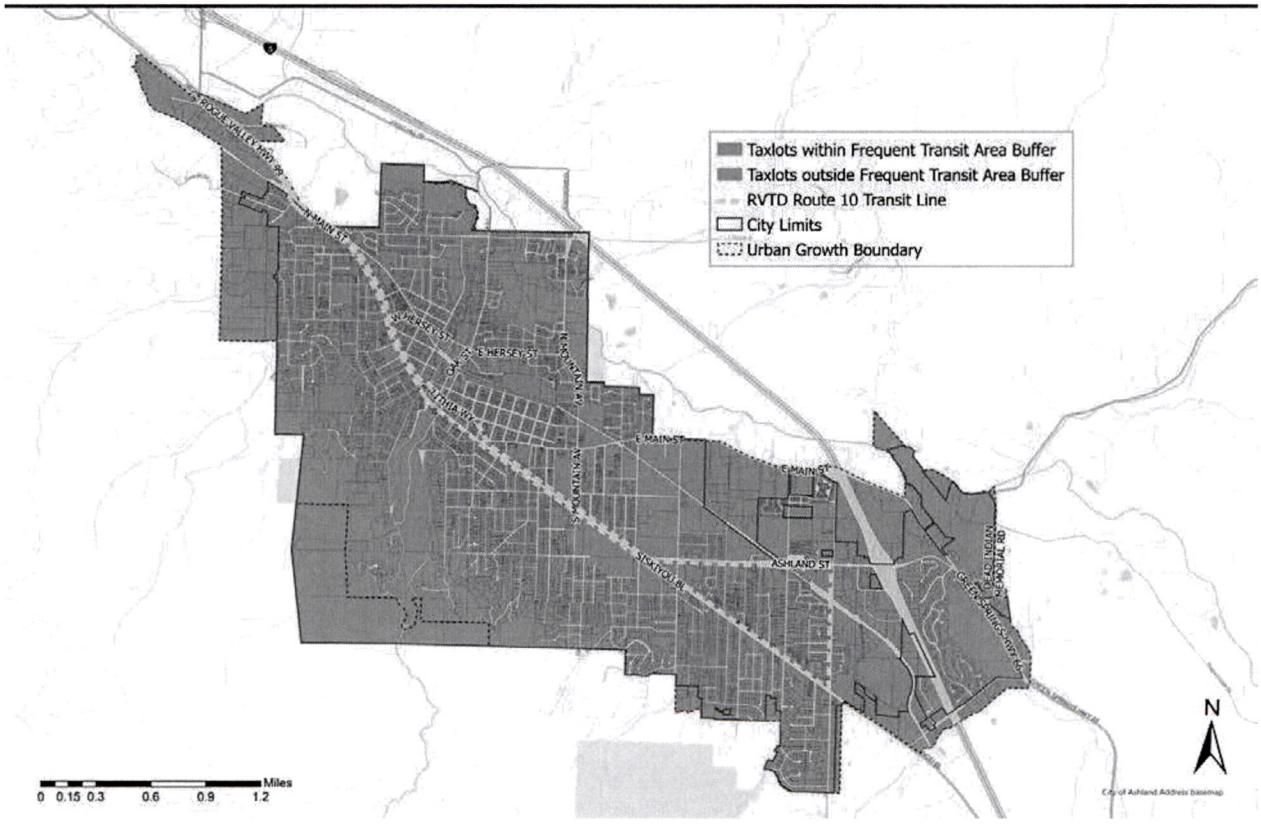
I. Ordinance Amendments

A. Project Background

The Climate-Friendly and Equitable Communities (CFEC) rules, adopted by the Land Conservation and Development Commission (LCDC) in July of 2022, included substantial changes to the ways that cities can regulate parking. With the first tier of these new rules,

which took effect January 1st, cities are no longer allowed to mandate off-street parking within ½-mile of frequent transit. In addition, cities can no longer mandate parking (on- or off-street) for small units (< 750 s.f.), affordable housing, single room occupancy housing, shelters, childcare facilities, or facilities for people with disabilities. Additionally, cities can no longer require more than one parking space per dwelling unit for residential developments with more than one dwelling unit. Assuming there would not be time between these new rules being adopted and taking effect on January 1, 2023, cities were directed to implement this first tier of new requirements directly from the states rules *(i.e. to ignore locally-adopted regulations which can no longer be applied under the new state rules)*.

The map below illustrates the areas within ½-mile of frequent transit in Ashland in green where parking mandates were no longer allowed as of January 1, 2023. The yellow line is the Rogue Valley Transportation District's Route 10 which follows North Main/East Main to Siskiyou Boulevard to Ashland Street to Tolman Creek Road and back to Siskiyou Boulevard. Route 10 stops at Ashland locations at roughly 20-minute intervals between 5:30 a.m. and 8:30 p.m.



Under this first tier of CFEC parking rules, 79.4 percent of tax lots within the city's Urban Growth Boundary (UGB) and 69 percent of the land within the UGB are no longer subject to parking mandates. Much of the remaining land outside the ½-mile buffer is constrained from further development by existing development including the airport and golf course and by hillside lands, water resource protection zones and floodplain corridors.

A second tier of new rules requires that cities either eliminate all minimum parking requirements citywide ("**Option 1**") or select from a menu of additional requirements. This

second tier of new rules was to have taken effect on June 30, 2023, however Ashland requested and received an extension from the state. As extended, Ashland must select one of the three options in the chart below and adopt the necessary code amendments by December 31, 2023.

Parking Mandate Reform
Effective date June 30, 2023 per OAR 660-012-0012(4)(f)

<table>
<tr><th>Option 1
OAR 660-012-0420</th><th colspan="2">Options 2 and 3
OAR 660-012-0425 through 0450</th></tr>
<tr><td rowspan="5">Repeal all parking mandates within the jurisdiction

no additional action needed</td><td colspan="2">Reduce parking burdens – adopt eight land use regulations related to reduced mandates based on factors such as shared parking, solar panels, parking space accessibility, on-street parking; unbundling of parking from rent for multifamily units near transit (OAR 660-012-0425)</td></tr>
<tr><td colspan="2">Cities with populations 100,000+ adopt on-street parking prices equivalent to at least 50¢/day per spot for 5%/10% of total on-street parking supply by September 30, 2023/2025 (OAR 660-012-0450; effective dates per OAR 660-012-0012(4)(g))</td></tr>
<tr><td colspan="2">Parking Reform Approaches
Choose ONE of the following (option 2 -or- option 3)

Policies to take effect no later than June 30, 2023
(effective date per OAR 660-012-0012(4)(f))</td></tr>
<tr><td>Option 2
OAR 660-012-0445(1)(a) -
Adopt at least 3 of 5 policies below</td><td>Option 3
OAR 660-012-0445(1)(b) - Adopt regulations minimizing or exempting required parking for 15 development types (summarized below)</td></tr>
<tr><td>1. Unbundle parking for residential units
2. Unbundle leased commercial parking
3. Flexible commute benefit for businesses with more than 50 employees
4. Tax on parking lot revenue
5. No more than ½ space/unit mandated for multifamily development</td><td>No mandates for a variety of specific uses, small sites, vacant buildings, studio/one bedrooms, historic properties, LEED or Oregon Reach Code developments, etc.

No additional parking for redevelopments/additions.

Adopt parking maximums.

No parking mandates within ½ mile walking distance of Climate-Friendly Areas.

Designate district to manage on-street residential parking.</td></tr>
</table>

Option 1 eliminates all parking mandates citywide. This is by far the simplest option and requires no additional action on the part of the city after the initial code amendments. A number of other cities have already selected Option 1 including Portland, Salem, Corvallis, Tigard, Bend, Albany and Central Point. Option 1 does not eliminate parking; it simply allows the number of parking spaces associated with any development to be market-driven rather than a mandate imposed and enforced by the city. Although under this option the City cannot mandate minimum parking requirements, a city can maintain or establish parking design standards and limits on the maximum number of parking spaces where parking is voluntarily provided.

Option 2 requires that, if the city opts to retain parking mandates in the roughly 30 percent of the city that is more than ½-mile from frequent transit, parking mandates be further reduced by adopting new land use regulations based on factors such as shared parking, solar panels, parking space accessibility and on street parking; that parking be unbundled from rent for multi-family units near transit; and that 3 of the 5 policies below be adopted as well:

1. Unbundle parking for all residential units.
2. Unbundle leased commercial parking.
3. Provide a flexible commute benefit for businesses with more than 50 employees.
4. Impose a tax on parking lot revenues.
5. Mandate no more than ½-space/unit for multi-family development.

Option 3 requires that, if the city opts to retain parking mandates in the roughly 30 percent of the city that is more than ½-mile from frequent transit, those mandates must be further reduced by adopting new land use regulations based on factors such as shared parking, solar panels, parking space accessibility and on street parking; that parking be unbundled from rent for multi-family units near transit; and that regulations be adopted to minimize or exempt parking requirements for 15 development types including no mandates for a variety of specific uses, small sites, vacant buildings, studio/one bedrooms, historic properties, LEED or Oregon Reach Code developments, etc.; no additional parking for redevelopments/additions; no parking mandates within ½-mile walking distance of Climate-Friendly Areas (CFAs); adopting parking maximums and designating a district to manage on-street residential parking.

B. Summary of Proposed Amendments

The code amendments provided are largely consistent with those reviewed by the Planning Commission at the September study session and the City Council in October, and are based on the city pursuing "Option 1", eliminating all mandated parking city-wide.

Following the September 12th Planning Commission study session, and Council's discussion on October 17th, staff has incorporated the requisite CFEC amendments in ordinance format and drafted additional amendments to the parking standards as follows:

- Added draft code language in AMC 18.4.2.010 to encourage redevelopment of existing off-street parking areas.
- Amended code language for on-street parking associated with Performance Standards Options subdivisions in AMC 18.3.9.060.
- Added draft code language that requires at least one ADA-accessible parking space be provided in those instances when no other parking is proposed (18.4.3.050). Where parking is proposed the State Building Code stipulates the requisite number of accessible spaces required.
- Added draft code language allowing an applicant to newly obtain a Conditional Use Permit to exceed the maximum number of parking space provided in the Parking Spaces by Use Table (18.4.3.030.B.2)

- Added new code language, and revised bicycle parking graphics, relating to cargo-bike dimensions and bike parking layouts (18.4.3.070.C.6)
- Incorporated requisite CFEC tree canopy coverage and maintenance requirements for parking lot trees (18.4.3.080.B.6)
- Removed code language which stipulated a 50' separation between driveways on neighborhood streets for lots serving three or more units. Retains the requisite 24' separation between driveways (18.4.3.080.C.3.c.i).
- Amended existing code language addressing width requirements for two-way vehicular circulation, and one-way vehicular circulation based on consistency with a prior variance approval (18.4.3.080.D.3).
- Amended existing code language relating to the maximum grade of flag drives to allow multiple sections, to exceed 15% grade, up to a maximum of 18%, to clarify intent based on consistency with a prior variance approval (18.5.3.060.F)

II. Procedural

Applications for Type III (i.e. Legislative) Plan Amendments and Zone Changes are described in the Ashland Land Use Ordinance section 18.5.9.020 as follows:

> **B. Type III.** It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.
>
> 1. Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.
> 2. Comprehensive Plan changes, including text and map changes or changes to other official maps.
> 3. Land Use Ordinance amendments.
> 4. Urban Growth Boundary amendments.

In this instance, the State of Oregon's adoption of Climate-Friendly & Equitable Communities (CFEC) rules require cities to amend their parking codes, which can be found to be a change in circumstances necessitating the amendments. The City has been implementing the State's CFEC parking rules directly since January 1, 2023.

The CFEC rules required that cities adopt mandated changes no later than June 30, 2023 however the City of Ashland received an extension and must adopt the required code amendments no later than December 31, 2023.

III. Conclusions and Recommendations

Staff recommends that Option 1 be selected, and the draft ordinance attached proceeds on that basis. If the Planning Commission recommends approval of the attached ordinance, staff will prepare written findings for adoption at the November 28, 2023 meeting. The Planning Commission's recommendation s will be forwarded to the City Council for consideration at a public hearing and First Reading of the draft Ordinance scheduled on December 5, 2023.

Attachments

- Draft Ordinance: *11142023 Parking ORD3229_Hearing_Draft*
- Public Comments Received

BEFORE THE PLANNING COMMISSION
CITY OF ASHLAND, JACKSON COUNTY, OREGON

November 28, 2023

In the matter of PA-T3-2023-00006 involving amendments to the Ashland Municipal Code (AMC) Title 18 Land Use Ordinance to remove automobile parking mandates and to amend parking standards in order to implement requirements of the Sate of Oregon's Climate-Friendly & Equitable Communities (CFEC) rules. The proposal includes amendments to AMC 18.2.2, 18.2.3, 18.3.14, 18.3.2, 18.3.4, 18.3.5, 18.3.9, 18.4.2, 18.4.3, 18.4.4, 18.4.6, 18.5.2, 18.5.3, 18.5.4, 18.5.5 and 18.5.6	**FINDINGS OF FACT & CONCLUSIONS OF LAW**

PURPOSE:

The proposal involves amendments to the Ashland Land Use Ordinance to remove automobile parking mandates and amend parking standards set forth in the Ashland Municipal Code (AMC) in order to implement the requirements of the State of Oregon's Climate-Friendly & Equitable Communities (CFEC) rules. The proposal includes amendments to AMC 18.2.2, 18.2.3, 18.3.14, 18.3.2, 18.3.4, 18.3.5, 18.3.9, 18.4.2, 18.4.3, 18.4.4, 18.4.6, 18.5.2, 18.5.3, 18.5.4, 18.5.5 and 18.5.6.

PUBLIC HEARINGS:

Notice was published in the Ashland News on October 24, 2023, prior to the Planning Commission and City Council public hearings. A public hearing was held at the Planning Commission on November 14, 2023, and a hearing is scheduled before the City Council on December 5, 2023. Notice of the proposed ordinance amendments was also sent to the Department of Land Conservation and Development on September 5, 2023.

SUMMARY OF AMENDMENTS

The proposed code amendments primarily seek to implement "Option 1" of the Climate-Friendly and Equitable Communities rules in eliminating parking mandates city-wide. In addition, the amendments include:

- Amended code language for on-street parking associated with Performance Standards Options subdivisions in AMC 18.3.9.060.
- Added draft code language in AMC 18.4.2.010 to enable redevelopment of existing off-street parking areas.
- Added code language allowing an applicant to obtain a Conditional Use Permit to exceed the maximum number of parking spaces provided in the 'Parking Spaces by Use' Table (18.4.3.030.B.2).

- Amended code language to retain automobile parking maximums, which are not required under the Climate-Friendly and Equitable Communities rules for a city of Ashland's size, but which have long been established in the Ashland Land Use Ordinance, by removing the correlation to the number of required parking spaces and instead setting a maximum number of spaces based on the proposed use (Table 18.4.3.040).
- Added code language to require at least one ADA-accessible parking space to be provided in those instances when no other parking is proposed (18.4.3.050). This provision would not apply within the C-1-D zone. Where parking is voluntarily proposed, the State Building Code stipulates the requisite number of accessible spaces required.
- Added code language, and revised bicycle parking graphics, relating to bicycle parking dimensions and bike parking layouts and accommodation of cargo bikes and family bikes (18.4.3.070.C.6). Bicycle parking requirements were previously tied to automobile parking requirements; the requirements have been adjusted to remove the correlation to the number of automobile parking spaces provided and establish bicycle-specific parking ratios based on the uses proposed.
- Added code language to incorporate requisite CFEC tree canopy coverage and maintenance requirements for parking lot trees (18.4.3.080.B.6).
- Removed code language which stipulated a 50-foot separation between driveways on neighborhood streets for lots serving three or more units, while retaining a requisite 24-foot separation between driveways (18.4.3.080.C.3.c.i).
- Amended code language addressing width requirements for two-way vehicular circulation, and one-way vehicular circulation for consistency with previous precedent (18.4.3.080.D.3).
- Amended existing code language relating to the maximum grade of flag drives to allow multiple sections to exceed 15 percent grade, up to a maximum of 18 percent, to clarify intent of the code language based on previous precedent (18.5.3.060.F)

REVIEW CRITERIA

The decision of the City Council together with the recommendation by the Planning Commission was based on consideration and findings of consistency with the following factors:

A. Consistency with City of Ashland approval criteria for legislative amendments, AMC 18.5.9.020.B
B. Consistency with City of Ashland Comprehensive Plan and Other City Policies
C. Consistency with Oregon Statewide Planning Goals and associated Oregon Administrative Rules

EVALUATION AND COUNCIL FINDINGS:

A. Consistency with City of Ashland approval criteria for legislative amendments and zoning map amendments, AMC 18.5.9.020.B

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

B. Type III. *It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.*

1. *Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.*

2. *Comprehensive Plan changes, including text and map changes or changes to other official maps.*

3. *Land Use Ordinance amendments.*

4. *Urban Growth Boundary amendments. (Ord. 3195 § 5, amended, 12/01/2020)*

Finding: Ashland Municipal Code (AMC) 18.5.9.020.B permits legislative amendments to meet changes in circumstances and conditions. The Planning Commission finds that in this instance, the State of Oregon's adoption of Climate-Friendly & Equitable Communities (CFEC) rules require that cities amend their parking codes, which can be found to be a change in circumstances necessitating the proposed amendments. The City of Ashland has been implementing the State's CFEC parking rules directly from the Oregon Administrative Rules since January 1, 2023. The CFEC rules required that cities adopt the new state-mandated changes no later than June 30, 2023, however the City of Ashland requested and received an extension to this deadline and must adopt the required code amendments no later than December 31, 2023.

B. Consistency with the Ashland Comprehensive Plan and other City Policies

The Ashland Comprehensive Plan's Policy 6.10.02.14 is to, "*Provide for minimal off-street parking requirements in locations where it is demonstrated that car ownership rates are low for resident populations in order to help reduce housing costs and increase affordability and where the impact on neighborhoods allow.*"

Finding: The elimination of off-street parking requirements city wide will help to reduce housing costs and increase affordability in keeping with this policy.

The Ashland Comprehensive Plan's Goal 8.16.19 is to, "*Increase the portion of the city covered by a tree canopy, especially parking lots and other paved areas.*"

Finding: The proposed code amendments include new parking lot tree canopy coverage requirements to provide 30 to 40 percent of parking lot areas in tree canopy coverage which directly implements this goal.

The Ashland Comprehensive Plan's Goal 10.09.02.25 is to, "*Reduce the number of automobile parking spaces required for new development, discouraging automobile use as the only source of access and encouraging use of alternative modes.*"

Finding: The Planning Commission finds that the proposed amendment is directly in keeping with this goal and will aid in encouraging the use of alternative modes of transportation.

The Planning Commission finds and determines that the proposed land use code amendments are consistent with the Comprehensive Plan goals and policies.

C. Consistency with Oregon Statewide Planning Goals

The proposed code amendments were also reviewed for conformance with the applicable Statewide Planning Goals and administrative rules adopted by the Department of Land Conservation and Development. The following goals and OARs are applicable to the proposed code amendment:

GOAL 1: CITIZEN INVOLVEMENT
To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Finding: The process to adopt these proposed code amendments included three meetings before the Planning Commission, as well as a meeting before the Transportation Commission, and three meetings before the City Council with required public notice provided. Both the Planning Commission and Council meetings were conducted in person but allowed the opportunity for participation via Zoom which afforded citizens multiple opportunities to review, comment, and be involved in all phases of the planning process. The Climate-Friendly and Equitable Communities rulemaking process which lead to the adoption of rules requiring these parking code amendments included numerous meetings in every region of the state and similarly provided the opportunity for citizens and municipalities to be involved in all phases of the rulemaking process. This Goal is met.

GOAL 2: LAND USE PLANNING
To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual bases for such decisions and actions.

Finding: The proposed land use code amendments have an adequate factual base, as has been thoroughly described through the application and hearing process. The implementation measures proposed are consistent with Comprehensive Plan policies as noted in these findings and with the requirements of the Climate-Friendly and Equitable Communities rules with regard to parking, as reflected in OAR 660-012 and further discussed under 'Goal 12' below. The Goal is met.

GOAL 3: AGRICULTURAL LANDS
To preserve and maintain agricultural lands.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Ashland Urban Growth Boundary (UGB).

GOAL 4: FOREST LANDS
To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: Not applicable because the proposal does not propose any land use regulation changes to forest lands outside of the Ashland UGB.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES
To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: The proposed land use code amendments will not negatively impact inventoried Goal 5 resources. Ashland's Historic District Development Standards in AMC 18.4.2.050, Physical and Environmental Constraints Review procedures in AMC 18.3.10, and Water Resource Protections Zones Ordinance in AMC 18.3.11 are not proposed to be modified and will remain in place to protect historic and natural resources from negative impacts. The Goal is met.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY
To maintain and improve the quality of the air, water and land resources of the state.

Finding: The City of Ashland has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the existing goals and policies and does not negatively impact Goal 6. This Goal is met.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS
To protect people and property from natural hazards.

Finding: The City of Ashland has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the existing goals and policies, and the removal of parking mandates within the city of Ashland will not negatively impact natural hazard area protections under Goal 7.

AMC 18.3.10 'Physical and Environmental Constraints Overlay' regulates the development of flood plain corridor lands, hillside lands, hillside lands with severe constraints, and wildfire lands. The standards applying to the aforementioned natural hazard areas follow the same provisions for any proposed development, and the proposal will not alter the applicability of the city's Physical and Environmental Constraints Overlay regulations or the protection from natural hazards they were implemented to provide. This Goal is met.

GOAL 8: RECREATIONAL NEEDS
To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: The City of Ashland has an acknowledged Comprehensive Plan that complies with this goal and the proposal does not modify the existing goals and policies related to Goal 8 and recreational needs. This Goal is met.

GOAL 9: ECONOMIC DEVELOPMENT
To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: The proposed code amendments do not modify the existing goals and polices related to Goal 9 and economic development, but instead seek only to implement state requirements that would eliminate requirements to provide off-street parking. This Goal is met.

GOAL 10: HOUSING
To provide for the housing needs of citizens of the state.

Finding: The City of Ashland has an acknowledged Comprehensive Plan that complies with this goal and the proposal does not modify the existing goals and policies related to Goal 10 and housing needs. With the adoption of the proposed code amendments to eliminate parking mandates citywide, the development of proposed housing will no longer be burdened by a city mandate to provide off-street parking and as such these changes will facilitate the development of more housing units. Specifically, as affordable

housing is also no longer required to provide parking spaces, the cost of affordable housing development may be reduced thereby increasing opportunities to provide needed housing at a cost that is affordable to lower and moderate-income households. This Goal is met.

GOAL 11: PUBLIC FACILITIES AND SERVICES
To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: The City of Ashland has master plans in place for water, wastewater and stormwater that address projected population growth and development in the Ashland city limits and UGB. The Water Master Plan was completed in 2020 and projects and plans for an adequate water supply for a 20-year planning period. The Wastewater Master Plan was completed in 2012 and projects and plans for an adequate water supply for a 20-year planning period. The Stormwater and Drainage Master Plan was completed in 2020 and projects and plans for an adequate water supply for a 20-year planning period. This Goal is met.

GOAL 12: TRANSPORTATION & THE TRANSPORTATION PLANNING RULE (TPR): *To provide and encourage a safe, convenient and economic transportation system.*

Finding: The City of Ashland adopted a Transportation System Plan (TSP) in 2013 which has gone through the post acknowledgement amendment process. The transportation system is planned to accommodate the population growth and development of the community for the 20-year planning period.

Oregon Administrative Rule (OAR) 660-012-0400(3): Parking Management requires that, *"Cities and counties shall remove parking mandates as directed under OAR 660-012-0420. In lieu of removing parking mandates, cities and counties may amend their comprehensive plans and land use regulations to implement the provisions of OAR 660-012-0425, OAR 660-012-0430, OAR 660-012-0435, OAR 660-012-0440, OAR 660-012-0445, and OAR 660-012-0450."* The proposed code amendment conforms to this goal and the TPR by implementing OAR 660-012-0400(3). Specifically, the proposal eliminates minimum off-street parking requirements citywide. This Goal is met.

GOAL 13: ENERGY CONSERVATION
To conserve energy.

Finding: The City of Ashland has an acknowledged Comprehensive Plan that complies with this goal and the proposal does not modify the existing goals and policies related to Goal 13 and energy conservation. This Goal is met.

GOAL 14: URBANIZATION
To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: The proposed code amendments conform to this goal because they promote more efficient use of land by helping to better accommodate Ashland's urban population within its portion of the UGB by enabling higher density development and encouraging infill or redevelopment of properties that may be underutilized (i.e., due to an over-supply of parking). This means urban lands will be able to accommodate more housing and employment uses than they were able to when the City mandated that significant portions of properties be used for off-street parking.

The proposed land use code amendments do not include changes to the Ashland Urban Growth Boundary, do not encourage sprawl, do not lower residential densities, or promote uncoordinated and inefficient development. The amendments proposed are limited to eliminating parking mandates within the city as required by the state under the Climate-Friendly & Equitable Communities rules. The management of the City's land use inventories is unaffected by these amendments. This Goal is met.

PLANNING COMMISSION FINDINGS AND RECOMENDATIONS
Based on the above discussion, the Planning Commission finds that the proposed amendments to the Ashland Land Use Ordinance are consistent with the statewide planning goals and therefore comply with the requirement that the amendments be consistent with state land use planning law. The Planning Commission accordingly recommends that the City Council approve the amendments and adopt the proposed ordinance subject to the following overall conclusions.

Ashland Planning Commission Approval

_____ _____
Lisa Verner, Planning Commission Chair Date

RECOMMENDED COUNCIL CONCLUSIONS

The City Council finds and determines the approval criteria for this decision have been fully met, based on the detailed findings set forth herein, the detailed findings and analysis of the Planning Commission, and supporting documents together with all staff reports, addenda and supporting materials in the whole record.

Specifically, the Council finds that the proposed land use code amendments are consistent with City of Ashland approval criteria for land use ordinance amendments as

set forth in ALUO 18.5.9.020.B and are consistent with the City of Ashland Comprehensive Plan and other City policies. The Council finds and determines that the proposed amendments are consistent with the Oregon Statewide Planning Goals and applicable Oregon Administrative Rules.

Accordingly, based on the above Findings of Fact and Conclusions of Law, and based upon the evidence in the whole record, the City Council hereby APPROVES the ADOPTION of the following amendments to AMC Title 18 Land Use as reflected in the attached ordinance.

Ashland City Council Approval

_____ _____

City Council Approval Date

Signature authorized and approved by the full Council this 19th day of December 2023.

Attest:

_____ _____

Alissa Kolodzinski, City Recorder Date

Approved as to form:

_____ _____

Douglas M. McGeary, Acting City Attorney Date

Parking Ordinance

Written Public Comments

- Sharon Dormann Letter – Dated 11/10/2023
- Housing Authority of Jackson County (Ryan Hanes) Letter – Dated 11/13/2023
- Cat Gould Letter – Dated 11/13/2023
- Streets for Everyone Letter – Dated 11/17/2023
- Gary Scaff Letter 1 – Dated 11/10/2023
- Gary Schaff Letter 2 – Dated 11/12/2023
- Ray Chirgwin Letter – Dated 10/14/2022

11/14/23 Planning Commission Hearing Testimony

Sharon Dohrmann <sjdohrmann@gmail.com>

Fri 2023-11-10 01:57 PM

To:Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>

[EXTERNAL SENDER]
Hi there,
I'm writing to support the Planning Commission's plans to drop all parking minimums throughout Ashland. I also support a requirement to unbundle parking for residential units and leased parking in commercial areas. That would be consistent with the CEAP goals (reduce vehicle miles of travel) and could help ease the housing affordability crisis. Unbundling is a powerful climate and housing affordability tool which would allow the city to compel landlords to charge for parking separately from the rent of the dwelling. In addition, unbundling allows people who don't own a car to save money by not having to pay for a parking space that they don't use.

I appreciate your consideration on this matter.

Thank you,

Sharon Dohrmann
sjdohrmann@gmail.com
(541) 205-8488

RE: 11/14/23 PC Hearing Testimony

Michael Sullivan <michael.sullivan@ashland.or.us>

Mon 2023-11-13 02:54 PM

To:Ryan Haynes <ryan@hajc.net>;Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>

Hello Mr. Haynes,

Your public comment has been received. It has been added to the planning action file and will be forwarded to the Planning Commission.

Thank you,

Michael Sullivan
Executive Assistant
Pronouns he, him

Better Together

City of Ashland
Community Development Department
51 Winburn Way, Ashland, Oregon 97520
541.552.2072 | TTY 800.735.2900
Michael.sullivan@ashland.or.us

This email transmission is official business of the City of Ashland and it is subject to Oregon Public Records Law for disclosure and retention. If you have received this message in error, please contact me at (541) 552-2072. Thank you.

From: Ryan Haynes <ryan@hajc.net>
Sent: Monday, November 13, 2023 2:51 PM
To: Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>
Subject: 11/14/23 PC Hearing Testimony

[EXTERNAL SENDER]
I am writing today to express opposition to the concept of unbundling parking. Like most of the CFEC rules, this will dramatically curtail the development of new affordable housing. Housing Authority of Jackson County (HAJC) is the largest developer of affordable housing in Southern Oregon, and the overwhelming majority of our tenants own cars.

Our concerns related to unbundling are along multiple fronts, including complexity in billing and management, allocation, pricing challenges, enforcement, tenant dissatisfaction, and lender requirements. Unbundling parking makes property management more difficult. Affordable housing managers such as HAJC actually lose money on property management, performing the task only to ensure quality control and compliance with the tax-credit programs that support the development of affordable housing. These programs, like LIHTC, prohibit charging separately for parking when construction of parking lots are included in the eligible tax-credit basis. Every development that HAJC has ever built utilizing LIHTC included parking in the eligible basis. Therefore, passage of such a rule would put HAJC in default with regard to tax-credit regulations.

By unbundling parking, property managers will have to handle separate billing for parking spaces, which can increase administrative workload and costs. There's also the task of tracking which tenants are using parking spaces and ensuring compliance with parking policies. Managing and allocating parking spaces will become more challenging when they are unbundled. Dealing with issues like unauthorized parking, parking space assignments, and potential conflicts between tenants over parking will significantly increase the burden on management staff. Enforcing parking rules and regulations will become more challenging. Tenants who were accustomed to having parking included in their rent have also indicated to us that they view unbundling as a reduction in value or an additional, unwelcome expense. Finally, we cannot secure financing for the development of affordable housing if there is an inadequate supply of parking for the units that are built. This isn't Portland, and the lenders consider the inadequacy of our local transit system when underwriting loans or equity investments. Even if the system were doubled in size, it would not be robust enough to take the place of owning a vehicle for most of the tenants we service in Ashland.

While we have no qualms with dropping minimum parking requirements for new development, we are very concerned that unbundling parking will preclude HAJC from further development in Ashland.

Best,

Ryan D. Haynes
Director of Development

(541) 779-5785
ryan@hajc.net
www.hajc.net
2251 Table Rock Rd, Medford, OR 97501

HAJC
HOUSING AUTHORITY of JACKSON COUNTY

RE: Unbundling parking from rent

Michael Sullivan <michael.sullivan@ashland.or.us>

Mon 2023-11-13 08:29 AM

To:catgould@gmail.com <catgould@gmail.com>;Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>

Good morning Cat,

Your public comment has been received, it will be forwarded to the Planning Commission and added to the Planning Action file.

Thank you,

Michael Sullivan
Executive Assistant
Pronouns he, him

City of Ashland
Community Development Department
51 Winburn Way, Ashland, Oregon 97520
541.552.2072 | TTY 800.735.2900
Michael.sullivan@ashland.or.us

This email transmission is official business of the City of Ashland and it is subject to Oregon Public Records Law for disclosure and retention. If you have received this message in error, please contact me at (541) 552-2072. Thank you.

From: Cat gould <cat.gould@gmail.com>
Sent: Sunday, November 12, 2023 8:59 AM
To: Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>
Subject: Unbundling parking from rent

[EXTERNAL SENDER]
Hallo,
As a member of CEPAC I have been made aware of proposed changes to the city's parking regulations. I am in favour of unbundling the cost of a parking space from the overall rent of an apartment so that people who choose not to have vehicles can have an economic benefit and not be subsidising those who have 1 or more vehicles. I believe this is a great economic tool to encourage those who can and wish to go car free and reward them for that choice.
Sincerely,
Cat Gould
member CEPAC
member Tree MAC
member CERT

streets 4 everyone.net

To: Mayor Graham and City Council
From: Streets for Everyone
Date: 11/17/2023
Re: 12/05/23 Public Hearing Testimony - Parking

Streets for Everyone supports the Community Development Department's recommendation to utilize "Option 1" of the Climate Friendly and Equitable Communities (CFEC) rule to the extent that it eliminates minimum parking requirements. However, we are concerned that the proposed amendments don't go far enough to effectively mitigate climate change and promote equity. In the near future, Ashland City Council should also direct the Community Development Department to initiate additional parking code amendments to include unbundled parking. The rationale for this improvement is detailed below.

Unbundled parking is officially defined in OAR 660-012-0005(57). It constitutes paying for parking separately from paying for the rent, lease, or purchase of a residential or commercial unit, with the option to not use and pay for parking.

It is important to note that CFEC "rules set a floor, not a ceiling, on parking actions." [Evan Manvel, Climate Mitigation Planner, Oregon Department of Land Conservation and Development, 635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540, Direct/Cell: 971-375-5979 | Main: 503-373-0050, evan.manvel@dlcd.oregon.gov | www.oregon.gov/LCD] Consequently, the city can and should combine CFEC option 1 (as reflected in the current draft code amendments) with unbundling parking.

We understand that the public notice for the current draft code amendments did not include notification of property management firms. This group and others should be notified, in advance, of rules to unbundle parking. Consequently, we recommend that the current code amendment process not be expanded to include unbundled parking code requirements. We also understand that the city is under an obligation to complete the current round of parking code amendments before December 31. These facts should not deter the Council, in the future, from pursuing parking code amendments that will foster a more just and equitable community and help implement the city's Climate and Energy Action Plan (CEAP).

Streets for Everyone recommends that the Council direct the Community Development Department to develop draft code amendments that would unbundle parking, in the next 180 days, and provide for their phased implementation. As an example:

90 days after adoption - new multi-family and commercial developments
1 year after adoption - existing commercial developments
2 years after adoption - existing multi-family developments.

Exception. The city should provide for a waiver from this requirement for projects which include financing for affordable housing that requires that costs for parking and housing be bundled together.

Using a phased approach ensures that there is time to refine the code and provide a period of transition for those, relatively few, properties that will be affected. Unbundling would only apply to multi-family housing, and commercial developments that include parking lots.

We also recommend that employers with 50 or more employees, that provide free or subsidized parking for their employees, be required to develop, and implement a commute reduction plan with the goal of minimizing the percentage of employees that travel to work in single occupant vehicles. Strategies must include parking cash-out and transit allowances.

Uncoupling parking is crucial for the thirteen reasons listed below.

1. Housing in Ashland is in short supply, especially affordable housing. Parking, throughout most of the city, is plentiful. This imbalance, in part, reflects the city's own historic parking code requirements.

2. "Being explicit about the cost of parking and allowing people to avoid that cost helps people make more climate-friendly decisions, such as carpooling, transit, walking and biking. Unbundling also improves equity, as the majority of households who do not own cars are in the bottom fifth of households in terms of income, and homeowners own 50% more cars than renters. Where parking is bundled in with other goods, these households disproportionately subsidize parking for those with more resources." https://www.oregon.gov/lcd/CL/Documents/Guidance_Unbundling.pdf

3. The Handbook for Analyzing Greenhouse Gas Emission Reductions Assessing Climate Vulnerabilities and Advancing Health and Equity (https://www.airquality.org/ClimateChange/Documents/Handbook%20Public%20Draft_2021-Aug.pdf) found unbundling parking can cut transportation-related climate pollution by up to 15.7%. It is doubtful that unbundling parking in Ashland will achieve this same magnitude of impact.

4. The city's Climate Energy Action Plan, Urban, Land Use & Transportation section establishes the goal to **reduce community and city employee vehicle miles of travel.** That outcome will only occur if more people choose to bicycle, walk or use transit (or work from home). Unbundling parking reinforces the decision not to own an auto and thus promotes walking, biking and the use of transit.

5. "Separating the cost of parking from other goods can significantly impact mode choice. When there is a price on parking, commuters look to make other, more climate-friendly choices such as transit, carpooling, walking or biking. One study found a 17% decrease in solo driving to work when commuters had to pay for parking at work, versus having the costs of that parking hidden and subsidized. In that study, carpooling increased 64%, transit use increased 50%, and walking and biking increased 33%. The collective mode shifts reduced total driving commute miles by 12%."
https://www.oregon.gov/lcd/CL/Documents/Guidance_Unbundling.pdf

6. It is obvious that unbundling parking can reduce the cost of housing for households that rely upon transit, walking and bicycling. But that is only one part of the potential savings. The American Automobile Association's latest estimate of the cost of auto ownership suggests the savings could be as much as $1,000 per month. See
https://newsroom.aaa.com/2023/08/annual-new-car-ownership-costs-boil-over-12k/
These transportation savings are available for housing and other household expenses, giving rise to more local spending and supporting the city's economy.

7. Just as the market determines the price of housing, so should it (i.e. the market) determine the price of parking. Parking in the city, with notable exceptions, is free leading to market distortions and, possibly, undervaluing the land upon which the parking, itself, is sited.

8. The elimination of parking minimums may have little impact on parking supply. If the parking were priced (i.e. unbundled) developers would only build the amount of parking that households (businesses) demanded.

9. Because parking is bundled, households are denied a choice between paying for parking or spending that money on a larger or better unit, saving for a home, or any other use of their budget.

10. Based upon the city's fees for monthly use of spaces in the Hargadine Parking Structure, the minimum parking fee could be as low as $30 per month. The CFEC rules require that the city establish a minimum parking fee but not a maximum. The absence of an upper cap on parking fees would minimize the city's administrative burden.

11. The table below provides auto ownership data for Ashland. It is clear, from the data, that auto ownership is on the rise with fewer households owning zero or just one vehicle.

Table 5
Household Auto Ownership

Number of Vehicles Owned	Percentage of Households 2013	Percentage of Households 2018	Annual Compound Rate of Change
0	3.15	2.06	-8.1
1	36.4	26.3	-6.3
2	33.9	44.4	5.5
3	18.9	16.3	-2.9
4	4.79	7.19	8.5
5 plus	2.87	3.76	5.6

Source: https://datausa.io/profile/geo/ashland-or#housing (car ownership)

12. The oft-sited concern with the potential for increased demand for on-street parking is but a positive indicator of the success of the city's efforts to implement the CEAP, encourage the conversion of surface parking to housing, and thus make walking and bicycling safe, convenient and practical, everyday modes of travel.

13. Unbundling parking, as a city policy, is consistent with the City Council's priorities including:
    - Climate Energy Action Plan implementation
    - Affordability including attainable housing
    - Economic development
    - All with the underlying supporting principles of equity.

TO: Planning Commission
From: Gary Shaff, 516 Herbert St
Date: 11/10/2023
Re: **11/14/23 PC Hearing Testimony - parking**

I support the Community Development Department's recommendation to utilize "option 1" of the CFEC rule to the extent that it eliminates minimum parking requirements. **I do not support the Department's decision to not unbundle parking as a part of the parking code amendments.**

Uncoupling parking is crucial for reasons listed below. **Unbundled parking is paying for parking separately from paying for the rent, lease or purchase of a residential or commercial unit, with the option to not use and pay for parking.** Unbundled parking is officially defined in OAR 660-012-0005(57).

It is important to note that CFEC "rules set a floor, not a ceiling, on parking actions." [Evan Manvel, Climate Mitigation Planner, Oregon Department of Land Conservation and Development, 635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540, Direct/Cell: 971-375-5979 | Main: 503-373-0050, evan.manvel@dlcd.oregon.gov | www.oregon.gov/LCD] Consequently, the city can and should combine CFEC option 1 with unbundling parking.

Findings:

- "Being explicit about the cost of parking and allowing people to avoid that cost helps people make more climate-friendly decisions, such as carpooling, transit, walking and biking. Unbundling also improves equity, as the majority of households who do not own cars are in the bottom fifth of households in terms of income, and homeowners own 50% more cars than renters. Where parking is bundled in with other goods, these households disproportionately subsidize parking for those with more resources."
  https://www.oregon.gov/lcd/CL/Documents/Guidance_Unbundling.pdf

- The Handbook for Analyzing Greenhouse Gas Emission Reductions Assessing Climate Vulnerabilities and Advancing Health and Equity (https://www.airquality.org/ClimateChange/Documents/Handbook%20Public%20Draft_2021-Aug.pdf) found unbundling parking can cut transportation-related climate pollution by up to 15.7%.

- The city's Climate Energy Action Plan, Urban, Land Use & Transportation section establishes the goal to **reduce community and city employee vehicle miles of travel.** That outcome will only occur if more people choose to bicycle, walk or use transit (or work from home). Unbundling parking reinforces the decision not to own an auto and thus promotes walking, biking and the use of transit.

- It is obvious that unbundling parking can substantially reduce the cost of housing for households that rely upon transit, walking and bicycling. But that is only one part of the potential savings. The American Automobile Association's latest estimate of the cost of auto ownership suggests the savings could be as much as $1,000 per month. See https://newsroom.aaa.com/2023/08/annual-new-car-ownership-costs-boil-over-12k/ These transportation savings are available for housing and other household expenses, giving rise to more local spending and supporting the city's economy.

- Unbundling parking, as a part of the city's parking code amendments, is consistent with the City Council's priorities including:
    - Climate Energy Action Plan implementation
    - Affordability including attainable housing
    - Economic development
    - All with the underlying supporting principles of equity…

Model Language for Development Code

• City of Seattle (Chapter 23.42.070) - https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT23LAUSCO_SUBTITLE_IIILAUSRE_CH23.42GEUSPR_23.42.070PARELEMUDWUNCOUS.
• City of Berkeley (Title 23.334.030.A, part of Transportation Demand Management requirements) – https://berkeley.municipal.codes/BMC/23.334.030(A).
• City of San Francisco (Article 1.5, Section 167) - https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-19298.
• City of Oakland (Section 17.116.310) - https://library.municode.com/ca/oakland/codes/planning_code?nodeId=TIT17PL_CH17.116OREPALORE_ARTVSTREPALOFA_17.116.310UNPA
• City of Santa Monica (Section 9.28.110) - https://library.qcode.us/lib/santa_monica_ca/pub/municipal_code/item/article_9-division_3-chapter_9_28-9_28_110.
• City of Bellevue (Chapter 20.25J.050(B)) - https://bellevue.municipal.codes/LUC/20.25J.050
Unbundling required for lease and rental agreements:
• City of Seattle (Chapter 7.24.030.G) - https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT7COPR_CH7.24REAGRE_7.24.030REAGRE

11/14/23 PC Hearing Testimony - parking

gshaff@gmail.com <gshaff@gmail.com>

Sun 2023-11-12 07:46 PM

To:Planning Commission - Public Testimony <PC-public-testimony@ashland.or.us>

[EXTERNAL SENDER]

Please direct the planning staff to prepare code language to unbundle parking as described below.

(A) Require that parking spaces for each residential unit in multi-unit housing developments be unbundled parking upon lease creation, lease renewal, or sale. The regulation should not exempt townhouse and rowhouse development from this requirement;

(B) Require that parking spaces serving leased commercial developments be unbundled parking upon lease creation or renewal;

(C) Require for employers of 50 or more employees who provide free or subsidized parking to their employees at the workplace provide a flexible commute benefit of $50 per month or the fair market value of that parking, whichever is greater, to those employees eligible for that free or subsidized parking who regularly commute via other modes instead of using that parking.

Eliminating Parking Minimums

Ray Chirgwin <rayc@kswarchitects.com>

Fri 2022-10-14 10:18 AM

To: Derek Severson <derek.severson@ashland.or.us>

[EXTERNAL SENDER]
Derek – Please forward this to Ashland Planning Commission and Staff. Thank you!

Dear Members of the Ashland Planning Staff and Commission –

On behalf of KSW Architecture and Planning, we have compiled important resources on eliminating mandatory parking minimums.
Please take sufficient time to study these as you consider parking reform as a part of the "Climate-Friendly and Equitable Communities" rulemaking.

Videos:

https://www.strongtowns.org/journal/2017/7/24/parking-has-shaped-our-cities

https://www.youtube.com/watch?v=lgA4FJWljl8

https://www.youtube.com/watch?v=H6wBSRj3NWg

https://www.youtube.com/watch?v=3g-z-PEzTas

Articles/ Reports/ Resources:

https://www.oregon.gov/lcd/CL/Documents/StPaulMN_ParkingSlides.pdf

https://www.mba.org/docs/default-source/research---riha-reports/18806-research-riha-parking-report.pdf?sfvrsn=d59a2d33_0

https://www.strongtowns.org/parking

https://www.eesi.org/articles/view/how-eliminating-parking-actually-makes-cities-better

We hope that you find this informative.
KSW fully supports the removal of mandatory parking minimums. The benefits include:

- Promotes infill development
- Increases tax value of properties
- Reduces pressure on surrounding rural land
- Reduces pressure on existing road capacity and maintenance
- Increases places for humans to enjoy (green space, pedestrian space, etc)
- Promotes healthier lifestyles (physical and social)
- Reduces stormwater pollution and heat island effect
- Promotes healthier forms of transportation (bike, walk, transit)
- Community resiliency in the wake of Amazon, work-from-home, ride-share & autonomous vehicles, cyber-Monday
- Reduces single occupancy vehicle trips counts and distances
- Reduces noise pollution
- Promotes better building design and landscape design

Remember that removing parking minimums will not drastically change our city overnight. Any change will be very slow.
Developers and designers can continue to build parking. It just gives us more opportunities to build slightly better places for our community.

Please don't hesitate to call and discuss parking with us more. We would appreciate the opportunity!
Kindest regards,

Ray Chirgwin R.A., LEED AP

KSW Architects
66 Water Street Suite 101
Ashland, OR 97520
m. 541.601.9478 (primary)
o. 541.488.8200 x.19
rayc@kswarchitects.com

Council Business Meeting

December 5, 2023

Agenda Item	Balancing Homelessness Services with Public Space Regulations for a More Livable City	
From	Douglas M McGeary	Acting City Attorney
Contact	Doug.mcgeary@ashland.or.us	
Item Type	Requested by Council ☐ Update ☐ Request for Direction ☐ Presentation ☐	

SUMMARY

Over the past two decades, the legal landscape surrounding homelessness and transient populations in Oregon has evolved significantly. The City of Ashland has not been immune to these changes and has experienced a substantial impact. Ashland's ordinances and law enforcement practices have continuously adapted to cope with the growing influx of homeless individuals. However, recent federal and state laws have imposed additional requirements on cities, necessitating specific adjustments to Ashland's longstanding laws and approach to camping and public space occupation.

Over the last year and a half, the city has diligently worked to establish alternative shelter spaces for homeless individuals. As a result, the city is now at a crucial juncture, poised to revise its prohibited camping ordinance. This revision aims to effectively guide homeless individuals toward using the newly established shelter spaces while ensuring legal compliance and addressing the broader issue of homelessness in our community.

This proposed ordinance modifies our existing ordinances. These changes are designed to strike a balance between recognizing the unique challenges faced by the homeless population and safeguarding the integrity of our public spaces.

POLICIES, PLANS & GOALS SUPPORTED

Current city priorities encompass upholding effective code enforcement, promoting equity of access, and strong supportive city services, and broadening social and economic opportunities for every member of our community.

BACKGROUND AND ADDITIONAL INFORMATION

Civil rights lawsuits filed in federal courts have contested the legality of camping prohibitions, resulting in restrictions on the conventional enforcement of these measures. These legal challenges have invoked the 8th Amendment, which safeguards individuals against cruel and unusual punishment. In a series of rulings, the courts have maintained that it is essentially impermissible to penalize individuals for engaging in basic life activities, such as sleeping, lying, or sitting, particularly when they are involuntarily homeless and lack alternative locations to conduct these essential daily functions. You can find an in-depth explanation of the developing case law in this field on homelessness, provided by the League of Oregon Cities.

Regardless of federal law interpretation, Oregon's legislature has anticipated the need for comprehensive protections for homeless individuals on public property. This has led to the passage of laws such as HB 3115 and HB 3124, which went into effect in July, 2023. The City of Ashland has partially suspended the enforcement of its ordinances that prohibit camping on public property. This suspension remains in effect until the city has fully

implemented the requirements mandated by federal case law and these certain protective measures mandated by the state. These protective measures encompass the provision of alternative camping sites, such as the Dusk to Dawn campsite, and the availability of an Emergency Shelter as an alternative refuge for those who are genuinely experiencing involuntary homelessness.

The proposed ordinances aim to restore the city's capacity and necessity to regulate camping on public property in a way that differentiates between addressing behavior rather than the status of individuals who are involuntarily homeless. Prohibited Camping and Prohibited Occupancy are updated versions of ordinances previously employed by our city, as well as by most municipalities throughout the state. What sets Ashland apart is its distinctive prohibition on camping or occupying a specific public area with the intent of excluding others from its use, rather than establishing a temporary campsite for the purpose of "maintaining a temporary place to live," which is typically the norm in ordinances of other Oregon cities. This shift in approach signifies a departure from prohibiting individuals from living in public spaces and, instead, places emphasis on addressing the issue of individuals establishing residency or asserting a sense of ownership over public property. The definition of occupancy also establishes the times in which people are prohibited from exclusively using public spaces for camping, lying or sitting and the length of time for such use during the permitted times.

The changes to the prohibited camping ordinance concentrate on clarifying definitions for phrases that have either been utilized or left ambiguous by federal courts, as well as in HB 3115 and HB 3124. For instance, the term "involuntarily homeless" in the proposed ordinance aligns precisely with the courts' established definition of the term. In contrast, HB 3115 and HB 3124 employ terms like "established camping site" and "apparent value or utility" to respectively specify the duration a campsite must remain in place and what belongings can or cannot be left at that campsite. Without clear definitions, the city remains vulnerable to judicial interpretation of these phrases, which could significantly affect the city's ability to prevent recurrent violations of camping regulations and determine how to handle the substantial volume of property left behind at illegal campsites.

The remaining adjustments to these ordinances are crafted to align with established "time, place, and manner" regulations commonly applied in constitutional analyses of government laws. These ordinances are designed to prevent individuals from camping on streets, parks, or other unsuitable areas. Defendants are given the option to cease their occupation of the site, or they may face citation and penalties. The restrictions related to the "time" and duration for camping, lying, or sitting, as previously explained, are specified within the definition of "occupy or occupancy."

In terms of location or "place" restrictions, certain areas are designated as inherently prohibited for any form of camping. These areas are typically identified as sensitive areas to ensure public safety, well-being, and the preservation of public spaces, such as parks and buildings. There are amendments to the ordinance that address unique challenges posed by camping in cars or RVs on public streets. Additionally, there are considered changes to the City's Persistent Violation ordinance to not only correct the boundaries of the existing Enhanced Law Enforcement Area ("ELEA") but to create ELEAs for other areas that are especially sensitive or prone to increased unlawful activity and then becoming an attraction for more such activity.

Regarding "manner" regulation, this ordinance anticipates situations where individuals experiencing involuntary homelessness may not find available shelter spaces within the city limits. In such cases, the city may enter into contracts with organizations across the region that offer accessible shelter, easily reachable via local public transit, and designed and operated to safeguard involuntarily homeless individuals and other vulnerable populations for up to 72 hours at a single location. Oregon's new laws also establish specific responsibilities for the city in managing property left behind by both homeless individuals and others who may have left their belongings due to lack of alternatives. In these instances, the ordinance sets reasonable limits on what the city is required to store and the quantity thereof.

FISCAL IMPACTS

None

STAFF RECOMMENDATIONS

Staff recommends that Council approve First Reading of Ordinance No 3228 and send it to second Reading for its enactment.

ACTIONS, OPTIONS, AND POTENTIAL MOTIONS

1. I move to approve First Reading of Ordinance No. 3228 AN ORDINANCE RELATING TO PROHIBITED CAMPING AND PROHIBITED OCCUPANCY; AMENDING AMC CHAPTER 10.46.020 AND AMC 10.46.030 and send it to Second Reading.

REFERENCES & ATTACHMENTS

Proposed ORDINANCE RELATING TO PROHIBITED CAMPING AND PROHIBITED OCCUPANCY; AMENDING AMC CHAPTER 10.46.020 AND AMC 10.46.030

ORDINANCE NO. _____

AN ORDINANCE RELATING TO PROHIBITED CAMPING AND PROHIBITED OCCUPANCY; AMENDING AMC CHAPTER 10.46.010 THROUGH AMC 10.46.050

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are **~~bold lined through~~**, and additions are **bold underlined.**

WHEREAS, the City of Ashland must balance and prioritize several interests: recognition of the essential human dignity of everyone in the City of Ashland; the need to have safe and orderly conditions in City rights-of-way for the safety and benefit of everyone in Ashland; the right of everyone in Ashland to have shelter and safety; and respect for public spaces and public property in service to the entire community.

It is in the public interest to regulate public streets and dedicated rights of way in a way that could allow all to use the roads and sidewalks as they are intended and in the way that they remain safe and accessible. Similarly, it is in the public interest to regulate park spaces, playgrounds, and other public areas protected by the nature of their cultural and historic character and their importance to the businesses and community that relies upon and enjoys their preservation.

The City acknowledges that living on its streets is often a last resort for individuals. For many of these persons the lack access to shelter is involuntary due to unforeseen circumstances beyond a person's control that occurs when a person lacks viable options to obtain housing due to factors such as economic hardship, loss of social network, health or disability, or having exhausted available options for temporary or permanent housing assistance.

This chapter is intended to regulate the use of public rights-of-way and City property to protect and preserve the above described public places for their designed and intended purposes, while providing alternative space and shelter to rest and sleep for personswho lack access to suitable temporary shelter due to either financial inability or the unavailability of free, viable options.

While recent federal case law is unclear as to whether the city can differentiate between those who voluntarily choose to live homeless from those who are homeless involuntarily, this chapter and the City's enforcement efforts are primarily intended to minimizing public health and safety concerns related to survival camping in public areas, taking into account the resources and opportunities available to those experiencing involuntary homelessness.

Those persons who are involuntarily homeless should feel secure that they will not be penalized for their condition. The objective of this ordinance is to differentiate between those who genuinely lack alternatives and use public spaces out of necessity, and those who have access to suitable alternative spaces and shelter but instead willfully exploit public

spaces for personal gain or advantage, to the detriment of the general public that includes the involuntarily homeless population.

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

SECTION 10.46. Ashland Municipal Code Chapter 10.46 is hereby amended as follows:

Section 10.46.010. Definitions.

A. **"Apparent Value or Utility" in reference to personal property means property that is essential in practicality and significance to the owner's daily life and well-being, and includes but is not limited to, clothing, bedding, personal hygiene items, identification documents, and any tools or resources necessary for survival and meeting basic needs, maintaining dignity, and facilitating self-care. This definition does not include such property as non-functional or broken items, excessive or redundant items, hazardous or dangerous materials, or items with limited or no personal value.**

B. "To camp" means to set up or to remain in or at a campsite.

C. "Campsite" means any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove, fire, or cooking apparatus, other than in a designated picnic area, is placed, established, maintained, or occupied, so as to exclude the use of public property by the general public, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

D. "Established Camping site" means a campsite that has been in its current location for at least five days. In the absence of evidence regarding the age of a campsite, a camping site is presumed established.

E. "Designated Space" are those areas designated by management to be a resting place for the involuntarily homeless.

F. "Shelter" are those areas of adequate shelter that are readily accessible by local public transit and that are designed and reasonably operated for the purpose of protecting involuntarily homeless persons and other at-risk populations.

G. "Involuntarily Homeless" means a person who lacks access to suitable temporary shelter due to either financial inability or the unavailability of free, viable options.

H. "Occupy" or "Occupancy" means to maintain physical control over a publicly owned area of 50 square feet or greater by a person or person's private property, wherein the effect is that the general public is excluded from the use of the public property for more than two (2) hours during daytime hours between 8:00 AM and 8:00 P.M.

SECTION 10.46.020 . Camping Prohibited

A. **Except as otherwise provided herein,** no person shall camp in or upon any sidewalk, street, alley, lane, public right-of-way, business-front, park, playground, **Enhanced Law Enforcement Area(s) defined in AMC 10.120.010,** or any other publicly owned property or under any bridge or viaduct**~~, unless otherwise specifically authorized by this code, by the owner of the property, or by emergency declaration under AMC 2.62.030~~**.

B. **The prohibition on camping may be temporarily suspended under the following conditions:**

   i. **A camping exemption due to an emergency in accordance with AMC 2.62;**

   ii. **The offender is Involuntarily Homeless, and a Designated Space or Shelter is unavailable.**

C. **Regardless of exceptions in subsection B above, camping is prohibited under any circumstance in which the act of camping includes existence of a fire or gas stove, or when the campsite exceeds 100 square feet, or when located on, attached to, or within:**

   i. **Sidewalks, bikepaths, and walk-ways,**

   ii. **Lithia Park and parks with playgrounds,**

   iii. **The Enhanced Law Enforcement Area(s) defined in AMC 10.120.010**

   iv. **250 feet of a preschool, kindergarten, elementary or secondary school, or a childcare center licensed, certified or authorized under ORS 329a.250-329a.460, ORS 418.205 to 418.970: OAR 419-410-0010 to OAR 419-490--0170,**

   v. **250 feet of a Designated Space or Shelter;**

vi. **250 feet of freeway entrance or exits;**

vii. **150 feet of other campsites;**

viii. **100 yards of any river or stream; and**

ix. **Any fence, trees, building, or vehicle.**

D. **The City Manager has the authority to establish additional administrative rules regarding time, place, and manner regulations as deemed necessary to address particular situations arising from conditions affecting Involuntarily Homeless individuals, and that are intended to safeguard the safety, health, and welfare of both the general public and those who are Involuntarily Homeless.**

E. **Involuntarily Homeless persons may use vehicles for shelter in a lawful parking space in the following circumstances:**

i. **The vehicle must be operational and must be moved at least 1000 feet from its original location every 24 hours.**

ii. **The parking space cannot be within a 100' radius of any residence.**

iii. **No building or erecting of any structures connecting or attaching to vehicles is permitted, including tents that are not designed and manufactured to be attached to a vehicle.**

iv. **Persons may not accumulate, discard or leave behind garbage, debris, unsanitary hazardous materials, or other items in public rights-of-way, on City property, or on any adjacent public or private property.**

v. **All animals must be under the keeper's control or otherwise leashed or crated at all times.**

vi. **Dumping of gray water (i.e. wastewater from baths, sinks, and the like) or black water (i.e. sewage) into any facilities or places not intended for gray water or black water disposal is prohibited. This includes but is not limited to storm drains, which are not intended for disposal of gray water or black water.**

~~**B. Any person who violates any provision of this Chapter is subject to Section 1.08.020 of the Ashland Municipal Code. Any violation of this section is a Class IV Violation. (Ord. 3137, amended, 2017; Ord. 3026, amended, 08/03/2010; Ord. 2972, amended, 11/04/2008)**~~

SECTION 10.46.030. ~~**Sleeping on Benches.**~~ **Prohibited Occupancy.**

A. **Subject to AMC 10.46.020 or authorized permit, no person shall occupy a public area or street furniture during the time as provided in definitions of "Occupancy" defined under AMC 10.46.010 H. Property owned by violators shall be subject to the removal process in 10.46.040.** ~~**No person shall sleep on public benches between the hours of 9:00 p.m. and 8:00 a.m.**~~

B. Any person who violates any provision of this Chapter is subject to Section 1.08.020 of the Ashland Municipal Code. Any violation of this section is a Class IV Violation. (Ord. 3137, amended, 2017; Ord. 3026, amended, 08/03/2010)

SECTION 10.46.040. Removal of Campsite

A. Except as provided herein, the City will remove Established Campsites and property having Apparent Value or Utility from a campsite as provided by ORS 195.505, as such statute may be amended or renumbered from time to time.

B. The following campsites are subject to immediate removal:

i. Campsites that are not Established Campsites;

ii. An exceptional emergency at an Established Campsite, including but not limited to, possible site contamination by hazardous materials, a public health emergency, fire hazards, or other immediate danger to human life or safety

iii. The occurrence or presence of evidence of criminal activity or violation of the Ashland Municipal Code (excluding this offense)

C. Hazardous materials, including but not limited to syringes, drug paraphernalia, moldy items, discarded food, items soiled with feces, urine, or vomit, open alcohol containers, rotting garbage, or other items in a similar insanitary condition may be immediately discarded upon removal of the individuals from the campsite.

D. Except for the items set forth above in subpart C that may be immediately discarded, personal property a City employee or agent determines has no Apparent Value or Utility will be held by the City for 14 days after its removal from the campsite. During the 14-day holding period, the owner may request the return of the property by appealing the determination that the property has no Apparent Value or Utility. If no appeal is received by the City within 14 days, the City may discard the property. The appeal will undergo the following procedure:

i. The owner may appeal the determination in accordance with AMC 2.30, seeking to have the determination rescinded and the property returned. The appeal notice shall specify the relief sought and the reason for said relief.

ii. Upon conducting a de novo review, the Hearing Officer shall affirm the determination if the preponderance of evidence demonstrates that the property does not conform to the definition of having Apparent Value or Utility as defined in AMC 10.46.010(A).

iii. **If the appeal is unsuccessful, the City may immediately discard the property. If the appeal is successful, the property shall be made available to the owner within one business day of the conclusion of the successful appeal. If the property is not retrieved within the later of (a) 14 days after the successful appeal or (b) 30 days from when the property was first removed by the City, then the City may discard the property.**

~~**A. Prior to removing the campsite, the City shall post a notice, 24- hours in advance. All posted notices shall be in English and Spanish. A City enforcement officer shall not issue a citation for violation of Chapter 10.46 if the citation would be issued within 200 feet of the notice (identified above) and within two hours before or after the notice was posted.**~~

~~**B. At the time that a 24-hour notice is posted, the City shall inform a local agency that delivers social services to homeless individuals where the notice has been posted.**~~

~~**C. The local agency may arrange for outreach workers to visit the campsite where a notice has been posted to assess the need for social service assistance in arranging shelter and other assistance.**~~

~~**D. All personal property shall be given to the police department whether 24-hour notice is required or not. The property shall be stored for a minimum of 60 days during which it**~~

~~will be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed for 60 days may be disposed of consistent with state law and AMC 2.44 for disposition of found, lost, unclaimed or abandoned property, as applicable. For purposes of this paragraph, "personal property" means any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent value or utility or are in an unsanitary or putrescent condition may be immediately discarded. Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to the police department.~~

~~E. The 24-hour notice required under subsection D of this section shall not apply:~~

~~1. When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring.~~

~~2. In the event of an exceptional emergency such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety. (Ord. 2972, amended, 11/04/2008)~~

SECTION 10.46.050. ~~Mitigation of~~ **Penalties**

A. An offender's first and second violation of this section is punishable by an AMC Class IV fine.

B. After the issuance of two camping violations, the third camping violation is a Class C Misdemeanor, unless either of the first two violations is overturned by a court of competent jurisdiction.

C. The court shall consider in mitigation of any punishment imposed upon a person convicted of prohibited camping whether or not the person immediately removed the campsite upon being cited. For purpose of this section, removal of the campsite shall include all litter, including but not limited to bottles, cans, garbage, rubbish and items of no **Apparent Value or Utility**, deposited by the person in and around the campsite. All litter in and around the campsite shall be presumed to be deposited by the person convicted of prohibited camping. Such presumption shall be rebuttable, however. **If an offender who has been cited under this ordinance can show meaningful engagement with a referred service provider or a similar one before a court hearing regarding the violation of this ordinance, the judge may exercise discretion to reduce the criminal charge or waive the fine.** (Ord. 3026, amended, 08/03/2010; Ord. 2972, amended, 11/04/2008)

SECTION 10.46.060. Application outside City

Pursuant to ORS 226.010, this chapter applies to acts committed on park property owned by the City that is located outside the City. (Ord. 2972, amended, 11/04/2008)

SECTION 3. 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 [No(s.)] need not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

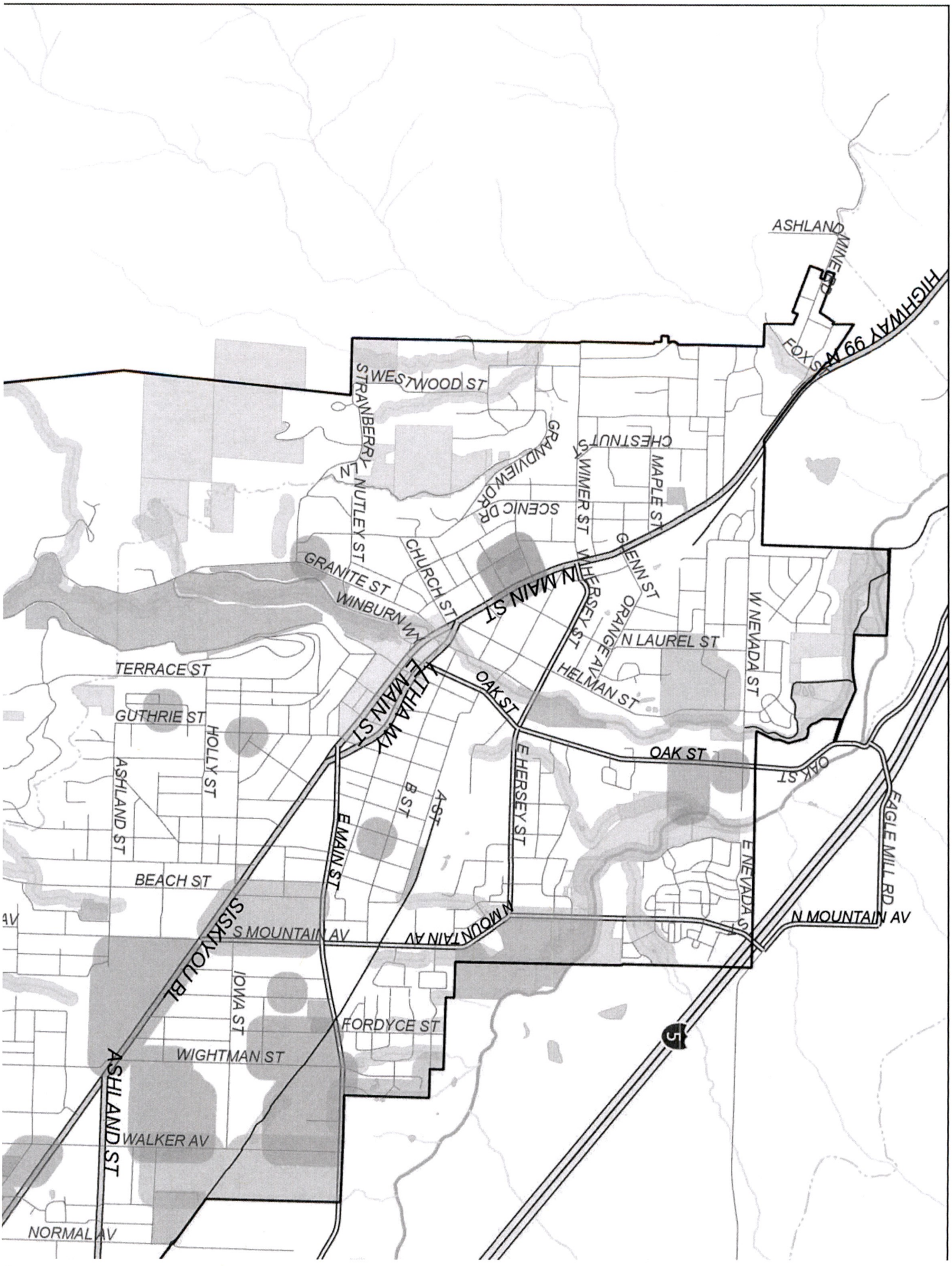
The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____day of _____, 2023, and duly PASSED and ADOPTED this ____ day of _____, 2023.

ATTEST:

_____
Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2023.

_____
Tonya Graham, Mayor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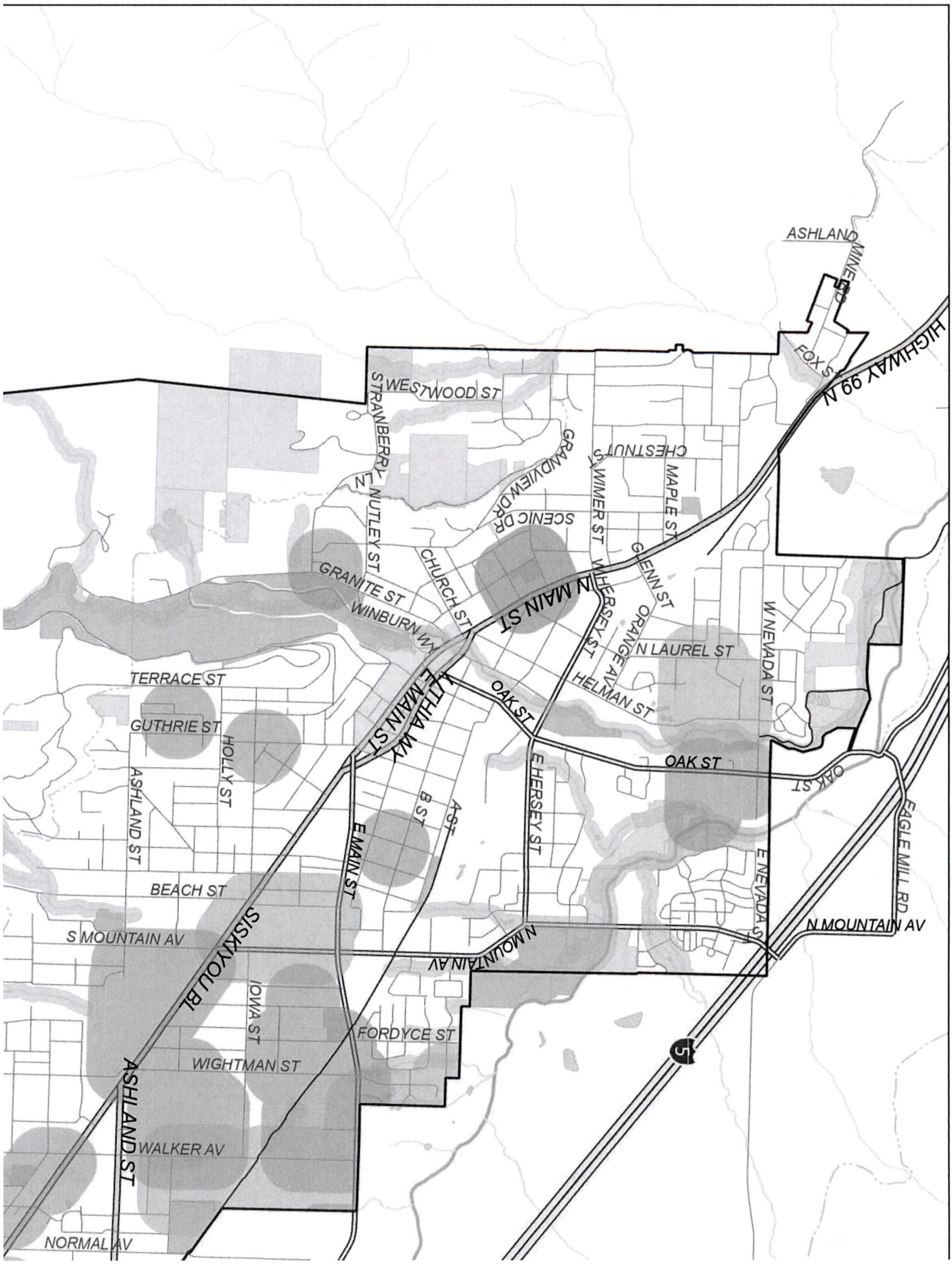
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Council Business Meeting

December 5, 2023

Agenda Item	City Charter Amendment for May election	
From	Sabrina Cotta	Acting City Manager
Contact	Cotta.sabrina@ashland.or.us	
Item Type	Requested by Council ☐ Update ☐ Request for Direction ☒ Presentation ☐ Consent ☐ Public Hearing ☐ New Business ☐ Old Business ☐	

SUMMARY

At the October 16, 2023, Study Session staff was directed to provide to Council a timeline and ballot language for charter changes for the spring election. The two articles to be considered are:

- Article 14 - Chief of Police: Powers and Duties, Section 2
  - Update the language in Article 14, Section 2 allowing the Chief of Police to designate an officer to
  - attend City Council meetings and act in his/her stead as Sergeant-at-Arms
- Article 3 – Elective Officers and Article 6 – Recorder
  - Remove the City Recorder as an elected official and any article provisions related to the duties of that role in recognition of the substantial reduction in the position's responsibilities to become solely administrative in nature.

POLICIES, PLANS & GOALS SUPPORTED

Excellence in governance and City Services.
Sustainability through creativity, affordability, and right sized service delivery.

BACKGROUND AND ADDITIONAL INFORMATION

Timeline – May 21, 2024, Election

December 19, 2023 – City Council consider proposed ballot language
January 16, 2024 – City Council vote on final ballot language resolution
March 1, 2024 - City ballot title filing deadline (SEL 805)
March 21, 2024 - City measure filing deadline (City-SEL 802)
March 25, 2024 - Voters' pamphlet filing deadline (measure arguments)

Proposed Ballet Language

See attached SEL 802 and Explanatory Statements.

FISCAL IMPACTS

Article 14 – Chier of Police: Powers and Duties, Section 2: No fiscal impact
Article 3 - Elective Officers and Article 6 – Recorder: Human Resources will need to conduct a thorough review of job description to include duties and research comparable cities wages. There is potential for long-term salary savings to better align job responsibilities and salary by transitioning this position to a non-elected position.

SUGGESTED NEXT STEPS

Provide staff with direction on proposed ballot language for potential charter changes.

REFERENCES & ATTACHMENTS

October 16, 2023 Study Session Council Communication
SEL802 Recorder
Explanatory Statement - Recorder
SEL802 Sergeant at Arms
Explanatory Statement – Sergeant at Arms

Council Study Session

October 16, 2023

Agenda Item	Charter Amendment Discussion	
From	Joesph Lessard	City Manager
Contact	Joe.lessard@ashland.or.us 541-552-2103	
Item Type	Requested by Council ☐ Update ☐ Request for Direction ☒ Presentation ☐ Consent ☐ Public Hearing ☐ New Business ☐ Old Business ☐	

SUMMARY

Over time the City's operational requirements have changed creating a need to update sections of the City Charter. At the request of Council, staff has reviewed prior Charter Commission recommendations and current internal processes finding two areas for addressing within the charter that relate to its following articles:

- Article 14 - Chief of Police: Powers and Duties, Section 2
- Article 3 – Elective Officers and Article 6 – Recorder

Staff recommends, due to operational needs, that Council begin consideration of placing two ballot items on the upcoming spring ballot to:

1) Update the language in Article 14, Section 2 allowing the Chief of Police to designate an officer to attend City Council meetings and act in his/her stead as Sergeant-at-Arms; and

2) Remove the City Recorder as an elected official and any article provisions related to the duties of that role in recognition of the substantial reduction in the position's responsibilities to become solely administrative in nature.

If the Charter amendment to the Recorder's office passes, a City staff member would take on the City Recorder role, aligning it more closely with the evolving nature of the position, which over time, has transitioned from one that primarily involved discretionary functions to one predominantly focused on administrative responsibilities. The Recorder position will be under the supervision of the office of management to ensure timeliness and professionalism befitting for the City of Ashland.

POLICIES, PLANS & GOALS SUPPORTED

Excellence in governance and City Services.
Sustainability through creativity, affordability, and right sized service delivery.

BACKGROUND AND ADDITIONAL INFORMATION

Article 14 – Chief of Police: Powers and Duties, Section 2

This article states: "The Chief of Police shall attend all meetings of the City Council and perform the duties of the Sergeant-at-Arms of that body..." Staff has determined this language in the Charter is too restrictive and recommends the Charter be amended to state *The Chief of Police, or their designee.* This wording would allow the Chief of Police the discretion to make operational decisions for the department based on needs and staffing and allow greater flexibility to the Chief of Police regarding work schedule.

Article 3 – Elective Officers and Article 6 - Recorder

These articles outline the Recorder as an elected position, term, powers and duties, vacancy, and absence guidelines. Staff has determined the following:

- Ashland is unique in that no other City recorders in the area are elected.
- The duties of this position have changed over time particularly in regard to financial duties. The Recorder no longer conducts audits nor performs fund accounting for the City.
- The City is in need of a trained position filled by an individual who can complete records requests & management, records retention, licensing needs and council duties in a thorough and timely manner.
- This position as an elected officer presents considerable risk to the City of job duties are unfulfilled or completed in a manner not in accordance with state law.
- The job duties of the recorder do not need to be done by an elected official.
- The League of Oregon Cities did research in 2016 and found that Ashland, Elgin, Jacksonville and Prescott were the only cities in the entire state that had elected recorders.

FISCAL IMPACTS

Article 14 – Chier of Police : Powers and Duties, Section 2: No fiscal impact

Article 3 - Elective Officers and Article 6 – Recorder: Human Resources will need to conduct a thorough review of job description to include duties and research comparable cities wages. General research was conducted on recorder wages and the following was found:

City	Population	Low Salary	High Salary	Elected
Lake Oswego	41,148	$3,843	$4,671	No
Keizer	39,376	$3,154	$4,114	No
McMinnville	34,515	$3164	$4,747	No
Tualatin	27,914	$3098	$3935	No
West Linn	27,420	$3295	$4500	No
Klamath Falls	22,501	$2589	$3748	No
Ashland	**21,642**	**$3846**	**$3846**	**Yes**
Milwaukie	21,305	$3108	$3966	No
Sherwood	20,22	$3760	$4769	No

Along with ensuring efficiencies within the office by transitioning the position to a professional position, there is potential for long-term salary savings to better align job responsibilities and salary by transitioning this position to a non-elected position. More research will need to be done if this position is removed from the charter to determine role and responsibilities and commensurate salary.

2024 Spring Election Cost: No fiscal impact to the City of Ashland. The Clerk of the City Council Pro Tem has contacted the Jackson County elections Office and confirmed that when a ballot measure is included in a Primary or General Election in even numbered years, the County Clerk budgets and pays for election costs.

SUGGESTED NEXT STEPS

Provide staff with direction to return to Council with potential timeline and ballot language of potential charter changes to be considered for spring election ballot measures.

REFERENCES & ATTACHMENTS

- City Charter - Article 3 Elective Officers
- City Charter - Article 6 Recorder
- City Charter – Article 14 Chief of Police: Powers and Duties

ARTICLE 3 Elective Officers

Section 1. Elective Officers The elective officers of the City shall be: a Mayor, Recorder, six (6) Council Members, five (5) Park Commissioners and a Municipal Judge. (Charter amendment 5-23-78)

Section 2. Qualifications All elective officers except the Municipal Judge shall be residents and qualified voters in the City. (Charter amendment 5-23-78).

Section 3. Salaries Any change in the amount of the present compensation received by elective officers, except for the Recorder and Municipal Judge, shall be submitted to the vote of the people; however, the salary of the elected Recorder shall be in the amount being paid in 1974 and be adjusted starting with the fiscal year 1974-75 in the same percentage as the average salary adjustments of the other supervisory employees and department heads of the City of Ashland; further, the salary of the Municipal Judge will initially be the same as for the year 1978-79 and thereafter to be adjusted in the same percentage as the average salary adjustment of the other supervisory employees and department heads of the City of Ashland. (Charter amendment 5-23-78).

Section 4. Vacancies An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony; other offense pertaining to his/her office, or unlawful destruction of public records; resignation; recall from office or ceasing to possess the qualifications for the office; or, in the case of the Mayor or Council Member, upon his/her absence from the City for thirty (30) days without the consent of the Council or upon his/her absence from meetings of the Council for sixty (60) days without like consent, and subsequent declaration of the vacancy by a two-thirds affirmative vote of the Council.

A vacant elective office in the City shall be filled within sixty (60) days by the Council electing some qualified person to fill such vacancy. The appointee's term of office shall begin immediately upon appointment and shall continue until a successor, elected at the next biennial election, takes office for the unexpired term. The Council shall have the power, by a two-thirds affirmative vote, to expel any member of the Council for disorderly conduct in Council or inattention to duties. No Council member shall be expelled without notice and a hearing by the Council.

Section 5. Term The term of all elective officers shall begin the first day of January following their election.

Section 6. Interest in City Contracts During the term of office, no elective officer shall violate any provision of the State of Oregon Code of Ethics as contained in ORS Chapter 244. (Amended by vote 11-8-94.)

ARTICLE 6 Recorder

Section 1. Term The Recorder in office at the time this Charter takes effect shall continue in office until the end of his/her term of office as fixed by the Charter of the City in effect at the time this Charter is adopted. At each biennial general election held in 1970, and every fourth year thereafter, a Recorder shall be elected for a term of four (4) years.

Section 2. Powers and Duties The Recorder shall act as Clerk of the Council and shall keep plain and correct records of all business and proceedings of the Council. He/she shall maintain a file of all papers presented to him/her officially, and safely keep all files, records and papers of the corporation pertaining to his/her office, and these shall be open to the public. At the expiration of his/her term of office, he/she shall turn over to his/her successor any and all records, books, and papers pertaining to said office.

The Recorder must draw all orders for the proper payment of monies against the proper funds that have been appropriated by the City Council, and, together with the Mayor, sign the same. He/she may make periodic audits of all City accounting records.

The Recorder, shall, as soon as the Council shall make a general levy of the taxes for the city, certify the same, together with any and all special benefits and assessments then due, to the Clerk of the County Court.

The Recorder shall record, in a book to be kept for that purpose, all ordinances and resolutions passed by the City Council, and the same shall be signed by the Recorder, as well as signed and approved by the Mayor therein.

Section 3. Vacancy A willful absence of the Recorder from the City for more than thirty (30) days without the consent of the Council, carelessness or inattention to the duties of the Recorder, shall be grounds for the Council to declare the office vacant; and it may fill such vacancy in the same manner as vacancies in the office of Council members are filled.

Section 4. Absence In the Recorder's absence, the Mayor shall appoint a Clerk of the Council Pro Tem who, while acting in that capacity, shall have all the authority and duties of the Recorder.

ARTICLE 14 Chief of Police: Powers and Duties

Section 1. The Chief of Police shall be the conservator of the peace within the limits of the City of Ashland and, in addition to the authority vested in him/her by the City Council, he/she shall have the authority and jurisdiction of a constable, and shall qualify and discharge the duties of constable, in the same manner and to the same effect as required of constables under the statutes of this State. He/she shall, within the County of Jackson, arrest any and all persons guilty of any breach of the peace committed in his/her presence, and take them before the judge of the City Court, or some Justice of the Peace for trial. He/she shall also have the power, under any warrant from the Judge, or any Justice of the Peace, to arrest any person in any part of the State of Oregon for any criminal offense or the violation of any City ordinance and, in case the Council shall establish a police force for the City, he/she shall by virtue of his/her office be Chief of such force.

Section 2. The Chief of Police shall attend all meetings of the City Council, and perform the duties of the Sergeant-at-Arms of that body, watch over, care for and preserve all the City property and good morals of the City; and it shall be his/her duty, and the duty of any and all police officers, to see that all the laws and ordinances of the City, and the provisions of this Charter, are enforced, to file complaint with the City Judge against any persons violating any of the provisions of this Charter, or the laws or ordinances of the City; and a failure or neglect to faithfully perform any or all of such duties shall be cause for removal from office by the City Council.

Notice of Measure Election

City

SEL 802

rev 01/18 ORS 250.035, 250.041, 250.275, 250.285, 254.095, 254.465

Notice

Date of Notice	Name of City or Cities	Date of Election
TBD	City of Ashland	May 2024

Final Ballot Title The following is the final ballot title of the measure to be submitted to the city's voters. The ballot title notice has been published and the ballot title challenge process has been completed.

Caption 10 words which reasonably identifies the subject of the measure.

Proposed Amendment to the Ashland City Charter removing the Recorder as an Elective Officer.

Question 20 words which plainly phrases the chief purpose of the measure.

Shall the Ashland City Charter be amended to remove the Recorder and Recorder Duties as an elected position from the City Charter?

Summary 175 words which concisely and impartially summarizes the measure and its major effect.

A "Yes" vote for this measure amends the City Charter to allow for the City of Ashland to hire an individual with appropriate training and skill to fill the Recorder position.

A "No" vote for this measure maintains the existing language in the City Charter which outlines the sole qualifications for being elected Recorder as residing within City limits and current registration to vote.

Explanatory Statement 500 words that impartially explains the measure and its effect.

If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:
→ any measure referred by the city governing body; **or**
→ any initiative or referendum, if required by local ordinance.

Explanatory Statement Attached? ☐ Yes ☐ No

Authorized City Official Not required to be notarized.

Name	Title
Mailing Address	**Contact Phone**

By signing this document:
→ I hereby state that I am authorized by the city to submit this Notice of Measure Election; **and**
→ I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Signature	Date Signed

EXPLANATORY STATEMENT FOR COUNTY VOTERS' PAMPHLET

NAME OF PERSON RESPOSIBLE FOR CONTENT: TBD

NAME OF ORGANIZATION PERSON REPRESENTS, IF ANY: City of Ashland

BALLOT TITLE CAPTION: Proposed Amendment to the Ashland City Charter removing the Recorder as an Elective Officer.

MEASURE NUMBER: TBD

(Explanatory Statement Shall Be Typed)

A "Yes" vote for this measure amends the City Charter to allow for the City of Ashland to hire an individual with appropriate training and skill to fill the Recorder position. Currently there are no minimum professional skill qualifications for this position. The only qualifiers are residing within City limits and being a registered voter. The recorder is an administrative position that requires decision to be made based on knowledge, skills, and abilities outside of the number of votes garnered in an election.

A "No" vote for this measure maintains the existing language in the City Charter which outlines the sole qualifications for being elected Recorder and fulfilling the duties of Recorder as outlined in the City Charter as registered voter within the City of Ashland.

WORD COUNT TOTAL: _____

THE TOTAL WORD COUNT CANNOT EXCEED 500 WORDS.

_____ _____

SIGNATURE OF PERSON RESPONSIBLE FOR THE CONTENT OF THE EXPLANATORY STATEMENT DATE

INSTRUCTIONS FOR EXPLANATORY STATEMENT FOR COUNTY VOTERS' PAMPHLET

1. Explanatory Statement **must be typed.**

2. Explanatory Statement will not be returned for proofreading.

3. The word total for an explanatory statement must not exceed 500 words or numbers. If an explanatory statement exceeds the 500 word/number limit, the county clerk shall end the statement at 500 words or numbers.

4. An explanatory statement must be signed by the person responsible for the content of the argument.

Notice of Measure Election

SEL 802

rev 01/18 ORS 250.035, 250.041, 250.275, 250.285, 254.095, 254.465

City

Notice

Date of Notice	Name of City or Cities	Date of Election
TBD	City of Ashland	May 2024

Final Ballot Title The following is the final ballot title of the measure to be submitted to the city's voters. The ballot title notice has been published and the ballot title challenge process has been completed.

Caption 10 words which reasonably identifies the subject of the measure.

Proposed Amendment to Ashland City Charter Article XIV-Chief of Police Section2.

Question 20 words which plainly phrases the chief purpose of the measure.

Shall the City of Ashland City Charter be amended to allow the Chief of Police or uniformed designee to attend City Council meetings to act as the Sergeant-at-Arms of that body.

Summary 175 words which concisely and impartially summarizes the measure and its major effect.

A "Yes" vote for this measure amends the City Charter to allow the Chief of Police to designate another individual to act as the Sergeant-at-Arms of at City Council meetings in the event the Chief of Police is unable to attend.

A "No" vote means the existing language in the City Charter remains that the Chief of Police shall attend all meetings of the City Council.

Explanatory Statement 500 words that impartially explains the measure and its effect.

If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:
→ any measure referred by the city governing body; **or**
→ any initiative or referendum, if required by local ordinance.

Explanatory Statement Attached? ☐ Yes ☐ No

Authorized City Official Not required to be notarized.

Name	Title
Mailing Address	**Contact Phone**

By signing this document:
→ I hereby state that I am authorized by the city to submit this Notice of Measure Election; **and**
→ I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Signature	Date Signed

EXPLANATORY STATEMENT FOR COUNTY VOTERS' PAMPHLET

NAME OF PERSON RESPOSIBLE FOR CONTENT: TBD

NAME OF ORGANIZATION PERSON REPRESENTS, IF ANY: City of Ashland

BALLOT TITLE CAPTION: Proposed Amendment to Ashland City Charter Article XIV-Chief of Police Section 2

MEASURE NUMBER: TBD

(Explanatory Statement Shall Be Typed)

Article XIV-Chief of Police Powers and Duties Section 2 currently requires "The Chief of Police shall attend all meetings of the City Council, and perform the duties of the Sergeant-at-Arms of that body,...." The Charter's current language does not allow for any consideration to schedule, illness, or training opportunities that may conflict with the City Council meetings.

This Measure would allow for the Chief of Police to designate another uniformed individual to fulfill the Sergeant-at-Arms duties in the event the Chief of Police is unable to fulfill that duty.

Results of a "No" Vote.
If this measure does not pass, the existing charter language will remain in place which does not allow for anyone other than the Chief of Police to act as Sergeant-at-Arms at City Council meetings.

WORD COUNT TOTAL: _____

THE TOTAL WORD COUNT CANNOT EXCEED 500 WORDS.

SIGNATURE OF PERSON RESPONSIBLE FOR THE CONTENT OF THE EXPLANATORY STATEMENT

DATE

Council Business Meeting

December 5, 2023

Agenda Item	City Charter Amendment for May election	
From	Sabrina Cotta	Acting City Manager
Contact	Cotta.sabrina@ashland.or.us	
Item Type	Requested by Council ☐ Update ☐ Request for Direction ☒ Presentation ☐ Consent ☐ Public Hearing ☐ New Business ☐ Old Business ☐	

SUMMARY

At the October 16, 2023, Study Session staff was directed to provide to Council a timeline and ballot language for charter changes for the spring election. The two articles to be considered are:

- Article 14 - Chief of Police: Powers and Duties, Section 2
    - Update the language in Article 14, Section 2 allowing the Chief of Police to designate an officer to
    - attend City Council meetings and act in his/her stead as Sergeant-at-Arms
- Article 3 – Elective Officers and Article 6 – Recorder
    - Remove the City Recorder as an elected official and any article provisions related to the duties of that role in recognition of the substantial reduction in the position's responsibilities to become solely administrative in nature.

POLICIES, PLANS & GOALS SUPPORTED

Excellence in governance and City Services.
Sustainability through creativity, affordability, and right sized service delivery.

BACKGROUND AND ADDITIONAL INFORMATION

Timeline – May 21, 2024, Election

December 19, 2023 – City Council consider proposed ballot language
January 16, 2024 – City Council vote on final ballot language resolution
March 1, 2024 - City ballot title filing deadline (SEL 805)
March 21, 2024 - City measure filing deadline (City-SEL 802)
March 25, 2024 - Voters' pamphlet filing deadline (measure arguments)

Proposed Ballet Language

See attached SEL 802 and Explanatory Statements.

FISCAL IMPACTS

Article 14 – Chier of Police: Powers and Duties, Section 2: No fiscal impact
Article 3 - Elective Officers and Article 6 – Recorder: Human Resources will need to conduct a thorough review of job description to include duties and research comparable cities wages. There is potential for long-term salary savings to better align job responsibilities and salary by transitioning this position to a non-elected position.

SUGGESTED NEXT STEPS

Provide staff with direction on proposed ballot language for potential charter changes.

REFERENCES & ATTACHMENTS

October 16, 2023 Study Session Council Communication
SEL802 Recorder
Explanatory Statement - Recorder
SEL802 Sergeant at Arms
Explanatory Statement – Sergeant at Arms

Council Business Meeting

December 5th, 2023

Agenda Item	Council Chambers Audio-Video-Broadcast Updates	
From	Sabrina Cotta	Administration
Contact	sabrina.cotta@ashland.or.us	
Item Type	Requested by Council ☒ Update ☐ Request for Direction ☐ Presentation ☐	

SUMMARY

This is a request for spending authority to perform an upgrade of the audio-video and broadcast technology used by City Council and other boards and commissions in the Ashland Council Chambers.

Due to the cost of this technology remodel exceeding $100,000, council approval is required for the purchase.

POLICIES, PLANS & GOALS SUPPORTED

Undertaking the project fulfills the need to make council meetings fully hybrid, wherein all participants can see, and be seen, by all other participants and meeting attendees. By supplying more delivery options and clearer communications between Ashland's public bodies and the citizens they serve, this would indirectly support any and all of the Council's goals. This project also ensures that the City of Ashland complies with Oregon House Bill 2560, which requires public meetings be remotely accessible when reasonably possible.

BACKGROUND AND ADDITIONAL INFORMATION

The quality of the audio-video signal from and within the Council Chambers has been degrading over time. This manifests as additional hiss and hum in audio, microphones that may cut-out or boom when bumped, or video dropout. This reflects years of usage, movement, and room re-arrangement impacting cables, connectors, and equipment. The broadcast equipment in the broadcast control booth, which RVTV uses to create the television and internet broadcast, is beyond end-of-life and is no longer current with industry standards for compatibility and security. Originally Council approved an agenda item from May 2, 2023 for this upgrade. Rogue Valley Television (RVTV), our broadcast partner, subsequently raised concerns about the ability of the vendor, CDW, to perform adequate work for the city. Staff took a second look at the project, and at the recommendation of RVTV, chose Key Code Media, Inc., to quote the project.

FISCAL IMPACTS

Even taking into account the fact that some of the existing components (e.g. monitors, cameras) would be re-used, contractor estimates for materials and installation are over $100,000. Attached is an itemized $118,046.60 bid by Key Code Media, Inc., based on the pre-bid State contract award system. Inquiries to other regional public agencies also confirms that the going rate for a public meeting room equipment update project typically exceeds $100,000

This has been quoted under the Omnia Purchasing Agreement # 2019.001407.

DISCUSSION QUESTIONS

- As described, this project would only include audio-video updates for the Council Chambers and the associated broadcast booth. If it is desirable to upgrade other City conference rooms in which public meetings are held, there would be additional costs.

- Deferring these upgrades would result in continued degradation of audio-video signal quality over time. It would also limit communication and presentation options to those that currently exist in the room, whereas an upgrade would provide additional options for presenters, and better support for remote attendance.

SUGGESTED NEXT STEPS

Staff recommends that the Council approve the funding for this project.

ACTIONS, OPTIONS, AND POTENTIAL MOTIONS

I move to approve staff to pursue the council chamber audio-visual equipment upgrade.

REFERENCES & ATTACHMENTS

keycode quote #229984 v 2.pdf

Key Code Media, Inc. - Washington
6632 S 191st Pl.
Suite E102
Kent, WA 98032
206-870-0244
www.keycodemedia.com

Sales Quotation

Quote #229984 v 2
Nov 27, 2023

Bill To:
CITY OF ASHLAND
,

Attn:
Jason Wegner
jason.wegner@ashland.or.us

Ship To:
CITY OF ASHLAND
20 E Main St
Ashland, OR 97520-1814

Attn:
Jason Wegner
jason.wegner@ashland.or.us

Account Manager:
Jason Eshuis
206-249-4078
jeshuis@keycodemedia.com
Expiration Date: 11/28/2023
Terms:

Client Objectives

Client Business Objective for Key Code Media (KCM): Upgrading the City of Ashland's Chamber Meeting Room

Objective: To deliver a comprehensive upgrade of the City of Ashland's Chamber Meeting Room, incorporating cutting-edge audiovisual technology and equipment to enhance user experience, audio clarity, and overall functionality.

Background: The City of Ashland's Chamber Meeting Room serves as a vital space for public discourse and decision-making. It is essential to equip this room with modern audiovisual solutions that will improve communication, facilitate efficient meetings, and provide a professional atmosphere for the community. Key Code Media (KCM) has been selected to lead this upgrade project.

Key Objectives:

Obsolete Component Removal: Efficiently remove existing components that cannot be reused in the new system, ensuring a clean transition to the upgraded technology.
VizRt TC1 Pro Switcher Installation: Install a VizRt TC1 Pro switcher with the control panel to enable seamless switching between video sources, creating a versatile and dynamic presentation environment.
Extron Equipment for Video Control: Integrate Extron equipment to provide the operator with full control over video sources, enabling them to manage and optimize the video presentation during meetings.
Lobby TV Monitor Replacement: Replace the current TV monitor in the lobby with a modern and high-quality display to keep attendees informed and engaged.
Bosch Audio Discussion Devices Installation: Install Bosch audio discussion devices to enhance audio clarity during discussions, making it easier for participants and remote viewers to follow proceedings.
Q-sys DSP for Audio Quality: Implement a Q-sys DSP system to ensure superior audio quality, reducing background noise and improving sound clarity.
Extron Audio Power Amp: Integrate an Extron audio power amp to provide consistent and powerful audio output throughout the meeting room.
JBL Pendant Speakers: Install JBL Pendant speakers to improve sound dispersion and limit feedback issues, delivering high-quality audio to all attendees.
Curtain Installation for Sound Dampening and Aesthetics: Offer the option to install curtains behind the dais to enhance sound dampening and add an aesthetic element to the meeting room.
Control Room Desk Console: Provide a new desk console for the control room to optimize the operator's workspace and ensure efficient control of AV equipment.
Optional Dicentis Discussion Devices: Present an optional upgrade with Dicentis discussion devices for enhanced discussion and interaction capabilities.

Timeline: The objective should be completed within a timeframe that minimizes disruption to the City of Ashland's scheduled meetings, with an estimated completion date of no more than three months from the project initiation.

Success Criteria:

Seamless operation of all installed equipment.
Improved audio and video quality during meetings.
Increased user satisfaction and engagement.
Minimal downtime during the upgrade process.

Benefits: By achieving this objective, Key Code Media will enable the City of Ashland to conduct more productive and engaging meetings, fostering effective communication, and enhancing the city's reputation as a forward-thinking and accommodating local government.

Responsibilities: The responsibility for achieving this objective lies with Key Code Media's project team, in close collaboration with the City of Ashland's representatives.

Review and Reporting: Regular progress updates and reporting to the City of Ashland will ensure the objective stays on track, with any necessary adjustments made promptly.

This upgrade will significantly benefit the City of Ashland and its constituents by creating a state-of-the-art meeting room that fosters transparency, efficient governance, and community engagement.

Mfr. Name	Mfr. Part #	Product Details	Qty.	Contract	Discount	MSRP	Omnia Unit Price	KCM Unit Price	KCM Ext. Price
		Video							

Key Code Media, Inc. - Washington
6632 S 191st Pl.
Suite E102
Kent, WA 98032
206-870-0244
www.keycodemedia.com

Sales Quotation

Quote #229984 v 2
Nov 27, 2023

Mfr. Name	Mfr. Part #	Product Details	Qty.	Contract	Discount	MSRP	Omnia Unit Price	KCM Unit Price	KCM Ext. Price
Newtek	TC1P2RU	Tricaster TC1 Pro	1	Y	15.00 %	$22,995.00	$0.00	$19,545.75	$19,545.75
Newtek	TC1SP	Small Control Panel for TriCaster TC1	1	Y	0.00 %	$7,295.00	$0.00	$7,295.00	$7,295.00
ViewSonic	TD2760	TD2760 27" 16:9 Multi-Touch LCD Monitor	1	N	0.00 %	$677.00	$0.00	$677.00	$677.00
Special price ends 10/29/2023									
Extron	60-1382-01	DTP CrossPoint 86 4K	1	Y	42.00 %	$16,210.00	$0.00	$9,401.80	$9,401.80
Extron	60-1531-52	DPT Wallplate Receiver 331 D	5	Y	42.00 %	$930.00	$0.00	$539.40	$2,697.00
Extron	60-1563-02	TLP Pro Touch screen	2	Y	42.00 %	$2,300.00	$0.00	$1,334.00	$2,668.00
Extron	60-1498-12	WallPlate Transmitter	18	Y	42.00 %	$1,380.00	$0.00	$800.40	$14,407.20
Samsung	UN58CU7000FXZA	Samsung CU7000 Crystal UHD 58" Samsung CU7000 Crystal UHD 58" 4K HDR Smart LED TV	1	Y	30.00 %	$597.00	$0.00	$417.90	$417.90
Extron Electronics	60-1271-13	Extron DTP HDMI 4K 230 Rx - 1 Output Device - 230 ft Range - 1 x Network (RJ-45) - 1 x HDMI Out - 4K - 4096 x 2160 - Twisted Pair - Rack-mountable	2	Y	42.00 %	$570.00	$0.00	$330.60	$661.20
C2G	C2G21000	3ft High Speed HDMI Cable - 2pk 3ft High Speed HDMI Cable - 2pk	2		42.02 %	$21.99	$0.00	$12.75	$25.50
Legrand Group	MTM1U	Chief Fusion Medium Micro-Adjustable Tilt Display Wall Mount - For Displays 32-65" - Black - Height Adjustable - 1 Display(s) Supported - 32" to 65" Screen Support - 125 lb Load Capacity	1	Y	33.00 %	$245.00	$0.00	$164.15	$164.15
		Audio							
Bosch	F.01U.298.806	Bosch CCSD-CU Control Unit	1	N	0.00 %	$1,850.00	$0.00	$1,850.00	$1,850.00

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Mfr. Name	Mfr. Part #	Product Details	Qty.	Contract	Discount	MSRP	Omnia Unit Price	KCM Unit Price	KCM Ext. Price
Bosch	F.01U.299.031	CCSD-DL Discussion Device with Long-Stem Microphone for CCS 1000 D System	18	N	0.00 %	$679.00	$0.00	$679.00	$12,222.00
Qsys	CORE 110f-v2	Core 110 F DSP	1	N	0.00 %	$4,210.00	$0.00	$4,210.00	$4,210.00
Extron	60-2026-01	XPA U 2004 FX - Power Amplifiers | Extron	1	Y	42.00 %	$2,590.00	$0.00	$1,502.20	$1,502.20
JBL	C65P/T	JBL Control 65P/T Full-Range Satellite Pendant Speaker	3	N	0.00 %	$563.80	$0.00	$563.80	$1,691.40
Bosch	DCNM-CB25-I	System cable assembly 25m - 25 m (82.0 feet), system network cable for connecting all DICENTIS devices.	1	N	0.00 %	$274.00	$0.00	$274.00	$274.00
Bosch	DCNM-CB10-I	DICENTIS System Network Cable 10m	1	N	0.00 %	$162.00	$0.00	$162.00	$162.00
		Rack Items							
Furman	PL-8C	PI8 power management	2	Y	30.00 %	$369.95	$0.00	$258.96	$517.92
APC	SMT1500RM2UC	APC1500	2	N	0.00 %	$844.99	$0.00	$844.99	$1,689.98
Omnia Purchasing Agreement # 2019.001407									

Subtotal: **$82,080.00**

No.	Part #	Description	Qty	Price	Ext. Price
1	KCMPS-200	Pre-Integration Specialist will ensure that all system components conform to requirements by executing internal test plans, reporting and analyzing any defects or configuration issues.	40	$95.00	$3,800.00
2	KCMPS-201	Install/terminate low voltage, network cabling and hardware to industry standards.	40	$105.00	$4,200.00
3	KCMPS-202	Advanced Installer and Crew Lead. Oversees Installation/termination of low voltage, network cabling and hardware to industry standards.	40	$120.00	$4,800.00
4	KCMPS-203	Design Engineer provides final design details, guidance to the CAD team for proper/relevant drawings and then briefs an appropriate project handoff/overview/intentions/etc. to the assigned team Project Manager.	16	$110.00	$1,760.00

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No.	Part #	Description	Qty	Price	Ext. Price
5	KCMPS-207	Senior Engineer with advanced system knowledge and numerous Industry Certifications. Responsible for setting up, configuring, and maintaining systems for Post, Broadcast and AV Communications. Qualified to provide final System Commissioning and Orientat	24	$225.00	$5,400.00
6	KCMPS-209	Responsible for the creation of technical and detailed design drawings. Produce designs that meet client requirements and targets. Provide detailed design plans for architects and engineers from other disciplines to follow. Oversees assistant drafters a	8	$210.00	$1,680.00
7	KCMPS-210	Manages projects to ensure the proposed plan adheres to the timeline, budget and scope. Their duties include planning projects in detail, setting schedules for all stakeholders and executing each step of the project.	20	$135.00	$2,700.00
8	KCM-T&E		1	$0.00	$0.00
9	KCM-INT-MAT	Materials budget, detailed list to be submitted to purchasing upon closing	1	$2,500.00	$2,500.00

Subtotal: **$26,840.00**

Mfr. Name	Mfr. Part #	Product Details	Qty.	Contract	Discount	MSRP	Omnia Unit Price	KCM Unit Price	KCM Ext. Price
Newtek	PTUTC1P2RU	ProTek Ultra for TriCaster 1 Pro 2RU ProTek Ultra for TriCaster 1 Pro 2RU ProTek Ultra for TriCaster 1 Pro 2RU ProTek Ultra for TriCaster 1 Pro 2RU	1	N	10.00 %	$2,745.00	$0.00	$2,470.50	$2,470.50

Subtotal: **$2,470.50**

Mfr. Name	Mfr. Part #	Product Details	Qty.	Contract	Discount	MSRP	Omnia Unit Price	KCM Unit Price	KCM Ext. Price
Forecast Consoles	FC-GCX-W3	GCX-W3 Modular Workstation With Rear Rail For AccessoryMounting, Support For Up To 3 Turrets or Inserts, and X -Chassis With Hinged Front and Rear Doors. Support Legs Have Removable Inset Panels For Cable Management.	1	N	0.00 %	$2,880.00	$0.00	$4,680.50	$4,680.50
Forecast Consoles	FC-GCX-T-5	FC--GCX-T5 Removable, Vented 5 RU Turret	3	N	0.00 %	$300.00	$0.00	$330.00	$990.00
Forecast Consoles	FC-NAA-0415	Articulating Monitor Arm Supports Monitors 4-15 Lbs Up to 34 in WideWith A VESA pattern of 75mmx75 or 100mm x 100mm	3	N	0.00 %	$248.00	$0.00	$272.80	$818.40

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Nov 27, 2023

Mfr. Name	Mfr. Part #	Product Details	Qty.	Contract	Discount	MSRP	Omnia Unit Price	KCM Unit Price	KCM Ext. Price
Forecast Consoles	FC-PS1415	Standard PDU 36" Long With 14 NEMA 5-15R 120V Outlets and a 15'NEMA 5-15P Input Cord	1	N	0.00 %	$152.00	$0.00	$167.20	$167.20

Subtotal: **$6,656.10**

No.	Part #	Description	Qty	Price	Ext. Price
10	KCM-CNTG	Project Contingency	1	$5,650.00	$5,650.00

*** Optional Subtotal:** **$5,650.00**

Scope of Work

Total: **$118,046.60**

This Sales Quote ("SO") incorporates the Terms and Conditions found at http://www.keycodemedia.com/terms/salesorder ("T&C") and constitutes an offer or counter-offer, as applicable, by Key Code Media, Inc. or Burst Communications ("Seller"). This SO, including the T&C incorporated therein, shall become binding on the buyer listed herein ("Buyer") on the earliest of Buyer's: (i) acknowledgement hereof; or (ii) receipt of any goods and/or services ordered hereunder. No Buyer acknowledgement form, purchase order, or other document shall modify the SO or the T&C.

Signature: _____ Name: _____ Date: _____

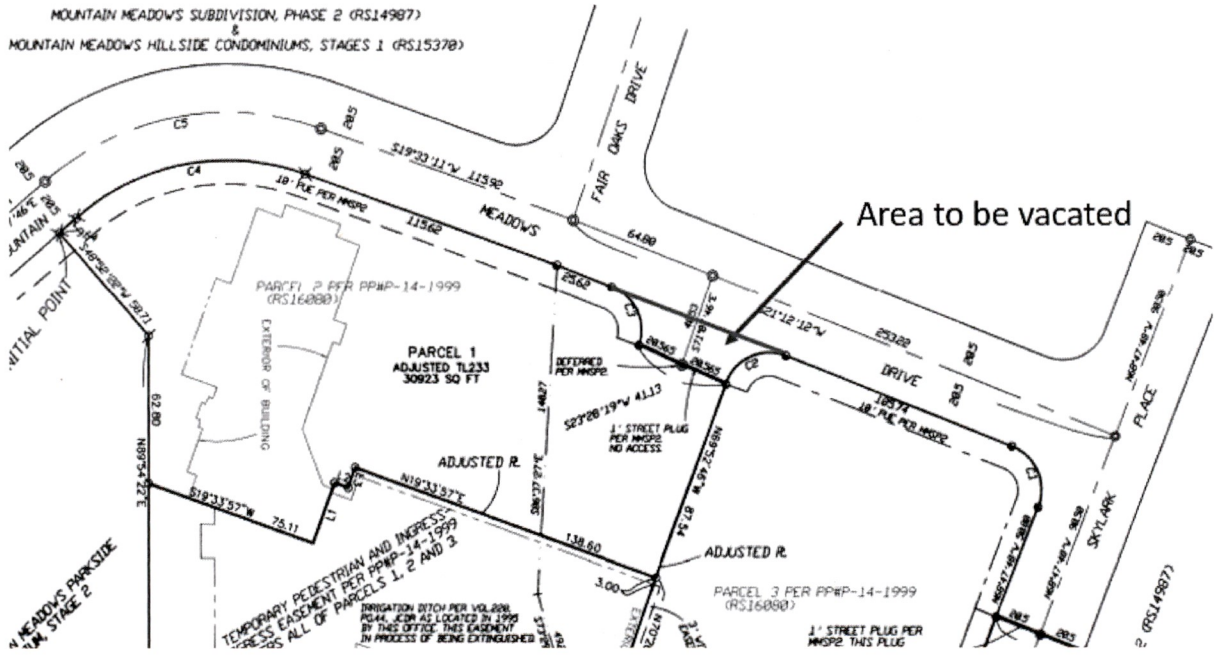
Council Business Meeting

December 5, 2023

Agenda Item	Right of Way Vacation Initiation – Mountain Meadows Drive	
From	Scott Fleury PE	Public Works Director
Contact	Scott.fleury@ashland.or.us	
Item Type	Requested by Council ☐ Update ☐ Request for Direction ☒ Presentation ☐	

SUMMARY

Before the Council is a request to initiate the vacation of a portion of the public right of way. The right of way in question is a portion of Mountain Meadows Drive near Fair Oaks Avenue. The section of right of way was dedicated as a potential future street connection as part of the Mountain Meadows Development. This street connection is no longer necessary and does not serve a purpose that benefits the City's transportation network.



POLICIES, PLANS & GOALS SUPPORTED

City Council:

4. *Evaluate real property and facility assets to strategically support city mission and goals.*

PREVIOUS COUNCIL ACTION

No previous action on this item, but Council has taken numerous actions in the past regarding vacating public right of way. The last action occurred in in 2018 with the vacation of a portion of Terrace Street (Staff Report).

Better Together

BACKGROUND AND ADDITIONAL INFORMATION

The City of Ashland was contacted by the property owner and representative surveyor regarding the initiation of the vacation process for the right of way and dedicated street plug as allowed by Oregon Revised Statute. The owner has had the appropriate survey documents and legal description prepared to facilitate the right of way vacation and they can be referenced as attachment #1.

271.130 Vacation on city governing body's own motion; appeal.

(1) **The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners.** Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

Public Works performed an initial assessment to determine if a right of way vacation would be in the public interest. There are no public utilities using that section of right of way. All utilities are provided for on Mountain Meadows Avenue. The right of way does not provide a significant public benefit with respect to a future street corridor connection as development has occurred in the adjacent area restricting future street connections.

Right of Way Vacation Requirements:

In order to appropriately process a right of way vacation certain state and local codes must be addressed. The Oregon Revised Statues (ORS) and City of Ashland Municipal Code detail the requirements to vacate City property:

4.18.010 Purpose

The purpose of this Chapter is to establish the procedure for processing requests for the vacation of public rights-of-way and places, and to require petitioners for vacation to deposit with the City Recorder a fee sufficient to cover the cost of publication, posting and other anticipated expenses as authorized by ORS 271.080, et seq.

4.18.020 Application
Any person interested in filing a petition for the vacation of all or part of any street, alley, or other public place, shall submit such petition in the form prescribed by the City Engineer pursuant to ORS 271.080, and upon filing of the petition shall deposit with the City Recorder a filing fee established by resolution of the City Council. (Ord. 2654, 1991; Ord. 2742, 1994)

- **This is not required if the Council initiates the vacation process as allowed by ORS.**

4.18.030 Review by Planning Commission
Upon receipt of the petition, the same shall be referred to the City Engineer for a determination of whether it contains the requested number of sworn signatures. The City Engineer shall return any petition not meeting the requirements of ORS 271.080, together with the filing fee to the petitioner. If the City Engineer determines that the petition is sufficient, it shall be referred to the City Planning Commission for its review and recommendation to the City Council. The Planning Commission shall submit its report to the City Council within sixty (60) days of receipt. Upon receipt of the report by the Commission, or if no report is received from the Commission upon the expiration of sixty (60) days, the City Administrator shall set the matter for public hearing as set forth in ORS 271.100, et seq.

- **This meeting will need to be scheduled in the future to allow for the Planning Commission to make a recommendation to the City Council regarding the vacation.**

4.18.040 Public Hearings
Public hearings shall be held as set forth in ORS 271.120, at which time the petitioner and all affected parties shall be afforded an opportunity to present their views either orally or in writing. The report of the Planning Commission, if any, shall be made a part of the record.

- **This will be done if Council initiates the vacation process as a formal ordinance and maps of survey will be completed.**

4.18.050 Action By Council
The City Council, after due consideration of testimony by affected parties, and the report of the Planning Commission may approve, reject, or modify the area proposed for vacation which in its sole judgment is deemed in the public interest. (Ord. 2164 §1, 1982)

If approved by Council, the property owner will be required to finalize the map of survey showing the public utility easement if needed; have new property deeds created that describe new property boundary for the tax lot and have all documents recorded at the County. The City Recorder will have the ordinance approving the Right of Way Vacation recorder at the County. If not approved by Council, there is no further action by staff or property owner and the right of way will remain in place.

FISCAL IMPACTS
The only resource requirements were/are associated with staff time to bring the vacation forward through the Planning Commission and City Council. The owners will be responsible for the development of new property

deeds and recording the applicable documents with the County. If the property is vacated, it will become private and assessable for property taxes as part of the individual tax lot.

STAFF RECOMMENDATION

Staff recommends Council initiate the right of way vacation for said portion of right of way.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

I move to begin the process to vacate a portion of the public right of way on Mountain Meadows Way as allowed by ORS 271.130 and then follow Ashland Municipal Code 14.18.

I move to take no action on the matter.

REFERENCES & ATTACHMENTS

Attachment #1: Mountain Meadows Drive Vacation Background

FARBER CONSULTING
• FARBER & SONS, INC. • POST OFFICE BOX 5286 • CENTRAL POINT, OR 97502 •

September 19, 2022

City Council and Mayor
20 East Main Street
Ashland, Oregon 97520

Re: Partial Street right of way vacation Mountain Meadows Drive.

Councilors and Mayor;

This request is for the City Council to initiate the vacation of public right of way, dedicated to the city on the 1996 Mountain Meadows Subdivision, Phase 2 plat. Also, to and Quit Claim a street plug deeded to the city on this plat as illustrated on the accompanying exhibit maps/plat copy. The area requested for vacation was approved in 1996 as a future street approach as a part of a future development plan. This plan was revised, with the property now fully developed, the street approach was never utilized. The street approach now has a portion of a private parking lot and driveway constructed on it as well as the street plug for the Mountain Meadows Parkside Condominium development. This section of Mountain Meadows Drive is improved to City standards with a straight-line curb and gutter and other improvements as noted.

Planning Action PA-T2-2020-00026 approval for Mountain Meadows Estates, LLC approved plan shows the northerly curb return for the proposed vacation but inadvertently did not show it as public right of way. Portions of this area along with the street plug lies in an approved property line adjustment to provide proper building setbacks to buildings approved by this planning action. The property line adjustment and the final plat for the approved planning action cannot proceed without the right of way being vacated and street plug Quit Claimed back to private ownership.

The following quoted Oregon Revised Statute authorizes the city to initiate the vacation on their own motion.

271.130 Vacation on city governing body's own motion; appeal. *(1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.*

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

The vacation of this public right of way area for the street approach has no impact on traffic flow or public safety. It does resolve many existing issues and appears to be in the best interest of all concerned parties.

Mountain Meadows Estates, LLC will pay all reasonable fees for staff time and expenses for notices to processing this request.

Respectfully submitted,

HERBERT A. FARBER
EMAIL: herb@farberconsulting.biz
PHONE: 541-664-5599

CC: City Administrator, Joe Lessard
Public Works Director, Scott Fluery

VACATION DESCRIPTION

A tract of land within the right of way of Meadows Drive, as created on the plat of Mountain Meadows Subdivision, Phase 2 recorded in Volume 21, Page 22 of the Plat Records of Jackson County, Oregon, located in the Northeast Quarter of Section 4, Township 39 South, Range 1 East of the Willamette Meridian, in the City of Ashland, said County and State, more particularly described as follows:
Commencing at a brass disk monumenting the center line intersection of Meadows Drive and Skylark Place, located in the Northeast Quarter of Section 4, Township 39 South, Range 1 East of the Willamette Meridian, in the City of Ashland, Jackson County, Oregon; thence South 21°12'12" West, along the centerline of Meadows Drive, a distance of 146.40 feet; thence South 68°47'48" East, leaving said centerline, a distance of 20.50 feet, to the southeasterly right of way line of said road and the POINT OF BEGINNING; thence along said right of way through the following courses, along the arc of a curve to the left having a radius of 20.00 feet, a central angle of 92°19'58", a length of 32.23 feet and a long chord bearing and distance of South 24°57"47" East, 28.85 feet; thence South 23°28'20" West, a distance of 41.13 feet; thence along the arc of a curve to the left having a radius of 20.00 feet, a central angle of 87°40'02", a length of 30.60 feet and a long chord bearing and distance of South 65°02'13" West, 27.07 feet; thence, leaving said right of way, North 21°12'12" East, a distance of 81.06 feet, to the POINT OF BEGINNING.

LESS AND EXCEPTING:

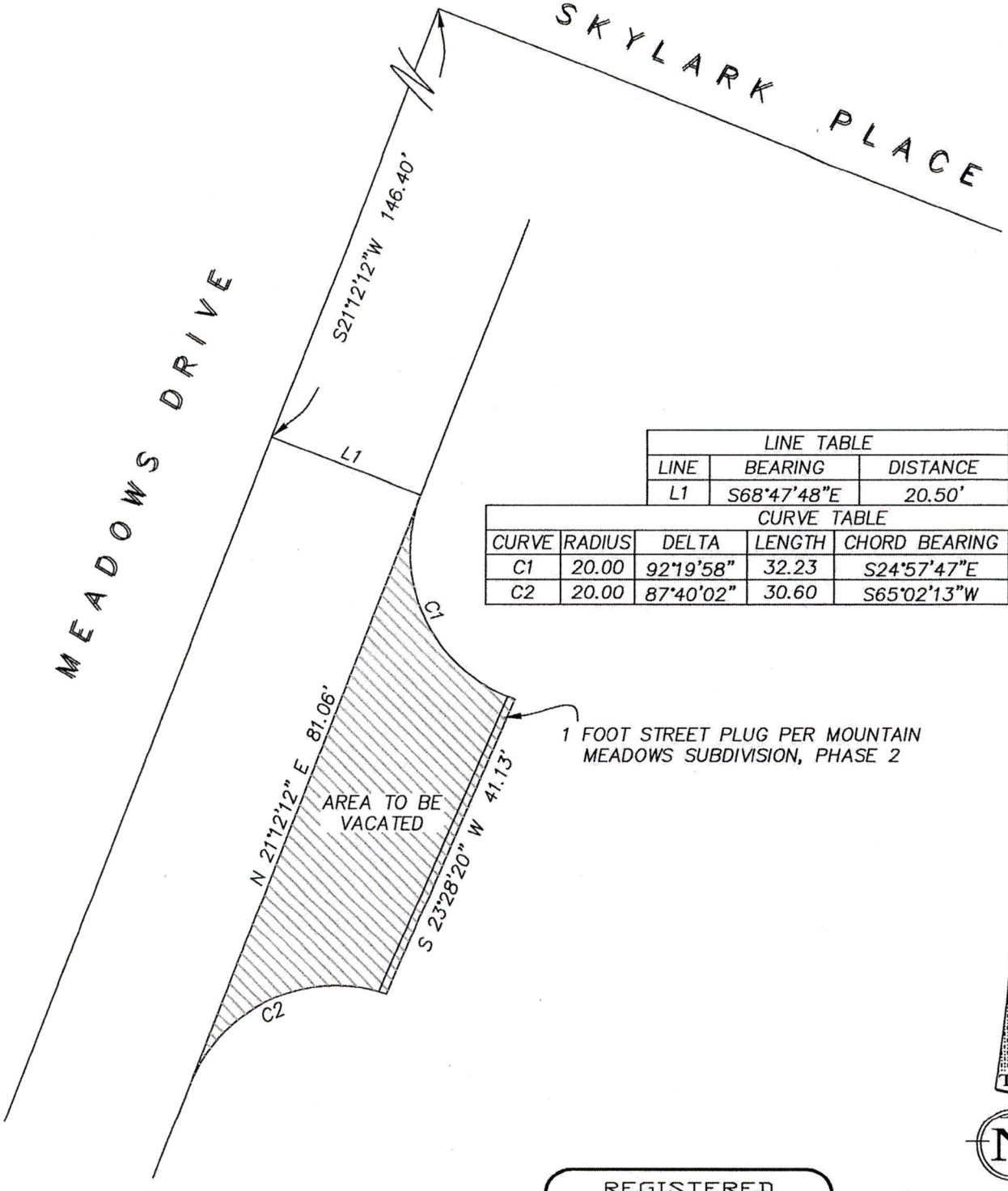
The 1' street plug deeded to the City of Ashland per Mountain Meadows Subdivision, Phase2 recorded in Volume 21, Page 22 of the Plat records of Jackson County, Oregon.

Prepared by:
Terrasurvey, Inc.
274 Fourth Street
Ashland, Oregon 97520



EXHIBIT 'A'

VACATION AREA



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S68°47'48"E	20.50'

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD LENGTH
C1	20.00	92°19'58"	32.23	S24°57'47"E	28.85'
C2	20.00	87°40'02"	30.60	S65°02'13"W	27.70'

TERRASURVEY, INC.

PROFESSIONAL LAND SURVEYORS

274 FOURTH STREET
ASHLAND, OREGON 97520
(541) 482-6474
terrain@bisp.net

JOB NO. 1621-22

REGISTERED
PROFESSIONAL
LAND SURVEYOR

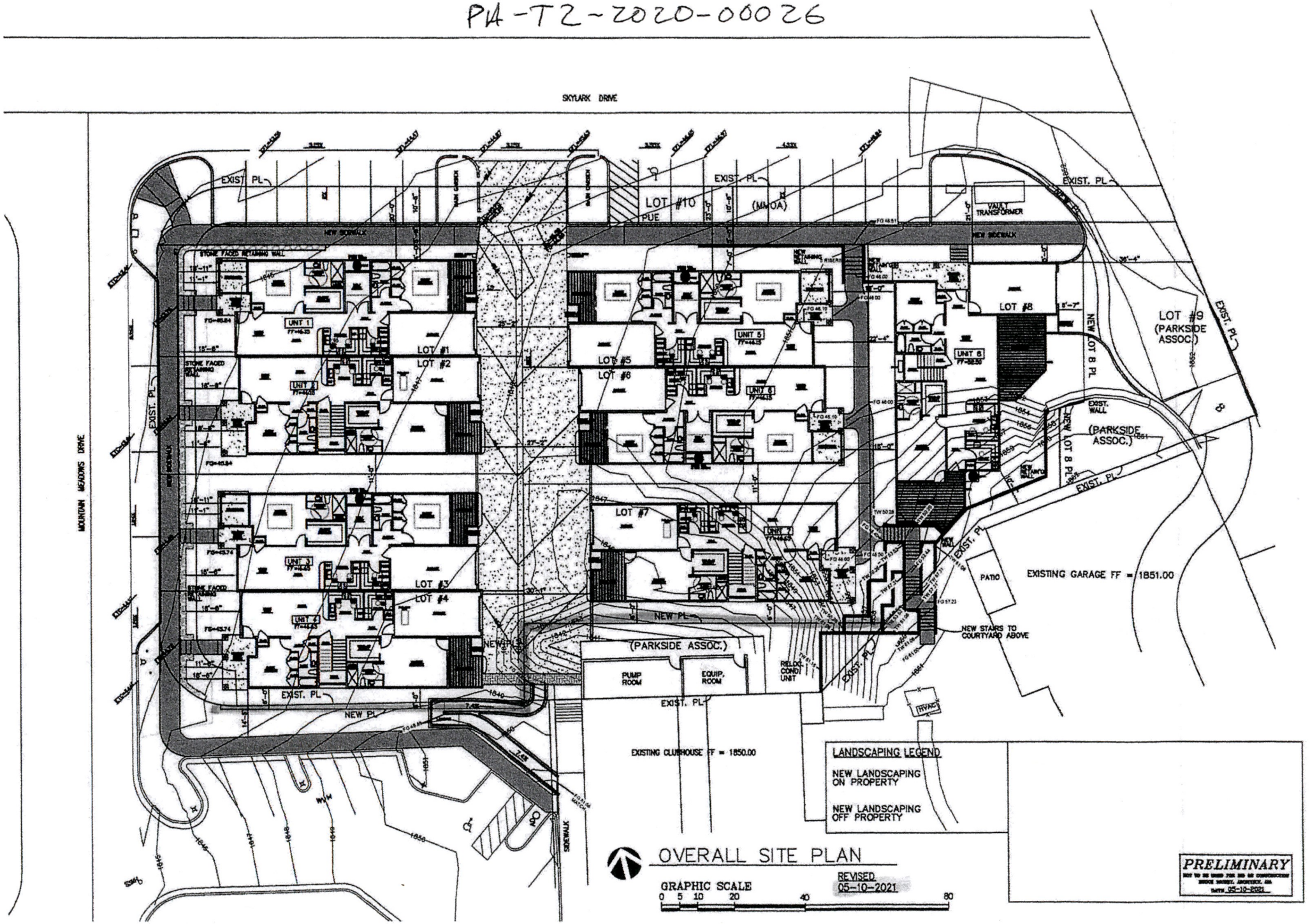
OREGON
JULY 12, 2005
FRED A. FRANTZ
No. 50077

Renewal 12-31-23

DATE: AUGUST 29, 2022

SCALE: 1"= 20'

PA-T2-2020-00026



ArcGIS Web Map



9/12/2022, 4:27:04 PM

Tax Lots

Site Address Point

1:1,128

0 0.01 0.01 0.02 mi

0 0.01 0.02 0.04 km

Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team

Jackson County GIS

Data within this application may contain inaccuracies. Maps produced are not intended for legal purposes and do not substitute for a professional land survey. For more information, see ORS 672.060(13), ORS 306.125(1), ORS 308.245(1)-(4), and Oregon SB55.

4987

APPROVAL: Bill Molnar — 5/25/96
Ashland Planning Commission PA #96-007 Subdivision — Date

We certify that pursuant to authority granted to us by the Ashland Planning Commission in open meeting January 9, 1996 this plat is hereby approved.
Dated this 23D day of MAY, 1996.
Barbara A. Jardine, President — John McLaughlin, Secretary

APPROVALS:

EXAMINED AND APPROVED this 22nd day of May, 1996.
James H. Olson, City Surveyor

EXAMINED AND APPROVED as required by ORS 92.100 as of 30 May, 1996.
Mark Lunn, Deputy, Assessor, Department of Assessment

ALL TAXES, FEES ASSESSMENTS or other charges as required by ORS 92.095 have been paid as of May 30, 1996.
Carol Applegate, Deputy, Tax Collector

DECLARATION

Know all men by these presents that MOUNTAIN MEADOWS L.L.C., is the owner in fee of the lands shown on this plat, more particularly described in the Surveyor's Certificate, and has caused the same to be subdivided into the lots and streets as shown, and that the size of the lots and the course and length of all lines are plainly set forth, and that this Plat is a correct representation of the Subdivision and that it hereby deeds to the City of Ashland the Street Plugs and hereby dedicates to the City of Ashland for public use the streets and the strip along the Easterly line of North Mountain Avenue, together with those easements shown on Sheets 2 & 3 labeled as Public Utility Easement (PUE), with the condition that TCI Cablevision has the right to use said PUE. It hereby establishes those easements shown on Sheets 2 & 3 labeled as Ingress-Egress Easements. Hunter S. Hill and Madeline Hill hereby state that we are the owners in fee of the lands lying under the PUE's shown on Sheets 2 & 3 that lie outside of the Subdivision Boundary as described in the Surveyor's Certificate by virtue of Document No. 89-23263, Official Records of Jackson County, Oregon and that we hereby dedicate to the City of Ashland the said PUE's that lie outside of the Subdivision Boundary. MOUNTAIN MEADOWS L.L.C. hereby designates said Subdivision as MOUNTAIN MEADOWS SUBDIVISION, PHASE 2.

Hunter S. Hill, MANAGER, MOUNTAIN MEADOWS L.L.C. — Madeline Hill, MANAGER, MOUNTAIN MEADOWS L.L.C.

STATE OF OREGON }
COUNTY OF JACKSON } ss.

PERSONALLY appeared the above named Hunter S. Hill and Madeline Hill, and acknowledged the foregoing instrument to be their voluntary act and deed.
Dated this 9th day of April, 1996.
Before me: Patricia Gray, Notary Public of Oregon.

OFFICIAL SEAL
PATRICIA GRAY
NOTARY PUBLIC-OREGON
COMMISSION NO. 012910
MY COMMISSION EXPIRES JULY 7, 1998

AFFIDAVITS OF CONSENT

From the MARY ANN JACOBSON TRUST recorded as Doc. No. 96-17828, ORJCO.

I HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.
James E. Hibbs, SURVEYOR

391E04AD TL201 & 04DA TL 102,103

MOUNTAIN MEADOWS SUBDIVISION PHASE 2

A PLANNED COMMUNITY
Located in the N.E. 1/4 & S.E. 1/4 of Sec. 4, T.39 S., R.1 E., W.M. City of Ashland
Jackson County, Oregon
for
Mountain Meadows L.L.C.
66 Scenic Avenue
Ashland, OR 97520

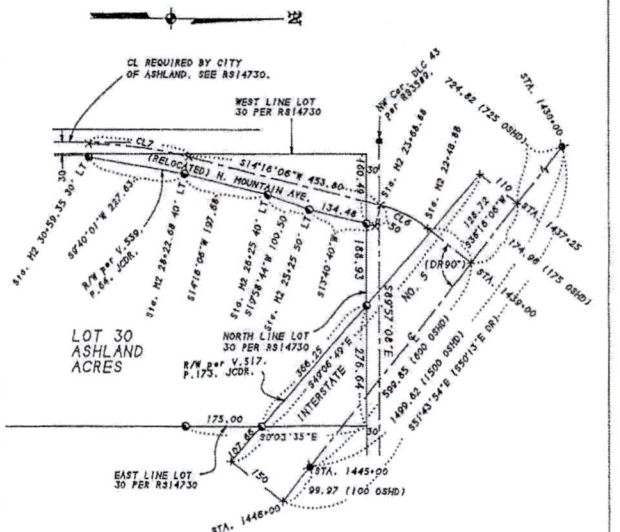
POST MONUMENTATION

The deferred monuments shown on Sheets 2 & 3 will be set by June 30, 1998.
James L. Hibbs, Surveyor

The deferred monuments are now set. See Doc. 00-11930.
ORJCO. this 22nd day of MARCH, A.D. 2000 (See SN 16473)
Approved: Roger D. Roberts, Jackson County Surveyor

CONTROL DIAGRAM

SCALE: 1" = 200'



RECORDING

For order of the County Court approving this Plat see Volume ____, Page ____, of the County Commissioner's Journal of Proceedings.

Filed for record this 5 day of June, 1996 at 3:15 o'clock P. M., and recorded in Volume 21, of Plats at Page 22 of records of Jackson County, Oregon.

Kathleen S. Beckett, County Clerk — Cheryl Cuzgers, Deputy

Declaration of Covenants, Conditions and Restrictions recorded as Doc. ____, Official Records of Jackson County, Oregon.

SURVEYOR'S CERTIFICATE

I, JAMES E. HIBBS, A REGISTERED LAND SURVEYOR OF THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS AS PROVIDED BY LAW, THE TRACT OF LAND SHOWN HEREON, SAID PLAT BEING AN ACCURATE REPRESENTATION OF THE SAME, AND THAT THE FOLLOWING IS AN ACCURATE DESCRIPTION OF THE EXTERIOR BOUNDARY LINES:

Beginning at the most Westerly Northwest corner of MOUNTAIN MEADOWS SUBDIVISION, PHASE 1, according to the official plat thereof now of record in Jackson County, Oregon, said point being North 0°00'47" West, 484.33 feet from the Southwest corner of Lot 30 of ASHLAND ACRES, according to the official plat thereof, now of record, in Jackson County, Oregon; thence North 89°26'54" East, 2.67 feet to the INITIAL POINT OF BEGINNING; thence South 89°26'54" West, 2.67 feet, to said Westerly Northwest corner; thence along the West line of said Lot 30, North 0°00'47" West, 499.40 feet to the Southeasterly right-of-way line of relocated North Mountain Avenue as described in Volume 539, Page 64, Jackson County Deed Records; thence along said right-of-way line, South 89°55'54" East, 7.26 feet to an angle point; thence North 3°40'01" East, 187.80 feet; thence leaving said right-of-way line, along the arc of a 20.00 foot radius curve to the left having a central angle of 88°09'51", a distance of 30.78 feet (the long chord of which bears South 34°24'54" East, 27.83 feet); thence along the arc of a 495.73 foot radius curve to the right having central angle of 7°22'03", a distance of 63.75 feet (the long chord of which bears South 74°48'48" East, 63.70 feet); thence South 71°07'46" East, 122.90 feet; thence along the arc of a 20.00 foot radius curve to the left having a central angle of 8°40'02", a distance of 30.60 feet (the long chord of which bears North 65°02'13" East, 27.70 feet); thence North 21°12'12" East, 173.84 feet; thence along the arc of a 20.00 foot radius curve to the left having a central angle of 90°00'00", a distance of 31.42 feet (the long chord of which bears North 23°47'48" West, 28.28 feet); thence North 68°47'48" West, 50.00 feet; thence North 21°12'12" East, 41.00 feet; thence North 68°47'48" West, 190.46 feet to the Easterly right-of-way line of the aforesaid relocated North Mountain Avenue; thence along said right-of-way line, North 19°58'44" East, 84.96 feet to an angle point; thence North 13°40'40" East, 134.48 feet to the North line of Lot 30, said ASHLAND ACRES; thence along said North line, South 89°57'08" East, 188.93 feet to the Southwesterly right-of-way line of Interstate No. 5 as described in Volume 517, Page 173, said Deed Records; thence along said right-of-way line, South 49°06'49" East, 366.25 feet to the East line of Lot 30, said ASHLAND ACRES; thence along said East line, South 0°03'35" East, 175.00 feet; thence North 68°47'48" West, 193.62 feet; thence South 21°12'12" West, 41.00 feet; thence North 68°47'48" West, 50.00 feet; thence along the arc of a 20.00 feet curve to the left having a central angle of 90°00'00", a distance of 31.42 feet (the long chord of which bears South 66°12'12" West, 28.28 feet); thence South 21°12'12" West, 105.74 feet; thence along the arc of a 20.00 foot curve to the left having a central angle of 92°19'58", a distance of 32.23 feet (the long chord of which bears South 24°57'47" East, 28.85 feet); thence South 23°28'19" West, 41.13 feet; thence along the arc of a 20.00 foot curve to the left having a central angle of 87°40'02", a distance of 30.60 feet (the long chord of which bears South 85°02'13" West, 27.70 feet); thence South 21°12'12" West, 25.62 feet; thence South 19°33'11" West, 115.62 feet; thence along the arc of a 99.50 foot radius curve to the left having a central angle of 80°40'57", a distance of 105.38 feet (the long chord of which bears South 10°47'18" East, 100.52 feet); thence South 41°07'46" East, 39.74 feet; thence along the arc of a 120.50 foot radius curve to the right having a central angle of 26°53'12", a distance of 56.55 feet (the long chord of which bears South 27°41'10" East, 56.03 feet); thence South 14°14'34" East, 9.48 feet; thence along the arc of a 210.00 foot radius curve to the right having a central angle of 43°47'31", a distance of 160.51 feet (the long chord of which bears South 7°39'11" West, 156.63 feet) to intersect the exterior boundary of said MOUNTAIN MEADOWS SUBDIVISION, PHASE 1; thence along said boundary along the arc of a 210.00 foot curve to the right having a central angle of 4°26'46", a distance of 16.30 feet (the long chord of which bears South 31°46'20" West, 16.29 feet); thence South 33°59'43" West, 95.12 feet; thence along the arc of a 120.50 foot curve to the right having a central angle of 22°59'05", a distance of 48.34 feet (the long chord of which bears South 45°29'16" West, 48.02 feet); thence North 33°01'12" West, 41.00 feet; thence South 56°58'48" West, 54.12 feet; thence along the arc of a 79.51 foot curve to the right having a central angle of 33°00'25", a distance of 45.80 feet (the long chord of which bears South 73°29'01" West, 45.17 feet); thence South 89°59'13" West, 65.63 feet; thence along the arc of a 20.00 foot curve to the right having a central angle of 90°04'20", a distance of 31.44 feet (the long chord of which bears North 44°58'37" West, 28.30 feet) to the INITIAL POINT OF BEGINNING.

James L. Hibbs, SURVEYOR

SURVEY NARRATIVE TO COMPLY WITH O.R.S. 209.250

PURPOSE: To survey and monument the exterior of MOUNTAIN MEADOWS SUBDIVISION PHASE 2. See Ashland PA #96-007.

PROCEDURE: The exterior of Lot 30, ASHLAND ACRES, was computed and shown on MOUNTAIN MEADOWS SUBDIVISION, PHASE 1. Tied in centerline monuments on Interstate 5, and calculated the R/W of I-5 per Vol. 517, P. 173, JCDR, and calculated the centerline & R/W of relocated North Mountain Avenue per Vol. 539, P. 64, JCDR. Calculated the position of the exterior, streets & Lots of PHASE 2, per the tentative plat and set the exterior of PHASE 2, with the remaining corners being deferred as shown on Sheets 2 & 3.

REGISTERED PROFESSIONAL LAND SURVEYOR
James E. Hibbs
OREGON
JULY 17, 1986
JAMES E. HIBBS
2284
Renewal Date 6-30-97

SHEET 1 OF 3

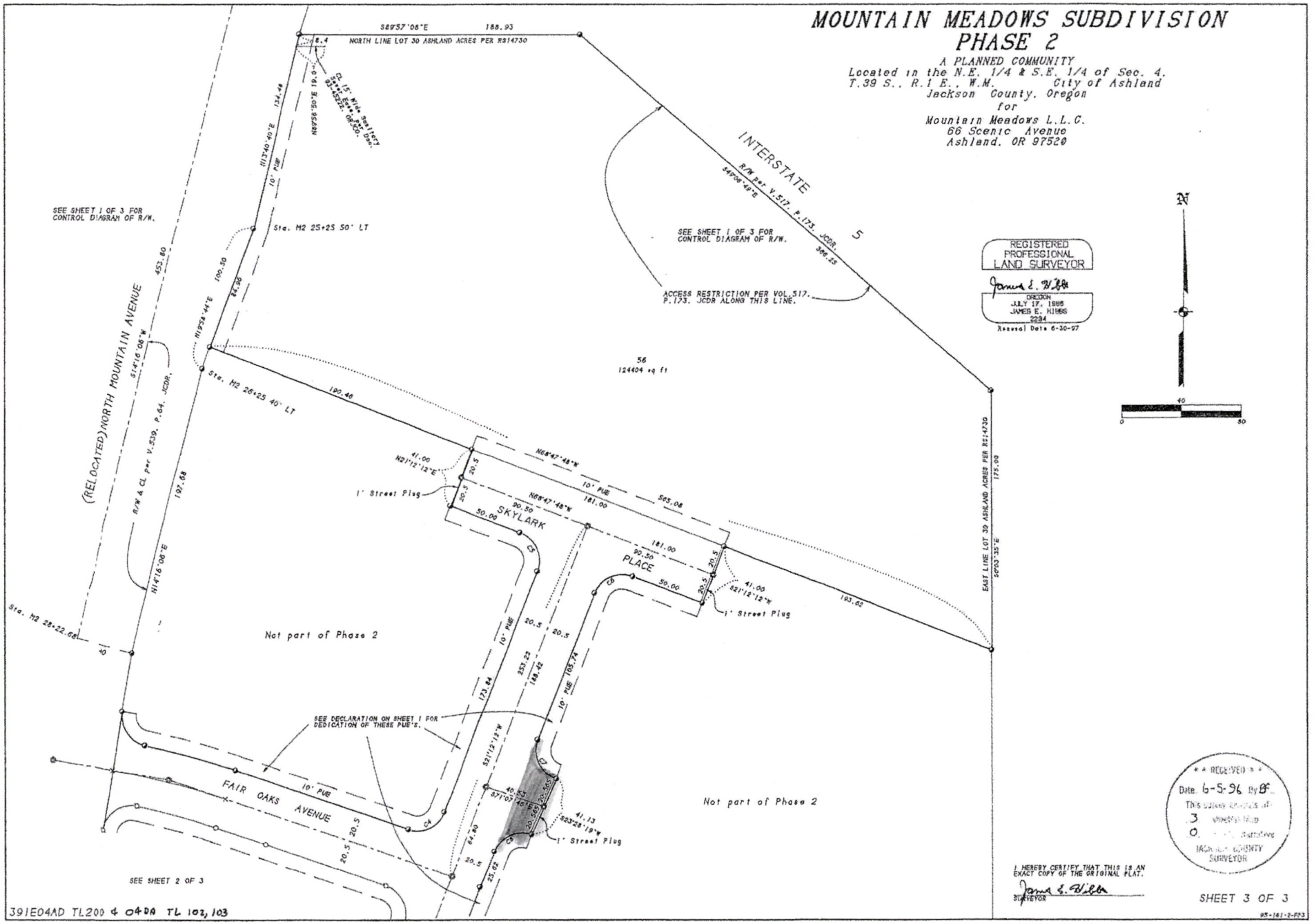
95-181-2-FP1

19 7 11L/97

14987

MOUNTAIN MEADOWS SUBDIVISION
PHASE 2

A PLANNED COMMUNITY
Located in the N.E. 1/4 & S.E. 1/4 of Sec. 4.
T.39 S., R.1 E., W.M. City of Ashland
Jackson County, Oregon
for
Mountain Meadows L.L.C.
66 Scenic Avenue
Ashland, OR 97520



REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 17, 1985
JAMES E. HIBBS
2234
Renewal Date 6-30-97

** RECEIVED **
Date 6-5-96 By BF
THIS SURVEY CONTAINS (#)
3 SHEET(S)
0 REFERENCE
JACKSON COUNTY SURVEYOR

I HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.
SURVEYOR

SHEET 3 OF 3

95-161-2-FP3

391E04AD TL200 & 04DA TL 102, 103

14987 11/97

14987

MOUNTAIN MEADOWS SUBDIVISION PHASE 2

A PLANNED COMMUNITY
Located in the N.E. 1/4 & S.E. 1/4 of Sec. 4,
T.39 S., R.1 E., W.M. City of Ashland
Jackson County, Oregon
for
Mountain Meadows L.L.C.
66 Scenic Avenue
Ashland, OR 97520

SURVEY BY: L.J. Friar & Associates, P.C.
Consulting Land Surveyors
304 South Holly Street
Medford, Oregon 97501
Phone: (541) 772-2782

LEGEND:

- ● = Found 5/8" iron pin per RS3589.
- ⊗ = Found OSHD brass disk in concrete.
- ⊗ = Found 5/8" iron pin w/ plastic cap mkd. L.J.FRIAR & ASSOC. per MOUNTAIN MEADOWS SUBDIVISION, PHASE 1.
- ● = Set 5/8" x 30" iron pin w/ plastic cap mkd. L.J.FRIAR & ASSOC.
- ○ = Set 5/8" x 24" iron pin w/ plastic cap mkd. L.J.FRIAR & ASSOC. deferred.*
- □ = Set 5/8" x 30" iron pin w/ plastic cap mkd. L.J.FRIAR & ASSOC. deferred.*
- ⊗ = Set 1" x 30" galv. iron pipe w/ 2 1/2" brass disk mkd. L.J.FRIAR & ASSOC. in monument case, deferred.
- ( ) = Record data as shown. PR = Plat Record. DR = Deed Record.
- ORJCO = Official Records of Jackson County, Oregon. RS = Recorded Survey #.
- CL = Centerline PUE = Public Utility Easement, including TCI Cablevision.
- CL1 C1 = See course data table. JCDR = Jackson County Deed Records.

BASIS OF BEARINGS: NAD83 True bearing between Stations "ASH" & "TALENT".

DATE: January 29, 1996 SCALE: 1" = 40' UNIT OF MEASUREMENT: Feet

(* FOR DEFERRED MONUMENTS, SEE SN 16473)

COURSE DATA TABLE

NO.	RADIUS	DELTA	LENGTH	LONG CHORD or COURSE
C1				S89°55'54"E 7.26
C2	20.00	88°01'51"	30.78	S34°24'54"E 27.83
C3	495.73	07°18'03"	63.75	S74°48'48"E 63.70
C4	20.00	87°01'02"	30.60	N85°02'13"E 27.70
C5	20.00	90°00'00"	31.42	N23°42'48"W 28.28
C6	20.00	90°00'00"	31.42	S66°17'12"W 28.28
C7	20.00	90°21'54"	31.53	S24°54'45"E 28.35
C8	20.00	87°01'02"	30.60	S63°02'13"W 27.70
C9	59.50	60°01'32"	105.38	S10°47'18"E 100.52
C10	120.50	26°51'12"	56.55	S27°41'10"E 56.03
C11				S14°14'34"E 9.48
C12	216.00	43°03'31"	166.51	S07°39'10"W 156.63
C13	210.00	04°18'46"	16.30	S31°48'20"W 16.29
C14	120.50	23°18'05"	48.34	S45°29'16"W 48.02
C15	79.50	33°30'23"	45.80	S73°23'01"W 45.17
C16	20.00	90°14'20"	31.44	N44°38'37"W 28.30
C17				S69°26'54"W 2.67
C18				S69°55'54"E 3.30
C19				S69°55'54"E 3.96
C20				S17°24'14"W 5.71
C21	79.50	22°8'05"	31.89	S45°29'16"E 31.68
C22	169.00	48°4'17"	142.28	N09°52'35"E 138.12
C23	169.00	13°7'44"	41.18	S27°00'51"W 41.08
C24	169.00	29°1'32"	87.10	S03°18'03"W 86.14
C25	169.00	04°34'41"	14.00	S11°32'14"W 13.99
C26	79.50	26°0'12"	37.31	S32°41'10"E 36.96
C27	140.50	60°0'57"	146.80	N10°42'18"E 141.93
C28	140.50	02°23'45"	5.87	S39°58'25"E 5.87
C29	140.50	37°7'55"	91.05	S20°15'07"E 89.47
C30	140.50	21°14'20"	52.08	S06°56'01"W 51.78
C31				S19°33'11"W 2.62
C32	20.00	90°0'57"	31.65	S55°42'18"E 28.45
C33	454.73	07°1'31"	55.76	S74°38'32"E 55.72
C34	20.00	92°0'42"	32.18	N55°45'22"E 28.82

CENTERLINE OF STREETS & (RELOCATED) NORTH MOUNTAIN AVENUE

CL1	100.00	22°8'05"	40.12	N45°29'16"E 39.85
CL2	189.50	48°4'17"	159.54	N09°52'35"E 154.87
CL3	100.00	26°3'12"	45.93	N27°41'10"W 46.56
CL4	120.00	60°0'57"	125.09	N10°42'18"W 121.24
CL5	475.23	09°3'38"	79.81	S75°58'22"E 79.72
CL6	286.48	24°0'00"	120.00	S24°16'06"W 119.13
CL7	954.30	14°3'00"	236.67	S07°10'06"W 236.06
CL8	954.30	05°1'14"	83.66	S11°45'29"W 83.65
CL9	954.30	09°0'48"	152.99	S04°39'29"W 152.83

GEODETIC TIE

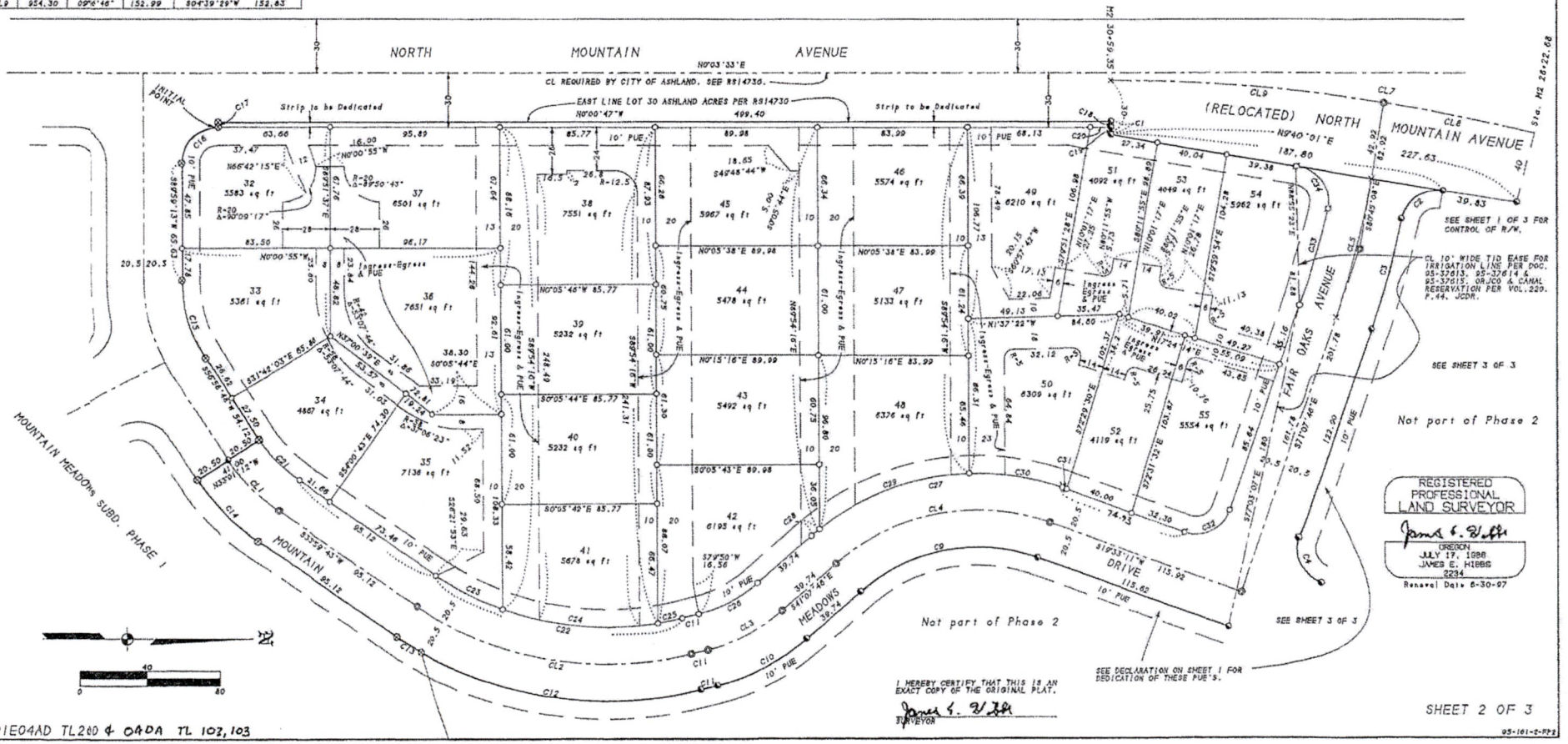
"TALENT" NAD83
FD. BRASS DISK.
N = 64554.202
E = 1314039.887

(GRID N2°41'00.82"W)
N2°41'.36"W
BASIS OF BEARINGS

N26°59'55"W 3481.77

"ASH" NAD83
FD. BRASS DISK
N = 63387.129
E = 1317783.144
Φ = (-)01°30'36"

INITIAL POINT



SHEET 2 OF 3

391E04AD TL280 & 04DA TL 102, 103

95-101-S-RP2

14987 11/4/97

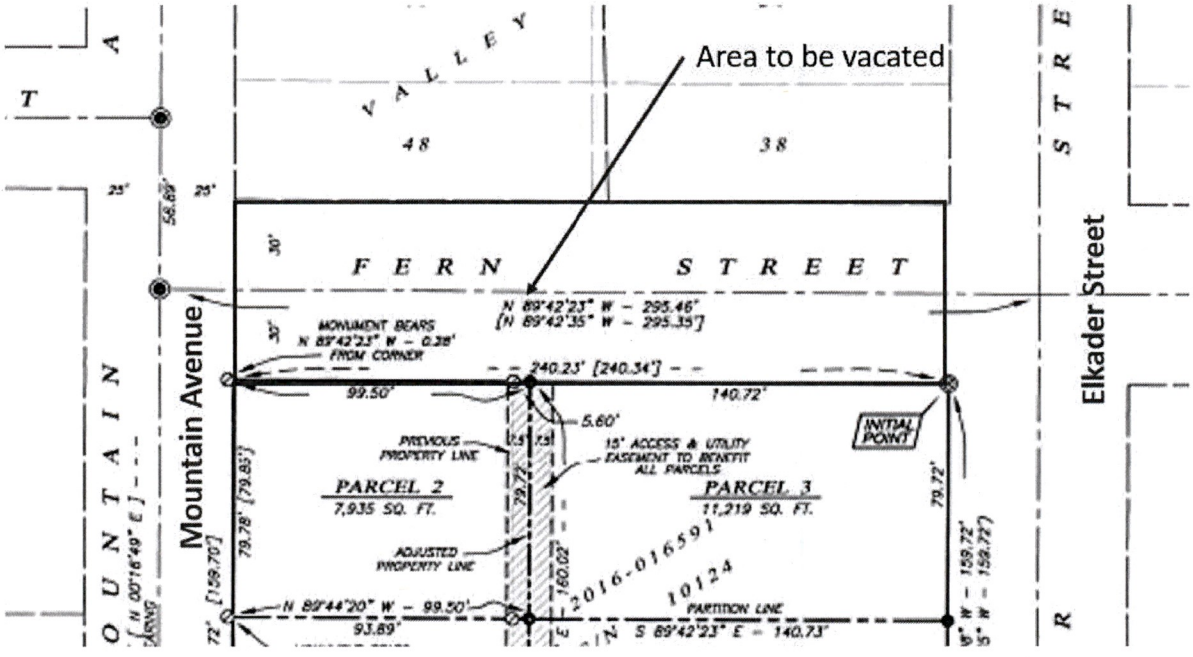
Council Business Meeting

December 5, 2023

Agenda Item	Right of Way Vacation – Fern Street	
From	Scott Fleury PE	Public Works Director
Contact	Scott.fleury@ashland.or.us	
Item Type	Requested by Council ☐ Update ☐ Request for Direction ☒ Presentation ☐	

SUMMARY

Before the Council is a request to initiate the vacation of a portion of the public right of way. The right of way in question is a portion of Fern Street between South Mountain Avenue and Elkader Street. This is a un-improved non maintained right of way that basically provides for driveway access to adjacent lots on Fern Street.



POLICIES, PLANS & GOALS SUPPORTED

City Council:

4. *Evaluate real property and facility assets to strategically support city mission and goals.*

PREVIOUS COUNCIL ACTION

No previous action on this item, but Council has taken numerous actions in the past regarding vacating public right of way. The last action occurred in in 2018 with the vacation of a portion of Terrace Street (Staff Report).

BACKGROUND AND ADDITIONAL INFORMATION

The City of Ashland was approached by an adjacent property owner on Fern Street about the City initiating the vacation of the unimproved and non-maintained section. City Management informed the

Better Together

resident the City could move forward with the process to vacate the right of way through initiation by the City Council as allowed by Oregon Revised Statute (ORS) 271.130, reference below.

271.130 Vacation on city governing body's own motion; appeal.
(1) **The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners.** Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.
(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.
(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.
(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases.
[Amended by 1995 c.658 §101]

Staff informed the property owner of requirements for vacating city right of way which include public hearings at the Planning Commission and City Council along with development of the appropriate legal descriptions and easement overlays for access management to the adjoining properties.

The specific requirements for right of way vacations are detailed in Ashland Municipal Code (AMC) Chapter 4.18 and Oregon Revised Statute (ORS) 271.080 thru 271.230.

Public Works performed an initial assessment to determine if a right of way vacation would be in the public interest. The current grade does not allow for an appropriate street connection between Elkader Street and Mountain Avenue and there are no public utilities in the unimproved section of Fern Street.

Generally, the request upon review by the Planning Commission in development of the recommendation to vacate for the City Council is to provide for a pedestrian access easement that would connect Elkader Street to Mountain Avenue across the right of way to be vacated. This easement would be 10' in width and align with the centerline of the road currently.

Right of Way Vacation Requirements:

In order to appropriately process a right of way vacation certain state and local codes must be addressed. The Oregon Revised Statues (ORS) and City of Ashland Municipal Code detail the requirements to vacate City property:

4.18.010 Purpose

The purpose of this Chapter is to establish the procedure for processing requests for the vacation of public rights-of-way and places, and to require petitioners for vacation to deposit with the City Recorder a fee sufficient to cover the cost of publication, posting and other anticipated expenses as authorized by ORS 271.080, et seq.

4.18.020 Application

Any person interested in filing a petition for the vacation of all or part of any street, alley, or other public place, shall submit such petition in the form prescribed by the City Engineer pursuant to ORS 271.080, and upon filing of the petition shall deposit with the City Recorder a filing fee established by resolution of the City Council. (Ord. 2654, 1991; Ord. 2742, 1994)

- **This is not required if the Council initiates the vacation process as allowed by ORS.**

4.18.030 Review by Planning Commission

Upon receipt of the petition, the same shall be referred to the City Engineer for a determination of whether it contains the requested number of sworn signatures. The City Engineer shall return any petition not meeting the requirements of ORS 271.080, together with the filing fee to the petitioner. If the City Engineer determines that the petition is sufficient, it shall be referred to the City Planning Commission for its review and recommendation to the City Council. The Planning Commission shall submit its report to the City Council within sixty (60) days of receipt. Upon receipt of the report by the Commission, or if no report is received from the Commission upon the expiration of sixty (60) days, the City Manager shall set the matter for public hearing as set forth in ORS 271.100, et seq.

- **This meeting will need to be scheduled in the future to allow for the Planning Commission to make a recommendation to the City Council regarding the vacation.**

4.18.040 Public Hearings

Public hearings shall be held as set forth in ORS 271.120, at which time the petitioner and all affected parties shall be afforded an opportunity to present their views either orally or in writing. The report of the Planning Commission, if any, shall be made a part of the record.

- **This will be done if Council initiates the vacation process as a formal ordinance and maps of survey will be completed.**

4.18.050 Action By Council

The City Council, after due consideration of testimony by affected parties, and the report of the Planning Commission may approve, reject, or modify the area proposed for vacation which in its sole judgment is deemed in the public interest. (Ord. 2164 §1, 1982)

If approved by Council, the property owner will be required to finalize the map of survey showing the public utility easement if needed; have new property deeds created that describe new property boundary for the tax lot and have all documents recorded at the County. The City Recorder will have the ordinance approving the Right of Way Vacation recorder at the County. If not approved by Council, there is no further action by staff or property owner and the right of way will remain in place.

FISCAL IMPACTS

The only resource requirements were/are associated with staff time to bring the vacation forward through the Planning Commission and City Council. The owners will be responsible for the development of new property deeds and recording the applicable documents with the County. If the property is vacated, it will become private and assessable for property taxes as part of the individual tax lots the right of way is vacated to.

STAFF RECOMMENDATION

Staff recommends approval of the right of way vacation ordinance.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

I move to begin the process to vacate a portion of the public right of way on Fern Street as allowed by ORS 271.130 and then follow Ashland Municipal Code 14.18.

I move to take no action on the matter.

REFERENCES & ATTACHMENTS

Attachment #1: Partition Plat P-29-2018

22648

APPROVALS:

EXAMINED AND APPROVED THIS 5th DAY OF OCTOBER, 2018

ASHLAND PLANNING DEPARTMENT — DATE 10.05.2018

PLANNING FILE NO. PA #2016-01891 & PA #2017-02269

EXAMINED AND APPROVED THIS 3rd DAY OF October, 2018

Bradley F Barker

CITY SURVEYOR

PARTIT

NC
TOWNSHIP 39 S
CITY OI

DECLARATION:

KNOW ALL PERSONS BY THESE PRESENTS, THAT GIL LIVNI AND KATHLEEN LIVNI, TRUSTEES OF THE LIVNI FAMILY TRUST, ARE THE OWNERS OF THE LANDS HEREON DESCRIBED, AND HAVE PARTITIONED THE LAND AS SHOWN HEREON, AND THAT THE SIZE OF THE PARCELS AND THE LENGTHS OF ALL LINES ARE PLAINLY SET FORTH AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PARTITION. WE HEREBY CREATE A 15.00 FOOT WIDE PRIVATE ACCESS AND UTILITY EASEMENT, OVER AND ACROSS PARCEL 2 AND PARCEL 3 FOR THE BENEFIT OF ALL FOUR PARCELS, AND 7.50 FOOT WIDE PRIVATE ACCESS EASEMENT OVER AND ACROSS PARCEL 1 FOR THE BENEFIT OF PARCEL 4 AND A 7.50 FOOT WIDE PRIVATE ACCESS EASEMENT OVER AND ACROSS PARCEL 4 FOR THE BENEFIT OF PARCEL 1, AS SHOWN HEREON.

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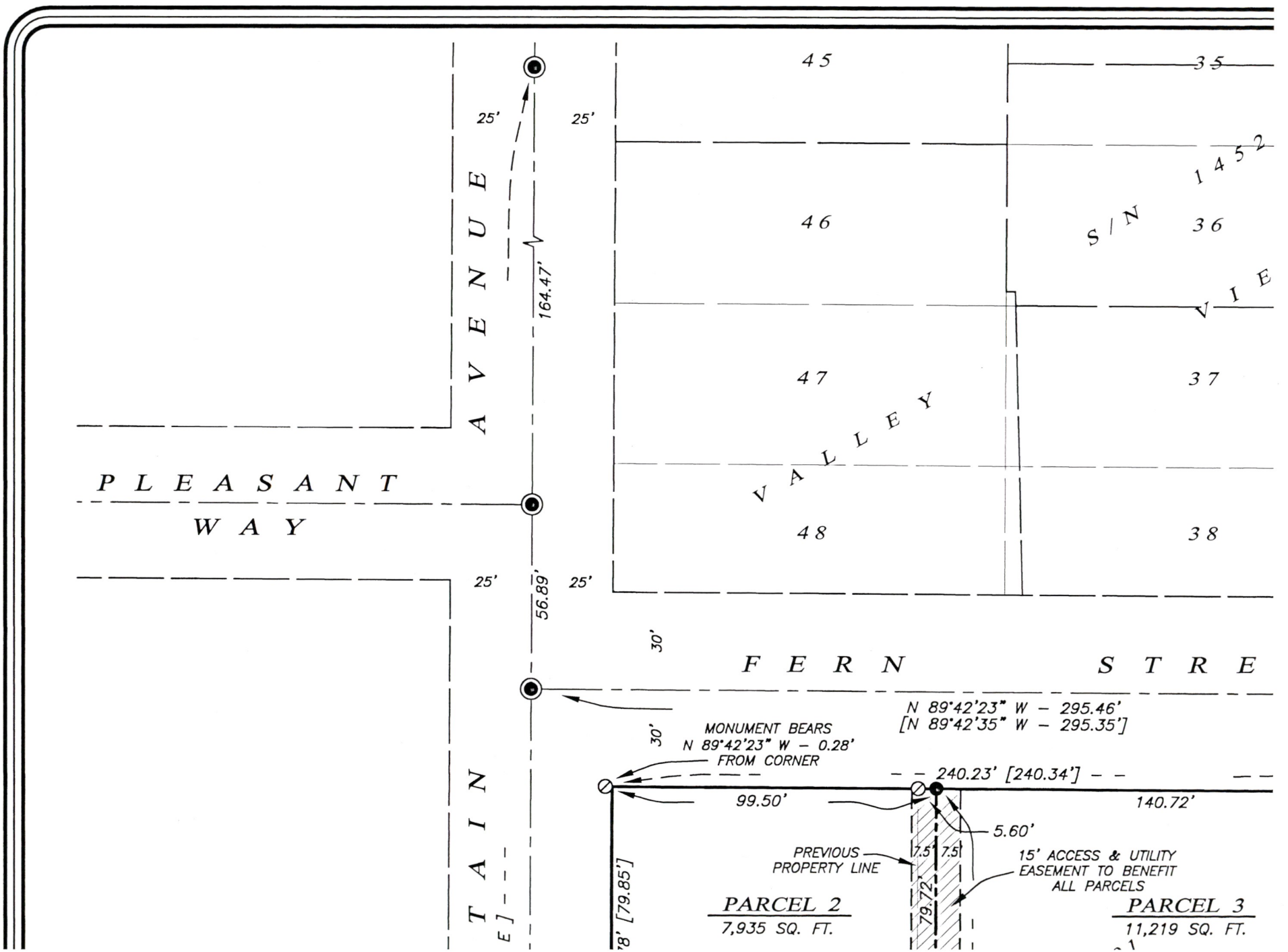
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7.5'
15' ACCESS & UTILITY
EASEMENT TO BENEFIT
ALL PARCELS
'8' [79.85']
79.72'
PARCEL 2
7,935 SQ. FT.
PARCEL 3
11,219 SQ. FT.

Council Business Meeting

December 5, 2023

Agenda Item	Approval of a Sole Source Purchase from Veolia Water Technologies & Solutions – Wastewater Membrane Filters	
From	Scott Fleury PE	Public Works Director
Contact	Scott.fleury@ashland.or.us	
Item Type	Requested by Council ☐ Update ☐ Request for Direction ☒ Presentation ☐	

SUMMARY

Before the Council is a request to approve a Sole Source Procurement with Veolia Water Technologies & Solutions in the amount of $1,477,645.00 for replacement of two membrane filter trains that are critical to the wastewater treatment plant operations. The equipment is proprietary and not available through another source.

POLICIES, PLANS & GOALS SUPPORTED

City Council Goals:

Essential Services

- Sewer

Value Services:

Emergency Preparedness
Address Climate Change

CEAP Goals:

Address Climate Change by helping to reduce Ashland's greenhouse gas emissions and to prepare the city's communities, systems, and resources to be more resilient to climate change impacts.

Department Goals:

- Maintain existing infrastructure to meet regulatory requirements and minimize life-cycle costs
- Deliver timely life cycle capital improvement projects
- Maintain and improve infrastructure that enhances the economic vitality of the community
- Evaluate all city infrastructure regarding planning management and financial resources

PREVIOUS COUNCIL ACTION

N/A

BACKGROUND AND ADDITIONAL INFORMATION

The City owns and operates the Ashland Wastewater Treatment Plant (WWTP). The plant has numerous critical systems that allow it to operate and meet National Pollution Discharge Elimination System (NPDES) permit requirements. The NPDES is regulated by the Department of Environmental Quality (DEQ). One critical component is the membrane filtration system. The City is required to remove phosphorous from the waste water. Removal of phosphorous is accomplished with the use of membrane filters. The membrane filtration system is operated during the May to November period each year to remove excess the excess phosphorous from the wastewater

before it is released into Ashland Creek and soon to be Bear Creek. Phosphorous is a soluble nutrient that most wastewater treatment plants cannot remove without special treatment processes. While phosphorus does not pose any health risk to humans and is not toxic to fish, it does cause algal growth, particularly in warm, slow moving waters. Excessive algal growth can impact fish by depleting oxygen and causing fluctuations in PH.

The membrane treatment system consists of filtration "modules"; there are 20 "modules" to one "cassette" and ten "cassettes" to one "train". Each train therefore has 200 filtration membrane modules that are used to remove excess phosphorus. The treatment plant currently has four treatment trains and the plant is currently experiencing failures in the oldest membranes thus reducing the ability to meet the permit requirements for phosphorous removal.

As part of a life cycle replacement program a portion of the membrane filtration system is due to be replaced. Membranes have an expected life of ten years and two of four trains in operation have reached the end of their useful life.

FISCAL IMPACTS

Funds to support the purchase of two replacement membrane filter trains are within the approved 23-25 Wastewater Capital Improvement Program and budgeted for in the equipment replacement fund. Since the replacement of two trains in 2011, $200k a year was put into the equipment fund to cover the cost of replacement. In 2019 a one-time transfer of $460k was also added to the equipment fund providing for $2.6 million in fund availability for membrane replacement.

STAFF RECOMMENDATION

Staff recommends approval of the Sole Source purchase from Veolia Water Technologies & Solutions in the amount of $1,477,645.00.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

I move to approve a Sole Source purchase with Veolia Water Technologies & Solutions in the amount of $1,477,645.00 and authorize the Interim City Manager to sign the contractual agreement.

REFERENCES & ATTACHMENTS

Attachment #1: Sole Source – Form 6
Attachment #2: Veolia Replacement Letter
Attachment #3: Veolia Membrane Proposal

FORM #6

CITY OF ASHLAND

SOLE-SOURCE DETERMINATION AND WRITTEN FINDINGS

GOODS AND SERVICES
Greater than $100,000

To: *Sabrina Cotta, Interim City Manager*

From: *Scott Fleury PE, Public Works Director*
City of Ashland Public Works

Date: *November 27, 2023*

Re: **Sole Source Determination and Written Findings for Goods and Services**

In accordance with AMC 2.50.090(F), the Department Head shall determine in writing that there is only one provider of a product or service of the quality and type required available.

Estimated total value of contract: *$1,477,645.00*

Project name: *Wastewater Treatment Plant Membranes Replacement*

Description of goods and services: *Provide Replacement ZW500D's 20/20 Membrane Filters, including all materials, off-site labor and delivery of items set forth in the proposal from Veolia Water Technologies & Solutions.*

Background: *The City owns and operates the Ashland Wastewater Treatment Plant (WWTP). The plant has numerous critical systems that allow it to operate and meet National Pollution Discharge Elimination System (NPDES) permit requirements. The NPDES is regulated by the Department of Environmental Quality (DEQ). One critical component is the membrane filtration system. The City is required to remove phosphorous from the waste water. Removal of phosphorous is accomplished with the use of membrane filters. The membrane filtration system is operated during the May to November period each year to remove excess the excess phosphorous from the wastewater before it is released into Ashland Creek and soon to be Bear Creek. Phosphorous is a soluble nutrient that most wastewater treatment plants cannot remove without special treatment processes. While phosphorus does not pose any health risk to humans and is not toxic to fish, it does cause algal growth, particularly in warm, slow-moving waters. Excessive algal growth can impact fish by depleting oxygen and causing fluctuations in PH.*

The membrane treatment system consists of filtration "modules"; there are 20 "modules" to one "cassette" and ten "cassettes" to one "train". Each train therefore has 200 filtration membrane modules that are used to remove excess phosphorus. The treatment plant currently has four treatment trains, and the plant is currently experiencing failures in the oldest membranes thus reducing the ability to meet the permit requirements for phosphorous removal.

As part of a life cycle replacement program a portion of the membrane filtration system is due to be replaced. Membranes have an expected life of ten years and two of four trains in operation have reached the end of their useful life.

Findings:

Market Research Overall finding:

Our research shows that only Veolia Water Technologies & Solutions are compatible with our existing membranes as confirmed in the attached letters from Veolia. There are no other Companies that can provide equipment compatible for replacement.

[In accordance with ORS 279B.075, these are the examples of findings that should be addressed. ***Select at least one of the findings and prepare the determination*** *as it specifically relates to the goods or services being procured. More than one finding can be addressed. The findings are as follows.]*

Pursuant to ORS 279B.075 (2)(a): Provide findings supporting your determination that the efficient utilization of existing goods requires the acquisition of compatible goods or services from only one source.

Any replacement materials and/or components to existing membranes have to be compatible with Veolia systems which are only supplied by Veolia Water Technologies & Solutions. Replacing them with a different system would require a redesign and upgrade to our membrane system. Therefore, Staff recommends replacement with the Veolia Water Technologies & Solutions membrane trains as there are no other compatible companies.

Pursuant to ORS 279B.075 (2)(b): Provide findings supporting your determination that the goods or services required for the exchange of software or data with other public or private agencies are available from only one source.

N/A

Pursuant to ORS 279B.075 (2)(c): Provide findings supporting your determination that the goods or services are for use in a pilot or an experimental project.

N/A

Pursuant to ORS 279B.075 (2)(d): Any other findings that support the conclusion that the goods or services are available from only one source.

None

PUBLIC NOTICE:

Pursuant to OAR 137-047-0275 (2), a Contracting Agency shall give public notice of the Contract Review Authority's determination that the Goods and Services or class of Goods and Services are available from only one source in a manner similar to the public notice of Competitive Sealed Bids under ORS 279B.055(4) and OAR 137-047-0300. The public notice shall describe the Goods or Services to be acquired by a Sole Source Procurement. The Contracting Agency shall give such public notice at least seven days before Award of the Contract.

After the Sole Source Procurement has been approved by the City Council, the following public notice will be posted on the City's website to allow for the seven (7) day protest period.

Date Public Notice first appeared on www.ashland.or.us – *December 6, 2023*

PUBLIC NOTICE
Approval of a Sole Source Procurement

First date of publication: *December 6, 2023*

A request for approval of a Sole Source procurement was presented to and approved by the City Council, acting as the Local Contract Review Board, on *December 5, 2023.*

It has been determined based on written findings that the following Goods and Services are available from only one source.

Wastewater Treatment Plant membrane filters provided by Veolia Water Technologies & Solutions.

The contract terms, conditions and specifications may be reviewed upon request by contacting *Scott Fleury PE, Public Works Director, 541-488-5347, scott.fleury@ashland.or.us.*

An affected person may protest the determination that the goods and services are available from only one source in accordance with OAR 137-047-0710. A written protest shall be delivered to the following address: City of Ashland, Scott Fleury PE, Public Works Director, 20 East Main Street, Ashland OR, 97520. The seven (7) day protest period will expire at 5:00pm on *December 13, 2023.*

This public notice is being published on the City's Internet World Wide Web site at least seven days prior to the award of a public contract resulting from this request for approval of a Sole Source procurement.

VEOLIA

City of Ashland
1195 Oak St,
Ashland OR 97520

Jason Diamond
Municipal Regional Lifecycle Manager
Water Technologies & Solutions

October 30, 2023

Dear Mr. Russell:

This letter is provided to confirm that a Sole Source Purchase with ZENON Environmental Corporation, a legal entity of Veolia Water Technologies & Solutions (Veolia WTS), will be required to procure parts and/or services for ZeeWeed® hollow fiber immersed ultrafiltration membrane systems. ZeeWeed® membrane systems are a proprietary technology developed by ZENON Environmental Corporation, a wholly owned business of Veolia WTS, subject to multiple patents. As a result, only Veolia WTS can manufacture and supply ZeeWeed® membranes & components directly to customers or via one of our approved partners.

Research and development work by Veolia WTS is regularly producing process and technology upgrade options. At the point where system upgrades are required, Veolia WTS will work closely with each client to select the best options specific for your plant.

Veolia WTS has structured the after-purchase support of our ZeeWeed® clients to assure access to a very high level of service and product support. VWTS has a service team with extensive experience and the capabilities to provide technical and engineering services distinctive to maintaining a high level of performance from the ZeeWeed® hollow fiber ultrafiltration membranes. VWTS offers these unique services:

1. Membrane Replacement Planning
2. System spare parts
3. Insight™ Remote Process Monitoring
4. 24/7 Emergency Telephone Technical Support
5. On-Site Service Visits
6. Membrane Maintenance Services & System Upgrades
7. PLC Control System Component and Programming Upgrades

If you have any questions, please do not hesitate to contact me.

Sincerely,

Jason Diamond, P.Eng.
Regional Lifecycle Manager - Veolia Water Technologies & Solutions

Membrane Replacement Proposal

To:	City of Ashland, referred to here as Ashland or Buyer	**Date:**	October 20, 2023
		No. of Pages:	30 including cover
Attention:	Ben Russell	**Email:**	*ben.russell@ashland.or.us*
Plant Address:	1295 Oak Street, Ashland, OR 97520 USA	**Telephone No.:**	541 552 2335
From:	Jason Diamond Regional Lifecycle Manager Western USA	**Email:** **Cell No.:**	*jason.diamond@veolia.com* 905 399 7055
CC:	Shawn Clark (APSCO)		
Subject:	Membrane replacement for trains 3 & 4	**Proposal No.:**	531996-1
		Original Project No.:	500127
Plant Data:	Please provide corrections if inaccurate City of Ashland Wastewater Treatment Plant ZW500 tertiary treatment: Trains 1 & 2 – 8 x ZW500Ds 20/20M cassettes with 350ft² membranes + 2 x ZW500C 26M cassettes with 220ft² membranes. Trains 3 & 4 – 10 x ZW500C 26/26M cassettes with 220ft² membranes. Initial substantial completion date: October 17, 2002		

Proposal Provisos

This proposal has been issued based on the information provided by the customer and on information currently available to Veolia Water Technologies & Solutions at the time of proposal issuance. Any changes or discrepancies in site conditions, including but not limited to changes in system influent water characteristics, changes in environmental health and safety (EH&S) conditions, changes in the reissued state/provincial disposal system permit, changes in buyer financial standing, buyer requirements, or any other relevant change or discrepancy in the factual basis upon which this proposal was created may lead to changes in the offering, including but not limited to changes in pricing, guarantees, quoted specifications, or terms and conditions.

Confidential and Proprietary Information

The enclosed materials are considered proprietary property of Veolia Water Technologies & Solutions (Veolia). No assignments, either implied or expressed, of intellectual property rights, data, know how, trade secrets or licenses of use thereof are given. All information is provided exclusively to the addressee and agents of the addressee for the purposes of evaluation and is not to be reproduced or divulged to other parties, nor used for manufacture or other means, without the express written consent of Veolia. The acceptance of this document will be construed as an acceptance of the foregoing.

Trademarks

The following are trademarks of Veolia Water Technologies & Solutions and may be registered in one or more countries:

+100, ABMet, Absolute.Z, Absolute.Za, AccuSensor, AccuTrak, AccuTrak PLUS, ActNow, Acufeed, ALGAECAP, AmmCycle, Apogee, APPLICATIONS ATLAS, AquaFloc, AquaMax, Aquamite, Aquaplex, AquaSel, Aquatrex, Argo Analyzer, AutoSDI, BENCHMARK, Betz, BetzDearborn, BEV Rite, BioHealth, BioMate, BioPlus, BIOSCAN, Bio-Trol, Butaclean, Certified Plus, CheckPoint, ChemFeed, ChemSensor, ChemSure, CHEX, CleanBlade, CLOROMAT, CoalPlus, COMP-METER, COMP-RATE, COMS (Crude Overhead Monitoring System), Continuum, CopperTrol, CorrShield, CorTrol, Custom Clean, Custom Flo, Cyto3, DataGuard, DataPlus, DataPro, De:Odor, DELTAFLOW, DEOX, DeposiTrol, Desal, Dianodic, Dimetallic, Dispatch Restore, Durasan, DuraSlick, Durasolv, Duratherm, DusTreat, E-Cell, E-Cellerator, ELECTROMAT, Embreak, EndCor, EXACT, FACT-FINDER, Feedwater First, Ferrameen, Ferroquest, FilterMate, Fleet View, FloGard, Flotrex, Flotronics, FoamTrol, FoodPro, Fore4Sight, ForeSight, FRONTIER, FS CLEAN FLOW, FuelSolv, Full-Fit, G.T.M., GenGard, GEWaterSource, Glegg, Heat-Rate Pro, High Flow Z, HPC, HPD Process, HyperSperse, Hypure, Hytrex, InfoCalc, InfoScan, InfoTrac, InnovOx, InSight, IONICS, IONICS EDR 2020, IPER (Integrated Pump & Energy Recovery), iService, ISR (Integrated Solutions for Refining), JelCleer, KlarAid, Kleen, LayUp, Leak Trac, Leakwise, LEAPmbr, LEAPprimary, Learning Source, LOGIX, LoSALT, M-PAK, MACarrier, Mace, Max-Amine, MegaFlo, Membrex, MemChem, Memtrex, MerCURxE, MetClear, MiniWizard, MK-3, MOBILEFLOW, MobileRO, Modular Pro, ModuleTrac, MonitAll, Monitor, Monitor Plus, Monsal, MP-MBR, MULTIFLOW, Muni.Z, NEWater, NGC (Next Generation Cassette), Novus, NTBC (Non Thermal Brine Concentrator), OptiGuard, OptiSperse, OptiTherm, Osmo, Osmo PRO, Osmo Titan, Osmonics, Pacesetter, PaceSetter, Petroflo, Petromeen, pHlimPLUS, PICOPORE, PlantGuard, PolyFloc, PowerTreat, Predator, PRO E-Cell, Pro Elite, ProCare, Procera, ProChem, Proof Not Promises, ProPAK, ProShield, ProSolv, ProSweet, Purtrex, QSO (Quality System Optimization), QuickShip, RCC, RE:Sep, Rec-Oil, Recurrent, RediFeed, ReNEW, Renewell, Return on Environment, RMS (Rackless Modular System), ROSave.Z, SalesEdge, ScaleTrol, SeaPAK, SeaPRO, SeaSMART, Seasoft, SeaTECH, Selex, Sensicore, Sentinel, Sepa, Sevenbore, Shield, SIDTECH, SIEVERS, SmartScan, SoliSep, SolSet, Solus, Spec-Aid, Spectrus, SPLASH, Steamate, SteriSafe, Styrex, SUCROSOFT, SUCROTEST, Super Westchar, SuperStar, TFM (Thin Film Membrane), Therminator, Thermoflo, Titan RO, TLC, Tonkaflo, TraveLab, Trend, TruAir, TrueSense, TurboFlo, Turboline, Ultrafilic, UsedtoUseful, Vape-Sorber, VeriFeed, VersaFlo, Versamate, VICI (Virtual Intelligent Communication Interface), V-Star, WasteWizard, WATER FOR THE WORLD, Water Island, Water-Energy Nexus Game, WaterGenie, WaterNODE, WaterNOW, WaterPOINT, WellPro.Z, XPleat, YieldUp, Z-BOX, Z-MOD, Z-PAK, Z-POD, ZCore, ZeeBlok, ZeeLung, ZeeWeed, ZENON, and Z.Plex.

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1 Introduction

Veolia Water Technologies & Solutions is pleased to present this proposal at the request of City of Ashland to provide membrane modules and cassettes to replace two ZW500C trains (trains 3 & 4) at the City of Ashland Wastewater Treatment Plant (WWTP).

Veolia has provided two options in this proposal:

- **Option 1** - 8 x ZW500Ds 20/20M cassettes per train (16 populated cassettes total);
- **Option 2** - 10 x ZW500Ds 20/20M cassettes per train (20 populated cassettes total).

Veolia is a proven leader in delivering tangible value to our clients over the life of the plant. Our measure of success is how well we deliver **solutions** that help our clients meet their critical business objectives.

Through long-acquired technical experience, Veolia has clearly distinguished itself from other membrane manufacturers. A mature service culture and deep technical expertise are ready to serve and support Ashland through this next membrane lifecycle.

2 Veolia Scope & Price

Veolia's scope includes the material and services outlined in the table below. The sections that follow provide additional detail regarding each scope item.

Option 1

Item Description	Part #	Quantity	Price
ZW500Ds 20/20M cassette with 350ft² membrane modules, section 3.1& 3.2	3144414	16	1,073,795
2-year full replacement membrane warranty, section 10		incl.	
Hanger arms and hardware, section 3.3		16 sets	
Cassette spools (permeate & aeration), section 3.4		16 sets	
Consumables, section 3.5		lot	
Off-site support, project management, section 5.1		incl.	36,955
International shipment, fees and duties, section 4		incl.	68,405
Freight, DDP City of Ashland WWTP, section 4	3095534	incl.	
Material, off-site labor, delivery		**Sub-total**	**1,179,155**
On-site support, 1 FSR, 6 x 10-hr days on-site plus travel & living, section 5.2	135491	1 visit	15,960
On-site support		**Sub-total**	**15,960**
All figures are in USD and exclude taxes, which will be applied at the time of invoicing. Please make purchase order to ZENON Environmental Corporation.		**Total Price**	**1,195,115**

Option 2

Item Description	Part #	Quantity	Price
ZW500Ds 20/20M cassette with 350ft² membrane modules, section 3.1& 3.2	3144414	20	1,338,285
2-year full replacement membrane warranty, section 10		incl.	
Hanger arms and hardware, section 3.3		20 sets	
Cassette spools (permeate & aeration), section 3.4		20 sets	
Consumables, section 3.5		lot	
Off-site support, project management, section 5.1		incl.	42,245
International shipment, fees and duties, section 4		incl.	79,055
Freight, DDP City of Ashland WWTP, section 4	3095534	incl.	
Material, off-site labor, delivery		**Sub-total**	**1,459,585**
On-site support, 1 FSR, 7 x 10-hr days on-site plus travel & living, section 5.2	135491	1 visit	18,060
On-site support		**Sub-total**	**18,060**
All figures are in USD and exclude taxes, which will be applied at the time of invoicing. Please make purchase order to ZENON Environmental Corporation.		**Total Price**	**1,477,645**

Proposal Notes:

- Veolia would like to note that under the current exceptional circumstances across global supply chains and logistics networks, Veolia may not be in a position to guarantee and comply with the planned schedule for product / project delivery or performance. Veolia reserves the right to modify the schedule / contract accordingly. Veolia will promptly inform you of any changes which may impact the contract or the project.
- **Price Review.** Notwithstanding the terms set forth herein or of any agreement or acceptance of Seller's quotation, Seller reserves the right at any time and from time to time by notice in writing to the Buyer to (a) determine periodic price reviews based on Goods' raw material increase arising from currency devaluations (b) increase Prices (or impose temporary price adjustments) based on increases in the cost of base components for the Goods or Services provided, where the increase is due to increased global demand, limited supply, temporary product shortages, allocation of supply, or such other similar inflationary pressures; and (c) impose a surcharge equal to any increase in the cost of the Goods or Services as a result of a modification of exchange rates, duties, taxes or other levies imposed by public authorities.
- Veolia's proposed price for ZeeWeed membranes is subject to adjustment between the period from the expiry of the proposal validity up to shipment of membranes according to upward changes in the following indices:

- 40%: PPI Industry Index for Hungary: *LINK to Industry Index*
- 60%: PPI Chemical Industry for European Union: *LINK to EU Chemical PPI*

In the event that either index becomes unavailable, a suitable equivalent replacement index will be agreed between the parties. The buyer has the right to request that the supplier supports any price increase with market pricing data, within the bounds of commercial confidentiality.

- Shipment/Collection Delays: The membrane sale will be subject to price adjustment if not collected within 1 month of Readiness for Shipment. After the one month of Readiness for Shipment if Purchaser does not send his agreement to receive or collects the membranes (depending on Incoterms), Seller is entitled to reallocate the membranes to another customer.

Invoicing Schedule	Approximate % of Sub-Total	Invoice Value, Excluding Tax	
		Option 1	Option 2
Materials and Off-Site Support Invoicing			
An invoice will be issued upon acceptance by Veolia of customer purchase order. Approximate percent calculation based on the **material, off-site labor, delivery sub-total** of the purchase order. Shipment of membranes is contingent on receipt of this initial milestone payment.	30%	353,745	437,875
An invoice for the balance of the **material, off-site labor, delivery sub-total** will be issued when membrane module shipping documents are supplied to the carrier.	70%	825,410	1,021,710
On-Site Support Invoicing			
A final invoice for the **on-site support sub-total** will be issued upon completion of installation.	100%	15,960	18,060
		1,195,115	**1,477,645**
All totals subject to applicable taxes, which will be added at time of invoicing.			

3 Material Description

The following materials are provided within Veolia's scope of supply.

3.1 Membrane Modules

Option 1

320 x ZeeWeed 500Ds 350ft² membrane modules.

Option 2

400 x ZeeWeed 500Ds 350ft² membrane modules.

3.2 Cassettes

Option 1

16 x ZeeWeed 500Ds 20/20M cassettes.

Option 2

20 x ZeeWeed 500Ds 20/20M cassettes.

Note: membranes from section 3.1 will be factory installed in the above cassettes, 20 membranes per cassette.

3.3 Cassette Hanger Arms

Option 1

32 hanger arms and associated hardware (2 hanger arms required per cassette).

Option 2

40 hanger arms and associated hardware (2 hanger arms required per cassette).

3.4 Cassette Spool Components

Option 1

16 sets of cassette spool components for both aeration and permeate spools (includes camlocks, PVC pipe, elbows, hose clamps, etc.).

Option 2

20 sets of cassette spool components for both aeration and permeate spools (includes camlocks, PVC pipe, elbows, hose clamps, etc.).

Note: cassette spool components do not include hose or fittings at the header end of the spools, as these items are considered to be available at site.

3.5 Consumables

- 1 x o-ring lubricant;
- 2 x anti-seize lubricant (food grade).

4 Delivery

- **Freight**
  - **DDP -** Delivery will be by standard ocean/ground on the basis of DDP Ashland WWTP, 1295 Oak Street, Ashland, OR, USA or other named place of destination; Incoterms 2020. DDP = delivery duty paid. Partial shipments will be acceptable unless otherwise specified. Where delivery cannot be accepted at this destination, Ashland shall specify an alternate, equivalent destination without delay.

    Due to varying origins and availability, non-membrane items included in this proposal may be shipped separately from the membranes. Should separate shipments be required, where possible, Veolia will strive to provide these items on or before the delivery of the membranes.
  - **Title & Risk** - Title and risk of loss or damage to membrane modules, cassette frames, hardware and crating shall pass to Ashland upon delivery at the named place of destination.
- **International Shipment, Fees, and Duties**
  - Origin - Delivery of ZeeWeed membranes originates from the Veolia Water Technologies & Solutions, ZENON Membrane Products (ZEM), Bláthy Ottó u 4, Oroszlány, 2840 Hungary facility. Costs to transport membranes into North America are included in Veolia's quoted price.
  - Export Documents - All ZeeWeed membrane module shipments into the USA require clearance documentation from the EPA. Veolia will prepare and provide the required EPA documentation to the Carrier.
  - MPF - Merchandise processing fee is a fee assessed for formal custom entries based on 0.35% of the invoice value, with a minimum of USD $25 per formal entry and a maximum of USD $485. On the basis of DDP terms, this fee will be paid by Veolia within the quoted price.
  - Duty - Any new duty imposed after the date of this proposal is the responsibility of Ashland.
  - Taxes - All applicable local, state, or federal taxes are the responsibility of Ashland, and will be added at time of invoicing.
  - Temperature - UF membranes cannot be allowed to freeze or overheat and may require temperature-controlled freight and handling according to the season and the planned routing. If required, the price of temperature control will be included within the firm quote on freight by Veolia.
  - Packaging – Factory-installed in operational cassettes.
  - Unloading - may require one of or a combination of a loading dock, extended forks and an experienced forklift driver at delivery destination. Please consult with Veolia at the time of purchase order (PO) preparation on this.

shipping crate information (estimated – quantity depends on option selected)

Description	Dimensions (LxWxH) (in)	Weight (lb.)
ZW500Ds 20/20M cassette	75 X 35 X 94	1,451

Notes:

- Only crates for membrane/cassette transport have been shown above to identify the largest and heaviest items that will need to be unloaded;
- Smaller crates/skids will be used for hardware items (hanger arms, spool connection components, etc.).

- **Availability** - Delivery of membrane modules and cassettes is typically 10-20 weeks after receipt of order.

  With current global logistics and freight delays, delivery is estimated at **60 - 62** weeks after receipt of order.

  Definitive availability will be confirmed once a purchase order is received from Ashland and acknowledgement of a purchase order is issued by Veolia.

5 Veolia Support

5.1 Off-Site Support

Controls

Provide system controls programming adjustments as required for the new membranes.

Documentation

The base level of documentation updates will include:

- Summary of any significant changes to the current program or controls (HMI screens, SCADA, etc.);
- Updated Controls Documents (CN, OSC, CLC) as appropriate and issued electrongically;
- Field/hand markups of P&ID drawings
- Updated P&ID and GA drawings issued electronically.

These electronic updates should be filed in the O&M manual as interim documentation.

Project Management

Provide planning and off-site assistance during the membrane replacement project.

5.2 On-Site Technical Services

The proposal includes a provision for technical services during installation and commissioning process to support Ashland's staff as outlined in section 2. On-site services is positioned in the price table (section 2) such that the price without this scope is easily defined should it not be required.

Please see section 7.2 for recommendations on the number of plant staff necessary to perform the work.

Installation and commissioning of membranes will be executed one train at a time to minimize down-time and to return each train to beneficial use in a timely manner.

The following activities will be completed by plant staff in collaboration with Veolia on-site FSR support:

- Remove existing membranes/cassettes;
- Install hanger arms and assembly of new cassette spools;
- Install the new membrane modules/cassettes;
- Revise programming and/or set-points as required;
- Perform bubble test where applicable to test membrane integrity and review trans membrane pressure (TMP) on the installed membranes and compare to expected values for new membranes; complete repairs/adjustments necessary to provide new membrane performance.

Operating Responsibility - Ashland retains control of the work site and retains final responsibility for the installation and commissioning process.

Veolia will perform the services specified in the scope section of this document, but Veolia will not operate the system. For the purposes of this agreement, the term "operate the system" shall mean to run or control the functioning of the equipment or to otherwise conduct or manage the affairs of any aspect of water or wastewater treatment or other functions at Ashland's site, and shall include functions such as providing operators or laborers to adjust or control water treatment ("WT") equipment, wastewater treatment ("WWT") equipment or sludge management facilities ("SMF"), providing program oversight or directing on-site or contract operators/laborers to adjust or control WWT or SMF, providing personnel responsible for or providing oversight of water treatment residual quality, wastewater effluent quality, sludge quality, waste characterization, or waste disposal activities, or providing personnel with continual or daily operational responsibilities with respect to water or wastewater treatment, influent or effluent compliance monitoring, process monitoring, government reporting or notification, or permit compliance.

Waiting Time - Any overtime or waiting times required due to unforeseen site events outside the control of Veolia will be invoiced according to the prevailing Veolia service labor rates sheet, available on request.

Reporting - Before leaving site, Veolia will record observations and discuss with operators concerning the condition of the equipment, tasks accomplished during the visit, and key operating and maintenance issues requiring further attention. Veolia will provide a copy of a written report before leaving site and/or provide a service visit report to the plant operator within a reasonable timeframe of the Veolia service representative's return to the office. In any case, Ashland will be asked to sign a work order that describes the hours on site and tasks accomplished.

Veolia Duties for On-Site Services

- Veolia will coordinate its work under this agreement in a reasonable manner with the operating staff of the facility.
- Veolia will maintain public liability and property damage insurance covering all operations undertaken by Veolia and its sub-contractors with a limit of $5,000,000 inclusive for any one accident or occurrence. If for any reason additional insurance coverage (e.g. general construction/erection all risk, general liability) is required above and beyond Veolia's standard insurance terms for on-site commissioning supervision, Ashland must inform Veolia in writing

60 days prior to work commencement at site. Ashland will be billed for all additional insurance costs and processing fees.

- Veolia will maintain workers compensation and employers' liability coverage as per statutory requirements.

6 ZeeWeed Configuration

Option 1

Configuration Data	Units	proposed configuration after Train 3 & 4 replacement		
		Train 1 & 2		Train 3 & 4
Number of trains, plant		4		
Number of trains as configured		2		2
Type of ZeeWeed membrane		ZW500C	ZW500Ds	ZW500Ds
Module surface area	ft²	220	350	350
Total number of cassette spaces per train		10		10
Maximum number of modules per cassette		26	20	20
Fully populated cassettes installed per train		2	8	8
Total module count, train		52	160	160
Total surface area in operation, train	ft²	67,440		56,000
Total module count, plant		104	640	
Total surface area in operation, plant	ft²	246,880		
% surface area change from existing, plant	%	-1.0%		

Option 2

Configuration Data	Units	proposed configuration after Train 3 & 4 replacement		
		Train 1 & 2		Train 3 & 4
Number of trains, plant		4		
Number of trains as configured		2		2
Type of ZeeWeed membrane		ZW500C	ZW500Ds	ZW500Ds
Module surface area	ft²	220	350	350
Total number of cassette spaces per train		10		10

Configuration Data	Units	proposed configuration after Train 3 & 4 replacement		
		Train 1 & 2		Train 3 & 4
Maximum number of modules per cassette		26	20	20
Fully populated cassettes installed per train		2	8	10
Total module count, train		52	160	200
Total surface area in operation, train	ft²	67,440		70,000
Total module count, plant		104	720	
Total surface area in operation, plant	ft²	274,880		
% surface area change from existing, plant	%	10.3%		

7 Scope - Ashland

7.1 Installation Preparation

- Receive, off-load, handle and provide temperature-controlled storage of the equipment and materials required for Seller to perform the duties outlined in the Seller's scope of supply. Prior to off-loading, Buyer to confirm temperature indicators have not been tripped.
- Membranes must be stored in a sheltered area, protected from freezing, direct sunlight or extreme heat, and sealed as shipped until ready for use. Storage should be in a dark, dry, level area at a temperature of 5-30°C (41-86°F). Membranes have a shelf life of 1 year before requiring re-preservation and should not be stored longer than necessary prior to installation. Ashland is responsible for risk of loss of Seller's parts while in storage at the customer's plant.
- Inspect, evaluate and make repairs as required for the membrane tanks, mounting brackets, hoses and all connections prior to Veolia arriving at site.
- Provide all access structures (such as scaffolding) and mechanical lifting equipment including cranes, forklifts and scissor lifts.
- Assure availability of a copy of the operating manual, all process and instrumentation drawings, and all electrical drawings on site and accessible for reference.
- Maintain adequate insurance coverage for the risks of fire, theft, vandalism, floods and personal injury to authorized or unauthorized visitors.

7.2 Installation

- Provide 1 or more plant personnel to work continuously for the full duration of the Veolia site visits during installation and commissioning of the modules. Veolia recommends that at least one of the personnel be experienced with the ZeeWeed system.

- Ashland will afford Seller's personnel free access and egress of the facility for all authorized work. Ashland will provide reasonable access to workshop facilities with standard workshop tools and equipment as is necessary to meet any repair and maintenance requirements of the system during installation. Ashland will provide Seller's personnel reasonable access to the facility amenities, including washrooms and break rooms.
- Provide adequate illumination and emergency lighting for all areas in which the Seller will be executing the scope of supply. Provide all site utilities such as raw water, instrument quality air, potable water and power required for operation of the proposed equipment included in this scope of supply. Assure that adequate quantities of membrane cleaning and neutralizing chemicals are on hand for wash procedures including sodium hypochlorite, sodium bisulphite, citric acid and sodium hydroxide. Supply telephone/fax/modem access while Seller's staff members are on-site.
- Ashland will provide assistance to:
  - Remove cassettes from the system as required;
  - Install new cassettes with factory installed membranes, including hanger arm installation and assembly of new cassette spools.
- Ashland will:
  - Dispose of all retired membrane modules and cassette components;
  - Dispose of shipping and packaging materials unless specifically requested not to do so by Veolia.

8 Solution Design Notes

8.1 Permits

Regulatory Requirements

Ashland is responsible to review and report to the permit granting agency on the impact of any of the proposed changes on the regulatory permit. Veolia will provide the necessary manufacturer's technical support on regulatory issues.

Please speak with your regional lifecycle manager (RLM) if there are any regulatory requirements or concerns.

Utilization

Veolia understands that these modules are required as replacements for currently installed modules.

These modules are offered on the basis that the membrane modules will not be used to provide expanded flow beyond the current plant flow rating. Veolia makes no guarantees, implied or otherwise as to the performance of these modules in any other capacity than as replacement membranes.

Production Interruption

After the purchase order is acknowledged, Veolia's project manager for the installation will consult with Ashland to jointly develop the installation plan and work schedule with due regard for membrane delivery to the plant and plant preparation.

8.2 Maintenance Notes for Replacement Membranes

At the time of any full plant or full train membrane replacement, it is recommended to evaluate whether it is the right time to address any tank coating repairs which may be required.

Preferential Flow

Mixing a small proportion of new modules in trains with large amounts of older modules is not recommended as it creates a risk of over-fluxing of new modules, which can shorten their lives. For ZW500D membranes, the mixing of old and new modules in the same cassette makes slack adjustment more difficult. Veolia recommends that Ashland plan membrane module replacement on a complete cassette and complete train basis wherever possible to achieve both optimal performance and best value from the new membrane modules. In this case, by replacing all membrane modules on a per train basis, this risk has been neutralized.

Membrane Slack

Veolia's membranes are supplied and shipped with an initial factory fiber slack designed to optimize membrane air scouring during operation as well as accommodate a degree of shrinkage. Membranes shrink in length early in their lifecycle when exposed to higher temperature water. The pace of shrinkage slows with age. With the installation of new membranes, the requirements for slack adjustment start a new cycle.

Due to the wide variety of operating environments in which our products can be utilized, it is difficult to generally predict the rate of shrinkage. If membranes operate in a condition of insufficient slack for an extended period of time, irreversible damage to the fiber-urethane bond may occur. Please refer below to the recommended inspection frequencies based on your plant's membrane tank operating temperature. Visual inspections should begin during the membrane installation and be repeated over time on the same cassette. Digital pictures will allow for comparative analysis of the fiber slack over time.

Maximum Operating Temperature	Recommended Slack Inspection Frequency
0-24 °C / 32-76 °F	every 2 years
25-30 °C / 77-86 °F	once per year
>30 °C / > 86 °F	twice per year

Membrane Repairs

All new modules are factory tested at our manufacturing facilities and are in good working order as they are packaged and crated for shipment. On occasion, a limited number of modules arriving at site may require repairs due to uncontrollable factors during shipping and receiving, in particular with multi-modal shipments. Veolia recommends having one fiber repair kit on hand during the handling and installation of the drinking water modules.

8.3 Technical

Blowers

For the purposes of this proposal, the range of blower capacity has been assumed to be adequate for this upgrade.

Should resheaving parts be required they will be supplied by Veolia at additional cost to Ashland. Mechanical and electrical adjustments required to meet new air flow will be completed by Ashland or

their 3rd party designate. Veolia will assist Ashland in determining correct air flow requirements for the new plant configuration.

Pre-Screen

To ensure effective operation and to maximize membrane life, Veolia recommends operation of a pre-treatment screen, upstream of the pretreatment process, with mesh or punched-hole openings less than or equal to 0.5 mm and with no possibility of bypass or carryover. All processes after this screening must be covered and protected from outside elements such that no leaves, twigs or any foreign material can enter the membrane tank.

9 Health & Safety

Ashland

- Ashland will provide orientation to Seller's personnel to ensure site-specific safety protocols are known. Ashland will identify and inform Seller's personnel of any site-specific hazards present in the workplace that could impact the delivery of Seller's scope of supply and agrees to work with Seller to remove, monitor, and control the hazards to a practical level.
- Ashland will provide any site-specific or standard company operating procedures and practices for Seller's personnel to perform work on site, if required by Ashland's policies. Such programs may include, but are not limited to, general environmental health & safety (EHS), HAZOP, fire protection, drug testing, incident notice, site conduct, standard first aid, chemical receiving, electrical safety, etc. Ashland will provide a certificate of program completion for Seller's personnel. This program will be fully documented, training materials will be provided, and attendance list will be kept.
- If any type of lifting devices will be used on site, Ashland will provide proof of its maintenance, inspection and certification documentation upon request and will assist the Veolia service representative to complete a safety inspection checklist.
- Where confined space entry may be required, Ashland will provide early notice and will collaborate with Veolia in planning adequate staffing and in advising the local fire/rescue department as required.
- No time or cost provision has been made for preparations such as safety record clearances, drug testing, insurance confirmations or pre-job-training in excess of 1 hour. Prior to finalizing the Purchase Order and the work schedule, Ashland will advise Veolia of any pre-job or pre-mobilization requirements. Where these requirements exceed 1 hour, this time will be charged to Ashland at rates set out in the prevailing Veolia labor rate sheet.
- Where certain short duration activities require two people for safety and the Veolia Service representative is alone at site, Ashland will cooperate as required to assure that correct safety precautions are taken.
- Ashland is responsible for the following environmental provisions:
  - Environmental use and discharge permits for all chemicals at Ashland's facility either listed in this document or proposed for use at a later date;
  - Any special permits required for Seller's or Ashland's employees to perform work related to the water treatment system at the facility;

- All site testing, including soil, ground and surface water, air emissions, etc.;
- Disposal of all solid and liquid waste from the Seller's system including waste materials generated during construction, start up and operation.

- Ashland is responsible for provision of health and safety facilities to Seller's field service representatives to the same extent that they are provided to Ashland's own employees, including provision of:
  - Eyewash and safety showers in the water treatment area;
  - Chemical spill response;
  - Security and fire protection systems per local codes.

Veolia

- All work on site will be performed in accordance with applicable law and will be performed reasonably, in a clean and safe manner. The Veolia service representative will abide by the more stringent of the applicable health, safety and environmental policies and procedures of either Ashland or Veolia.
- Veolia will provide all applicable safety training required by Veolia policies or by state or national health and safety regulations. The Veolia service representative will have undergone workplace hazardous material information system (WHMIS) training and will come equipped with necessary personal protective equipment (PPE).
- Emergencies - In emergencies affecting the safety of persons, work or property at the site and adjacent thereto, Veolia will act, without previous instructions from Ashland, as the situation warrants. Veolia will notify Ashland immediately thereafter.

10 ZeeWeed Membrane Module Standard Warranty

This schedule sets out the warranty with respect to ZeeWeed membrane modules ("membrane modules"). No other warranties, expressed or implied are made in connection with the sale of these products, including, without limitation, warranties as to fitness for any purpose or use or merchantability of these products. The warranty provided herein will be the exclusive and sole remedy of Buyer. This warranty is not transferable.

1 Definitions

The follow terms shall have the meaning set forth below when used in the warranty document:

a. "Buyer" means the party purchasing the ZeeWeed Modules from the Seller

b. "Seller" means a business component of, or legal entity within the Veolia Water Technologies & Solutions business which is selling the ZeeWeed membranes.

1 Warranty Product

This warranty applies to only the membrane modules supplied under the contract of sale. Membrane module means the hollow fiber ultrafiltration membranes and the potted plastic headers. This warranty does not cover air piping to the membrane module, permeate piping from the membrane module, piping connection fittings, connecting hardware and cassette frames with their associated components including but not limited to spacers, aerator tubes, aerator assemblies, screen, module dummies or module blanks.

2 Scope of Warranty

The Seller warrants that its membrane module(s) will be free of defects due to faulty materials or errors in manufacturing workmanship.

Regular membrane module inspection and normal fiber repair shall be the responsibility of Buyer.

All replacement membrane modules will be shipped on the basis of INCOTERMS 2020 FCA Veolia manufacturing facility.

All ancillary costs including but not limited to bagging, boxing, crating, freight, freight insurance, applicable taxes, import duties, certifications, brokerage, receiving, forklift services, storage at site, reattachment hardware, hose/clamp/camlock replacement, crane services, installation, fiber repair materials, glycerin flushing, commissioning and waste disposal are the responsibility of Buyer.

3 Warranty Start Date

Membrane warranty will start on the earlier of:

a. The date that installation of the original membrane module(s) has been substantially completed, or

b. Three (3) months from the date of delivery of the original membrane module(s) to Buyer.

4 Warranty Duration

Total Warranty Duration: a total of **24** months of full replacement warranty coverage.

5 Notification Of Claim

All claims filed under this warranty shall be made in writing by Buyer within 30 days of identifying a defect.

Buyer shall provide the following information:

a. A description of the defect giving rise to the claim;

b. Photographs showing the manufacturing defect;

c. The serial number(s) of the membrane module(s) which is (are) the subject of the warranty claim; and

d. Operating data and repair history for the life of membrane modules which are the subject of a warranty claim.

6 Verification of Claim

After receipt of written notification of a defect, the Seller will promptly undertake such investigations as, in the Seller's opinion, are necessary to verify whether a defect exists. The Seller reserves the right to require additional data as necessary to validate claims. Buyer may, in the course of these investigations, be requested to return membrane module(s) to the Seller for examination (see section 11). The Seller may also conduct reasonable tests and inspections at Buyer's plant or premises. If the results of the investigation do not validate the defect claimed, Buyer will reimburse the Seller for all reasonable expenses associated with said investigation, including expenses for all tests, inspections, and associated travel.

7 Satisfaction of Claims

The Seller will have the right to satisfy claims under this warranty in a flexible manner. Such flexibility may include the repair of existing membrane modules or changes in operating protocols or membrane module replacement or by upgrading failed membrane modules with newer membrane module(s) that may embody design and efficiency improvements. Buyer consents to the supply of replacement membrane modules which may be of a different design than original membrane modules.

8 Operating Information

To maintain the membrane module warranty, membrane system operation records from initial start-up date until claim must be maintained by Buyer and made available to the Seller upon request. Records must be provided in sufficient detail as applicable to verify the subject of a warranty claim and can include but is not limited to, operation data including information on feed water quality, temperatures, flows, trans-membrane pressures, aeration rates, permeate quality, cleaning intervals, cleaning chemical concentrations, elapsed time since start-up, relevant analytical data and reporting of any screen bypass events.

Buyer shall maintain and share access to a single reference copy in electronic form of a membrane module map containing the history of activity by membrane module and the serial number for each module. Buyer shall log its procedures performed related to a membrane module including relocation of membrane modules, repairs, replacements and any other noteworthy events.

Buyer authorizes the Seller to conduct any reasonable review of operation and maintenance records or to inspect facilities where membrane modules are installed, upon reasonable notice to Buyer. Such reviews and/or inspections are intended to also assist the Seller and Buyer in detection of membrane system faults and to optimize the care and operation of the membrane modules.

9 Limitation of Warranties

Occurrence of any of the following as reasonably determined by the Seller will void this warranty:

a. A material failure to operate the membrane system in accordance with Seller's operations and maintenance manual supplied to Buyer as part of the contract, including material failure to adhere to the Seller's specified membrane module cleaning procedures and the use of anything other than Seller-approved membrane module cleaning agents.

b. Failure to adhere to the preventive maintenance program as presented in the Seller's operations and maintenance manual, in published product manuals and in specifications.

c. Failure to adhere to all transportation and storage requirements. ZeeWeed membrane modules may be stored up to 12 months from date of receipt and must be transported and stored in original intact packaging out of direct sunlight in ambient temperatures between 5-35 Degrees Celsius. Storage beyond 12 months from date of receipt requires a written request to Veolia to maintain membrane module warranties.

d. Introduction of destructive foreign materials and chemical agents into the membrane module.

e. Failure to maintain and provide system operating data and repair history for the life of membrane modules which are the subject of a warranty claim.

f. Physical abuse or misuse, incorrect removal or installation of membrane modules by non-Seller personnel including fiber damage caused by operator error in handling of membrane modules or cassettes.

g. Unauthorized alteration of any components or parts originally supplied by the Seller.

h. Intentional damage.

10 Return Procedure

In the event that the return of a membrane module is required pursuant to this warranty, Buyer will first obtain a Return Goods Authorization (RGA) number from the Seller. Membrane module(s) shipped to the Seller for warranty examination must be shipped freight prepaid in environmentally controlled freight and storage with ambient air temperature between 5-35 degree Celsius. If Buyer desires temporary replacement membrane module(s) to replace those alleged to be defective and returned to the Seller for warranty examination, Buyer shall be responsible for the cost associated with any such replacements until

examination of the returned membrane modules pursuant to this warranty is complete. Any membrane module examined by Seller as part of a warranty claim where the membrane module is subsequently found to be performing as warranted or where a membrane module failure is not covered under the warranty will be returned to Buyer, freight collect or disposed of by Seller and the cost associated with any membrane analysis and diagnostic work will be levied against the Buyer based on Veolia standard labor rates.

11 Disclaimer and Limitation on Liability

To the maximum extent permitted by law, in no event shall Seller be liable for any loss of profit or revenues, loss of production, loss of use of equipment or services or any associated equipment, interruption of business, cost of capital, cost of replacement water or power, downtime costs, increased operating costs, claims of Buyer's customers for such damages, or for any special, consequential, incidental, indirect, punitive or exemplary damages arising out of or relating to the performance or actual or alleged breach of the agreement, regardless of whether a claim is based in contract (including warranty or indemnity), extra-contractual liability, tort (including negligence or strict liability), statute, equity or any other legal theory.

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11 Terms and Conditions of Sale

A - Specific Terms and Conditions of Sale

These terms take precedence over the general terms and conditions of sale.

1 Legal Entity for Contracting

ZENON Environmental Corporation is the legal business entity name of the Seller for this product, and means a business component of, or legal entity within the Veolia Water Technologies & Solutions business (Veolia).

Please advise us if this Veolia entity is not set up in your purchasing system as a vendor and you do have another Veolia entity set up. We are keen to make the purchase process as convenient as possible for Ashland.

short form: Where a short reference is required in this document, for convenience, we are called simply **Veolia**.

2 Payment

Veolia prefers to receive payment by wire transfer and will also accept payment by courier check.

Wire transfer information for ZENON Environmental Corporation send details to: SHD WATS REMIT-NAM *vtc.vwts.remit-nam.all@veolia.com*	
Bank of America Merrill Lynch C/O ZENON Environmental Corporation 901 Main Street Dallas, TX 75202	ACCT# 4426318136 ABA# 026009593 SWIFT# BOFAUS3N ACH# 111000012

3 Payment Terms

On approved credit, payment terms are **net 30 days** from customer receipt of invoice. Please see the invoicing schedule in the price section. In the event an invoice is issued on shipment of goods from a Veolia Hungarian production facility, payment terms will be extended by an additional 45 days to account for the additional transit time to the delivery location.

4 Proposal Validity

Prices quoted and proposal terms are valid up to **thirty (30) days** after the date of issue of this proposal unless confirmed with a purchase order.

5 Bonds

Performance or payment bonds are not included in the price. These bonds can be purchased on request but will be at an additional cost.

6 Assignment of Membrane Warranty

The Buyer will be entitled to assign to a subsequent owner of the membranes the warranties of the Seller under this Agreement, provided that a prior written notification is sent to the Seller and the assignment agreement contains terms and conditions which provide the Seller with the protections of the warranties and limitations on liability contained in the Agreement. Subject to Buyer's compliance with the foregoing requirement, such warranty rights are expressly assignable by the Buyer to a subsequent owner of the membranes. Except as provided herein, Buyer is not entitled to extend or transfer this warranty to any other party.

7 Flight Booking

Prices quoted for installation which include airfare are either based on timely confirmation of a visit schedule or based on receipt of a purchase order in time to book any flights seven days in advance. Additional airfare charges related to late arrival of a purchase order will be extra and billed through to Ashland without mark-up.

8 Warranty on Programming

Veolia warrants that the PLC program will conform to the specifications in the relevant sections of the CLSC and OSC (revised for the project) and will be free from defects in workmanship when operated at all times in accordance with Veolia's written instructions. If any defects are found and reported by Ashland within a period not exceeding twelve (12) months beyond the completion of the site acceptance test, Veolia will make modifications to the PLC code as deemed necessary. Any changes requested by Ashland after this period will be at the customer's expense.

9 Purchase Order Guidelines

Please confirm that your purchase order has covered the following points. This will ensure accurate and prompt order entry, product delivery, invoicing and accounts receivables processing and will prevent administrative delays for all parties.

- **Documentation –** Our strong preference is to receive a hard or digital copy of your purchase order (PO) rather than a PO number alone. Your PO can be sent by email to nam.service.pocentral@veolia.com. If you are not able to provide a PO, please contact us for alternatives.
- **Veolia legal entity –** Please be sure your purchase order is issued in the name of the specific Veolia legal entity outlined in the quote. We will be glad to work with your purchasing department to set this entity up as an approved supplier/vendor. Please advise us if this Veolia entity is not set up in your purchasing system as a vendor and you do have another Veolia entity set up.
- **Quotation Number –** Please reference the quotation number in your PO.
- **Product –** Please note which product(s) you wish to purchase along with the quoted price, particularly if quantities or scope differ from the quotation.
- **Taxes –** Please provide any required tax exemption certificates. Please indicate if taxes have been added in your PO.
- **Payment Terms –** Please acknowledge the payment terms included with the quotation.
- **Bill-to Address –** Please include contact information for your accounts payable.
- **Ship-to Address –** Please clearly define the delivery location and the receiver's email & telephone. Please specify receiving hours and any special off-loading requirements.
- **Delivery Date –** Please include your requested delivery date.

B – General Terms and Conditions of Sale

Veolia's standard terms and conditions apply. See Attachment A.

Note to purchasing agent: The Veolia's standard set of commercial terms & conditions are written for moderate value transactions to allow an efficient and rapid provision of services and parts. Where corporate agreement terms have been previously agreed, these may be brought forward by either party and applied by mutual consent. If either of these terms sets are not immediately acceptable, please expect a typical 6-10 week cycle of mutual review to build agreement on changes.

12 Signed Agreement

Through the issue of this proposal, Veolia signals their intent to enter into an agreement with Ashland. Ashland and Veolia acknowledge that they have read and understood this agreement and agree to be bound by the terms and conditions specified in it.

Offered by Legal Entity:	ZENON Environmental Corporation, also known as Veolia or Seller	**Accepted by Legal Entity:**	City of Ashland also known as Ashland or Buyer
		Authorized Signature by:	
		Title:	
		Signature Date:	
		Signature:	x
		Purchase Order No:	
		If options were available, which options selected	

Upon acceptance of this proposal, please forward the following either • by email with .pdf attachments or • by postal mail or • by fax.

1) this signature page completed to:

2) a hard copy of your purchase order, and

3) any required tax exemption certificates

nam.service.pocentral@veolia.com or
Veolia Water Technologies & Solutions
attention: Contracts Administrator
Please contact *nam.service.pocentral@veolia.com* for correct address
or
fax no.: 905 465 3050

This agreement comes into force when Veolia has issued a formal acceptance of Ashland's Purchase order or formal acceptance of this Ashland signed agreement.

Attachment A Veolia Standard Terms and Conditions

1. Exclusive Terms and Conditions. Together with any other terms the Parties agree to in writing, these General Terms and Conditions – together with the last proposal in order of time issued by the Seller – form the exclusive terms ("Agreement") whereby Buyer agrees to purchase, and Seller agrees to sell products and equipment (jointly "Equipment") and to provide advice, instruction and other services in connection with the sale of that Equipment ("Services"). If Buyer sends to Seller other terms and conditions to which Seller may not respond, including but not limited to those contained in Buyer's purchase order, such shall not apply. This Agreement may only be revised by a change order approved in writing by both Parties. All terms not defined herein shall be defined in Seller´s proposal.

2. Equipment and Services. The Equipment to be delivered and the Services to be provided shall be as set out in this Agreement. Unloading, handling, storage, installation, and operation of Buyer's systems or the Equipment are the responsibility of Buyer. Buyer shall not require or permit Seller's personnel to operate Buyer's systems or the Equipment at Buyer's site.

3. Prices and Payment. Buyer shall pay Seller for the Equipment and Services in accordance with the payment schedule (as set forth in Seller´s proposal or, if applicable, in any special conditions agreed to in writing by the Parties). Unless otherwise specified in writing, payment is due net thirty (30) days from the date of Seller's invoice. Seller may require a Letter of Credit or other payment guarantee, in which case the stated amount of the guarantee will be adjusted by Buyer in the event of any currency-based adjustment to prices or payment amounts per the Payment Schedule, and Buyer shall deliver the adjusted guarantee within five (5) days of request by Seller. Buyer agrees to reimburse Seller for collection costs, including 2% (two per cent) interest per month (not to exceed the maximum amount permitted by applicable law), should Buyer fail to timely pay. Buyer shall have no rights to make any deduction, retention, withholding or setoff relating to any payments due under this Agreement.

4. Taxes and Duties Seller shall be responsible for all corporate taxes measured by net income due to performance of or payment for work under this Agreement ("Seller Taxes"). Buyer shall be responsible for all taxes, duties, fees, or other charges of any nature (including, but not limited to, consumption, gross receipts, import, property, sales, stamp, turnover, use, or value-added taxes, and all items of withholding, deficiency, penalty, addition to tax, interest, or assessment related thereto, imposed by any governmental authority on Buyer or Seller or its subcontractors) in relation to the Agreement or the performance of or payment for work under the Agreement other than Seller Taxes ("Buyer Taxes"). The Agreement prices do not include the amount of any Buyer Taxes. If Buyer deducts or withholds Buyer Taxes, Buyer shall pay additional amounts so that Seller receives the full Agreement price without reduction for Buyer Taxes. Buyer shall provide to Seller, within one month of payment, official receipts from the applicable governmental authority for deducted or withheld taxes. Buyer shall furnish Seller with evidence of tax exemption acceptable to taxing authorities if applicable, prior to execution of the Agreement by both Parties or issuance by the Seller of the order acceptance. Buyer's failure to provide evidence of exemption at time of order will relieve Seller of any obligation to refund taxes paid by Seller.

5. Delivery, Title, Risk of Loss. Unless otherwise specified in this Agreement, Seller shall deliver all Equipment to Buyer FCA (Incoterms 2010) Seller's facility. The time for delivery of the Equipment to Buyer shall be specified in this Agreement. Seller's sole liability for any delay in delivery of the Equipment shall be as expressly set out in this Agreement. The place of delivery specified herein shall be firm and fixed, provided that Buyer may notify Seller no later than forty-five (45) days prior to the scheduled shipment date of the Equipment of an alternate point of delivery, Buyer shall compensate Seller for any additional cost in implementing the change. If any part of the Equipment cannot be delivered when ready due to any cause not attributable to Seller, Buyer shall designate a climate-controlled storage location, and Seller shall ship such Equipment to storage. Title and risk of loss shall thereupon pass to Buyer, and amounts payable to Seller upon delivery or shipment shall be paid by Buyer along with expenses incurred by Seller. Services provided herein shall be charged at the rate prevailing at the time of actual use and Buyer shall pay any increase, and Buyer shall pay directly all costs for storage and subsequent transportation. Failure by Buyer to take delivery of the Equipment shall be a material breach of this Agreement.

Title and risk of loss to the Equipment shall be transferred from Seller to Buyer at the point of delivery upon handover in accordance with this Agreement. Title and risk of loss to the Services shall pass as they are performed.

6. Warranties and Remedies. Seller warrants that Equipment shall be delivered free from defects in material, workmanship and title and that Services shall be performed in a competent, diligent manner in accordance with any mutually agreed specifications. Seller's warranty does not cover the results of improper handling, storage, installation, commissioning, operation or maintenance of the Equipment by Buyer or third parties, repairs or alterations made by Buyer without Seller's written consent, influent water which does not comply with agreed parameters, or fair wear and tear.

Unless otherwise expressly provided in this Agreement, the foregoing warranties are valid for:

(a) chemicals and Services, for six (6) months from their date of delivery or the provision of Services;

(b) consumables, including filters and spiral wound membranes (other than spiral wound membranes for process treatment), the earlier of twelve (12) months from date of first use of fifteen (15) months from their date of delivery;

(c) spiral wound membranes for process fluid treatment, ninety (90) days from their date of first use;

(d) ultrafiltration membranes (ZW500, ZW700B, ZW1000, ZW1500), twelve (12) months from their date of delivery;

(e) Equipment other than chemicals and consumables, the earlier of, fifteen (15) months from delivery or shipment to storage, or twelve (12) months from start-up/first use;

(f) software, ninety (90) days from the date of receipt;

(g) Equipment not manufactured by Seller, the warranty shall be the manufacturer's transferable warranty only,

Any claim for breach of these warranties must be promptly notified in writing, and Buyer shall make the defective item available to the Seller, or the claim will be void. Seller's sole responsibility and Buyer's exclusive remedy arising out of or relating to the Equipment or Services or any breach of these warranties is limited to repair at Seller's facility or (at Seller's option) replace at Seller's facility the defective item of Equipment, and re-perform defective Services. In performance of its obligations hereunder, Seller will not control the actual operation of either Buyer's systems or the Equipment at the Buyer's site.

Warranty repair, replacement or re-performance by Seller shall not extend or renew the applicable warranty period.

The warranties and remedies are conditioned upon (a) proper unloading, handling, storage, installation, use, operation, and maintenance of the Equipment and Buyer's facility and all related system in accordance with Seller's instructions and, in the absence, generally accepted industry practice, (b) Buyer keeping accurate and complete records of operation and maintenance during the warranty period and providing Seller access to those records, and (c) modification or repair of Equipment or Services only as authorized by Seller in writing. Failure to meet any such conditions renders the warranty null and void.

The Buyer will be entitled to assign to a subsequent owner of the Equipment the warranties of the Seller under this Agreement, provided that a prior written notification is sent to the Seller and the assignment agreement contains terms and conditions which provide the Seller with the protections of the warranties and limitations on liability contained in the Agreement. Subject to Buyer's compliance with the foregoing requirement, such warranty rights are expressly assignable by the Buyer to a subsequent owner of the Equipment. Except as provided herein, Buyer is not entitled to extend or transfer this warranty to any other party. The warranties and remedies set forth in this article are in lieu of and exclude all other warranties and remedies, statutory, express or implied, including any warranty of merchantability or of fitness for a particular purpose.

Unless otherwise expressly stipulated in this Agreement, Seller gives no warranty or guarantee as to process results or performance of the Equipment, including but not limited to product quality, flow, production, capacity, membrane life, chemical consumption, regulatory compliance or energy consumption.

7. General Indemnity. Seller shall indemnify and hold harmless Buyer from claims for physical damage to third party property or injury to persons, including death, to the extent caused by the negligence of Seller or its officers, agents, employees, and/or assigns while engaged in activities under this Agreement. Buyer shall likewise indemnify and hold harmless Seller from claims for physical damage to third party property or injury to persons, including death, to the extent caused by the negligence of the Buyer, its officers, agents, employees, and/or assigns. In the event such damage or injury is caused by the joint or concurrent negligence of Seller and Buyer, the loss shall be borne by each Party in proportion to its negligence. For the purposes of this article (i) "Third party" shall not include Buyer or any subsequent owner of the Equipment, their subsidiaries, parents, affiliates, agents, successors or assigns including any operation or maintenance contractor, or their insurer; and (ii) no portion of the Equipment is "third party property".

8. Compliance with Laws and Permits. All permits, authorisations, and licenses which are required to construct, install and/or operate Buyer's facility or equipment, to use the Equipment, or to manage and dispose of any wastes, discharges, and

residues resulting from Buyer's use of the Equipment, shall be obtained and maintained by Buyer at Buyer's sole expense. Buyer is responsible for compliance with all laws and regulations applicable to the storage, use, handling, installation, maintenance, removal, registration, and labelling of all Equipment after delivery of the Equipment, as well as for the proper management and disposal of all wastes, discharges, and residues.

9. Buyer's Site Conditions. Buyer warrants that any data furnished to the Seller concerning conditions at Buyer's site (including but not limited to any existing Buyer facility, equipment or processes, influent water or other substances to be treated or measured with the Equipment) is accurate and complete, and the Seller reserves the right to utilize the most appropriate design compatible with generally accepted engineering practices, and to make changes in details of design, manufacture and arrangement of Equipment unless precluded by any limitations specified in this Agreement. Seller shall notify Buyer of (1) any conditions at Buyer's site which materially differ from those indicated in the data furnished by Buyer, (2) any previously unknown physical conditions at Buyer's site of an unusual nature, not revealed by previous investigations and differing from those ordinarily encountered in the type of work provided for in this Agreement, and (3) the presence of any Hazardous Materials (as defined below), the existence of a contaminated soil, unexploded ordinance, or archaeological remains. If such conditions cause an increase in Seller's cost or in the time required for the performance of Seller's obligations, Seller shall be entitled to an equitable adjustment in the Agreement price and an extension in the time for performance.

10. Hazardous Materials and Wastes. In the event that Seller encounters any Hazardous Materials (meaning toxic substances, hazardous substances, pollutants, contaminants, regulated wastes, or hazardous wastes as such terms may be defined or classified in any law, statute, directive, ordinance or regulations promulgated by any applicable governmental entity) at Buyer's site, other than Hazardous Materials introduced by Seller or that are otherwise the express responsibility of Seller under this Agreement, Buyer shall immediately take whatever precautions are required to legally eliminate such Hazardous Materials so that the Seller's work under this Agreement may safely proceed. At no time shall Seller be deemed to have taken title to or the responsibility for the management or disposal of any wastes, Hazardous Materials, influent water, any resultant product streams, wastewater streams, discharges, cleaning materials, or any other materials or substances processed by the Equipment or otherwise located at Buyer's site. Seller does not take responsibility for and hereby expressly disclaims responsibility for the characterization or disposal of wastes, Hazardous Materials, or for the identification, selection, or management of disposal facilities for any wastes.

11. Excusable Delays. Seller shall not be liable nor in breach or default of its obligations under this Agreement to the extent performance of such obligations is delayed or prevented, directly or indirectly, due to causes beyond the reasonable control of Seller, including, but not limited to: acts of God, natural disasters, unusually severe weather, fire, terrorism, war (declared or undeclared) epidemics, material shortages, insurrection, act (or omissions) of Buyer or Buyer's contractors/suppliers or agents, any act (or omission) by any governmental authority, strikes, labour disputes, transportation shortages, or vendor non-performance. The delivery or performance date shall be extended for a period equal to the time lost by reason of delay or non-performance, plus such additional time as may be necessary to overcome the effect of the delay or non-performance. If delivery or performance is delayed for a period exceeding 180 (one hundred and eighty) days, either Party may terminate this Agreement without further liability provided that Seller shall be paid an amount equal to that which would be payable to Seller under the article entitled "Termination". If Seller is delayed by any acts (or omissions) of Buyer, or by the prerequisite work of Buyer's other contractors or suppliers, Seller shall be entitled to an equitable adjustment in schedule, price and/or performance, as applicable.

12. Emergencies. If the safety of Seller's personnel is threatened or likely to be threatened by circumstances outside the reasonable control of Seller, including but not limited to war, armed conflict, civil unrest, riots, terrorism, kidnapping, presence of or exposure to hazardous materials, unsafe working conditions, or by the threat of such circumstances or a lack of adequate protections against such circumstances, Seller shall be entitled to take all necessary steps to ensure the security and safety of its personnel including the evacuation of personnel until such circumstances no longer apply. Any such occurrence shall be considered an excusable delay event. Buyer shall reasonably assist in the event of any such evacuation.

13. Confidentiality, Intellectual Property. Both Parties agree to keep confidential the other Party's proprietary non-public information, if any, which may be acquired in connection with this Agreement. Buyer will not, without Seller's advance written consent, subject Equipment to testing, analysis, or any type of reverse engineering. Seller retains all intellectual property rights including copyright which it has in all drawings and data or other deliverables (including the Equipment) supplied or developed under this Agreement. Buyer agrees that it will not file patent applications on the Equipment or any development or enhancement of the Equipment, or of processes and methods of using the Equipment, without Seller's express prior written permission. Buyer further agrees that in any event any such patents will not be asserted against Seller or its other buyers based upon purchase and use of such Equipment. Seller grants to Buyer a non-exclusive, non-terminable, royalty free license to use the intellectual property embedded in Equipment delivered to and paid for by the Buyer, as well as any drawings, design

or data delivered to and paid for by the Buyer, for the purposes of owning, financing, using, operating and maintaining the relevant Equipment at Buyer's site. Such license may only be assigned to a subsequent owner of the Equipment or to an operations and maintenance subcontractor. Such license does not extend to the re-creation of the Equipment or the manufacture of spares or consumables by Buyer or third parties.

Any software Seller owns and provides pursuant to this Agreement shall remain Seller's property. Seller provides to Buyer a limited, non-exclusive and terminable royalty free project-specific license to such software for the use, operation or maintenance at Buyer's site of any Equipment purchased hereunder to which the software is a necessary component. Buyer agrees not to copy, sub-license, translate, transfer, reverse engineer, or decode the software.

Seller shall indemnify and hold harmless Buyer from any rightful claim of any third party that any Equipment or Service infringe a patent in effect in the USA, an EU member state or country of delivery (provided there is a corresponding patent issued by the USA or an EU member state), or USA copyright or copyright registered in the country of delivery. If the Buyer notifies the Seller promptly of the receipt of any such claim, does not take any position adverse to the Seller regarding such claim and gives the Seller information, assistance and exclusive authority to settle and defend the claim, the Seller shall, at its own expense and choice, either (i) settle or defend the claim and pay all damages and costs awarded in it against the Buyer, or (ii) procure for the Buyer the right to continue using the Equipment or Service, or (iii) modify or replace the Equipment or Service so that it becomes non-infringing, or (iv) remove the infringing Equipment and refund the price. The above paragraph shall not apply to any misuse of Equipment or Equipment which is manufactured to the Buyer's design, or to alleged infringement arising from the combination, operation, or use of any Equipment or Services with other equipment or services when such combination is part of any allegedly infringing subject matter. The foregoing list of sub-sections (i), (ii), (iii), and (iv) and related terms state the entire liability of the Seller for intellectual property infringement by any Equipment or Service.

14. Limitations on Liability. Notwithstanding anything else contained in this Agreement, to the maximum extent permitted by law, and regardless of whether a claim is based in contract (including warranty or indemnity), extra-contractual liability, tort (including negligence or strict liability), statute, equity or any other legal theory:

a. THE TOTAL LIABILITY OF THE SELLER AND OF ITS INSURER FOR ALL CLAIMS ARISING OUT OF OR RELATING TO THE PERFORMANCE OR BREACH OF THIS AGREEMENT OR USE OF ANY EQUIPMENT OR SERVICES SHALL NOT EXCEED THE TOTAL PRICE PAID BY BUYER UNDER THIS AGREEMENT OR (IN THE CASE OF AN AGREEMENT FOR SERVICES WITH A TERM OF MORE THAN ONE YEAR) THE ANNUAL PRICE PAYABLE BY BUYER UNDER THIS AGREEMENT;

b. IN NO EVENT SHALL SELLER BE LIABLE FOR ANY LOSS OF PROFIT OR REVENUES, LOSS OF PRODUCTION, LOSS OF USE OF EQUIPMENT OR SERVICES OR ANY ASSOCIATED EQUIPMENT, INTERRUPTION OF BUSINESS, COST OF CAPITAL, COST OF REPLACEMENT WATER OR POWER, DOWNTIME COSTS, INCREASED OPERATING COSTS, CLAIMS OF BUYER'S CUSTOMERS FOR SUCH DAMAGES, OR FOR ANY SPECIAL, CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE OR EXEMPLARY DAMAGES;

c. SELLER'S LIABILITY SHALL END UPON EXPIRATION OF THE APPLICABLE WARRANTY PERIOD, PROVIDED THAT BUYER MAY CONTINUE TO ENFORCE A CLAIM FOR WHICH IT HAS GIVEN NOTICE PRIOR TO THAT DATE BY COMMENCING AN ACTION OR ARBITRATION, AS APPLICABLE UNDER THIS AGREEMENT, BEFORE EXPIRATION OF ANY STATUTE OF LIMITATIONS OR OTHER LEGAL TIME LIMITATION BUT IN NO EVENT – TO THE EXTENT PERMITTED BY APPLICABLE LAW – LATER THAN FIVE (5) MONTHS AFTER EXPIRATION OF SUCH WARRANTY PERIOD.

For the purposes of this article, "Seller" shall mean Seller, its affiliates, subcontractors and suppliers of any tier, and their respective agents and employees, individually or collectively. If Buyer is supplying Seller's Equipment or Services to a third party, Buyer shall require the third party to agree to be bound by this article. If Buyer does not obtain this agreement for Seller's benefit for any reason, Buyer shall indemnify and hold Seller harmless from all liability arising out of claims made by the third party in excess of the limitations and exclusion of this article.

15. Termination. This Agreement and any performance pursuant to it may be terminated by either Party, and the consequences of such termination shall be as set out in the next paragraph, if the other Party

a. becomes insolvent, makes an assignment for the benefit of its creditors, has a receiver or trustee appointed for the benefit of its creditors, or files for protection from creditors under any bankruptcy or insolvency laws; or

b. fails to make any payment when due or to establish any payment security required by this Agreement, or commits a material breach or defaults in its material obligations under this Agreement, and such default is not cured within thirty (30) days of written notice from the other Party.

Upon the termination of this Agreement by Buyer for cause (i) Seller shall reimburse Buyer the difference between that portion of the Agreement price allocable to the terminated scope and the actual amounts reasonably incurred by Buyer to complete that scope, and (ii) Buyer shall pay to Seller (a) the portion of the Agreement price allocable to Equipment completed, and (b) amounts for Services performed before the effective date of termination. Upon the termination of this Agreement by Seller for cause Buyer shall pay to Seller within thirty (30) days of receipt of invoice the price of all Equipment or Services delivered at the date of termination, plus an amount equal to all costs and expenses incurred in the engineering, sourcing, financing, procurement, manufacture, storage and transportation of the Equipment including materials, work in progress and any cancellation charges assessed against Seller by Seller's suppliers including reasonable overhead and profit on all such costs and expenses. Alternatively, if any schedule of termination payments has been agreed between the Parties, Buyer shall pay to Seller within thirty (30) days of receipt of invoice the amounts set out in that schedule.

Seller shall have the right to suspend performance upon written notice to Buyer in any case where Seller would have the right to terminate the Agreement under this article, without prejudice to Seller's right to terminate this Agreement for cause. Any cost incurred by Seller in accordance with any such suspension (including storage costs) shall be payable by Buyer upon submission of the Seller's invoice(s). Performance of the Seller's obligations shall be extended for a period of time reasonably necessary to overcome the effects of such suspension.

16. Governing Law, Dispute Resolution. This Agreement shall be governed by the substantive laws of the State of Oregon. In the event of a dispute concerning this Agreement, the complaining Party shall notify the other Party in writing thereof. Management level representatives of both Parties shall meet at an agreed location to attempt to resolve the dispute in good faith. Should the dispute not be resolved within thirty (30) days after such notice, the complaining Party shall seek remedies exclusively through arbitration. The seat of arbitration shall be the federal district court in Philadelphia, PA, and the rules of the arbitration will be the Commercial Arbitration Rules of the American Arbitration Association, which are incorporated by reference into this article.

Notwithstanding the foregoing, each Party shall have the right to commence an action or proceeding in a court of competent jurisdiction, subject to the terms of this Agreement, in order to seek and obtain a restraining order or injunction to enforce the confidentiality intellectual property provisions set forth in the first two paragraphs of article 13; nuclear use restrictions set forth in article 17, or to seek interim or conservatory measures not involving monetary damages.

17. No Nuclear Use. Equipment and Services sold by Seller are not intended for use in connection with any nuclear facility or activity, the Buyer warrants that it shall not use or permit others to use the Equipment or Services for such purposes, without the advance written consent of Seller. If, in breach of this, any such use occurs, Seller (and its parent, affiliates, suppliers and subcontractors) disclaims all liability for any nuclear or other damage, injury or contamination, and, in addition to any other rights of Seller, Buyer shall indemnify and hold Seller (and its parent, affiliates, suppliers and subcontractors) harmless against all such liability.

18. Export Control. Seller's obligations are conditioned upon Buyer's compliance with all applicable trade control laws and regulations including those of the United States, European Union, and France. Additionally, Buyer shall not sell, distribute, disclose, release or otherwise transfer any item or technical data provided under this Agreement to: (i) any country designated as a "State Sponsor of Terrorism" by the U.S. Department of State including, for this Agreement, the countries of North Korea (ii) any entity located in, or owned by an entity located in, a "State Sponsor of Terrorism" country, North Korea, (iii) the region of Crimea or (iv) any person or entity listed on the "Entity List" or "Denied Persons List", the list of "Specifically Designated Nationals and Blocked Persons" maintained by any other applicable prohibited party list. The Buyer hereby certifies that the work, technical data, software or other information or assistance furnished by the Seller or its Affiliates under this contract will not be used in the design, development, production, stockpiling or use of chemical, biological or nuclear weapons either by the Buyer or by any entity acting on the Buyer's behalf. The obligations of the parties to comply with all applicable trade control laws and regulations shall survive any termination or discharge of any other contract obligations.

19. Changes. Each Party may at any time propose changes in the schedule or scope of Equipment or Services. All changes to the Equipment or Services shall be subject to mutual agreement via a written change order or variation, which shall only become effective once signed by both Parties. The scope, Agreement price, schedule, and other provisions will be equitably adjusted to reflect additional costs or obligations incurred by Seller resulting from a change, after Seller's proposal date, in Buyer's site-specific requirements or procedures, or in industry specifications, codes, standards, applicable laws or

regulations. It shall be acceptable and not considered a change if Seller delivers Equipment (including Equipment replacement under warranty) that bears a different, superseding or new part or version number compared to the part or version number listed in the Agreement, provided that in no circumstance shall this affect any other of Seller's obligations including those set forth in article 6.

20. Conflicts; Survival, Assignment. If there is any conflict between this Agreement and any written proposal or quotation provided by Seller, then the terms and conditions set forth in this Agreement shall prevail. If any term or condition of this Agreement or any accompanying terms and conditions are held invalid or illegal, then such terms and conditions shall be reformed to be made legal or valid, or deleted, but the remaining terms and conditions shall remain in full force and effect, and this Agreement shall be interpreted and implemented in a manner which best fulfils Parties' intended agreement. Those provisions which by their nature remain applicable after termination shall survive the termination of this Agreement for any reason. Seller may assign or novate its rights and obligations under the Agreement, in whole or in part, to any of its affiliates or may assign any of its accounts receivable under this Agreement to any party without Buyer's consent, and the Buyer hereby agrees, by signing this Agreement, to such assignment and to execute any document that may be necessary to complete Seller's assignment or novation. This Agreement shall not otherwise be assigned by either Party without the other Party's prior written consent, and any assignment without such consent shall be void.

Seller may (i) manufacture and source the Equipment and any part thereof globally in the country or countries of its choosing; and (ii) subcontract portions of the Services, so long as Seller remains responsible for such.

21. No third-party beneficiary. Except as specifically set forth in the article entitled "Limitations on Liability" and "No Nuclear Use", this Agreement is not intended to, and does not, give to any person who is not a party to this Agreement any rights to enforce any provisions contained in this Agreement.

22. Entire Agreement. This Agreement embodies the entire agreement between Buyer and Seller and supersedes any previous documents, correspondence or agreements between them. No modification, amendment, revision, waiver, or other change shall be binding on either Party unless agreed in writing by the Party's authorized representative. Any oral or written representation, warranty, course of dealing, or trade usage not specified herein shall not be binding on either Party. Each Party agrees that it has not relied on, or been induced by, any representations of the other Party not contained in this Agreement.

Attachment B ZENON Environmental Corporation W9

Form **W-9**
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

▶ Go to *www.irs.gov/FormW9* for instructions and the latest information.

Give Form to the requester. Do not send to the IRS.

Print or type. See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Zenon Environmental Corporation

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC ☑ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
Exempt payee code (if any) 5
Exemption from FATCA reporting code (if any) _____
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
3600 Horizon Blvd.

Requester's name and address (optional)

6 City, state, and ZIP code
Trevose, PA 19053

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number
			–			–				

or

Employer identification number
3	8	–	2	5	4	9	3	2	6

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person ▶ [signature] Date ▶ 01/19/2023

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9*.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, *later.*

Cat. No. 10231X Form **W-9** (Rev. 10-2018)

ZENON ENVIRONMENTAL CORPORATION

ADDENDUM TO FORM W-9

Zenon Environmental Corporation owns or leases various properties in its business activities in addition to the Trevose, PA property listed as the official Tax mailing address on lines 5 and 6 of Form W-9.

Specifically, Zenon Environmental Corporation operates from the following address:

3239 Dundas Street West
Oakville, Ontario, L6M 4B2 Canada

This address should be used for your billing records.

Council Business Meeting

December 5, 2023

Agenda Item	Shelter Goals	
From	Tonya Graham	Mayor
Contact	Tonya.graham@ashland.or.us	
Item Type	Requested by Council ☒ Update ☐ Request for Direction ☐ Presentation ☐ Consent ☐ Public Hearing ☐ New Business ☐ Old Business ☐	

SUMMARY

Mayor Graham has integrated input from the first Council discussion and the neighborhood group into this list of proposed goals for the facility at 2200 Ashland Street and the surrounding neighborhood. By having clear goals, the City and community will be able to identify next steps for a variety of issues, develop a master plan for the facility and site, and effectively assess progress over time.

Through the establishment of these goals, and taking meaningful steps toward meeting them, the City will ensure that the facility is a good neighbor and a benefit to this neighborhood, which has seen escalating challenges linked to homelessness over the past few years. The geographic boundaries of the section of town these goals refer to will need to be further refined, but it is generally referred to as "south Ashland" and includes Ashland Street between the Ashland Hills Inn and the intersection with Siskiyou Boulevard and East Main Street to Siskiyou Blvd.

Proposed Goals:

- Provide immediate safety for Ashland residents who are experiencing homelessness
- Reduce and maintain reduced levels of the garbage and litter found on neighborhood streets, around businesses, in Clay Street Park, and along the bike path and train tracks
- Provide a pathway to long-term housing for Ashland residents who are experiencing homelessness
- Improve the sense of safety in the neighborhood, especially along the bike path under the overpass and at Siskiyou School
- Support the dignity of Ashland residents who are experiencing homelessness by providing for their basic needs on a temporary basis so that they can transition to more

permanent housing

- Reduce the risk of wildfire in the neighborhood caused by cigarette smoking and illegal cooking

- Provide a means by which Ashland residents who are experiencing homelessness can contribute back to the community as they are receiving services at the facility

- Invest in ensuring that the rate of certain crimes (household theft, trespassing, drug dealing etc.) as well as drug and alcohol use and overdoses, is no higher in this section of town than in the rest of Ashland

- Support economic development and public art efforts that build, energize, and beautify south Ashland, which welcomes visitors as a gateway to the city.

Next Steps the neighborhood is asking Council to consider:

- Create a regular system for the city to reduce and remove: garbage, litter, biohazard waste, drug paraphernalia, furniture and discarded items, human waste, or any other public safety hazards on neighborhood streets, around businesses, in Clay Street Park, and along the bike path and train tracks, and throughout south Ashland.

- Provide safety in South Ashland, especially along the bike path under the overpass and at Siskiyou School but also throughout the entirety of south Ashland through strong policy, ordinances and empowering law enforcement.

- Provide education to businesses and property owners about ordinances and trespass processes.

REFERENCES & ATTACHMENTS

Memo: Shelter Items Follow-up

CITY OF ASHLAND
Better Together
ADMINISTRATION
Sabrina Cotta, Acting City Manager

Memo

TO: Mayor & City Council
FROM: Sabrina Cotta, Acting City Manager
DATE: December 5, 2023

RE: Shelter Items Follow-up

There has been a request to address several additional items related to the shelter at 2200 Ashland Street. Currently there is $32,000 left this fiscal year to address needs around the unhoused.

Lighting

Request: Lighting on the overpass to illuminate the bike path that travels beneath the Ashland Street bridge.
Timing: Action requested by end of November.
Action: The City has a request into ODOT about placing lighting on the bridge as ODOT owns the bridge. Several items are under consideration:

- The availability of electricity to illuminate and the cost to run conduit to the bridge.
- Placement of lighting- on the bridge versus grounded.

Next steps: After confirmation from ODOT on options for lighting placement. Staff will place the appropriate lighting to illuminate the underpass.

Lighting: bike path

Request: Lighting on the bike path placed to not shine in windows.
Timing: Action requested by end of November.
Action: None. There is currently no budget to address size project. Uncertainty about scope as bike path is several miles long.
Next Steps: Council can request staff come back with a scoped project to include removal of a current CIP project to do this project instead, cost estimate, and budget supplemental.

Fencing

Request: Ensure gaps along the bike path fence are sealed and replace the wooden section of fence with chain link.
Timing: Action requested by end of November.

ADMINISTRATION
20 East Main Street
Ashland, Oregon 97520
ashland.or.us
Tel: 541.488.6002
Fax: 541.488.5311
joe.lessard@ashland.or.us
sabrina.cotta@ashland.or.us

Action: Facilities will work to get a bid to close chain link gaps as well as fence from the shelter fence to the bridge. This portion of fencing will require permission from ODOT as ODOT right away.
Next Steps: Department identification and project execution.

APD Presence

Request: Increased APD presence in the area of 2200 Ashland Street and surrounding areas.
Timing: ASAP
Action: APD has increased presence and is currently working on an office in the Albertson's shopping center (Suds ur duds site).
Next steps: Continue with current action.

Relocation of Shower Trailer:

Request: Move the shower trailer to the other side of the building (Ashland Street side)
Timing: ASAP
Action: None. Due to the location of utilities this cannot be relocated. The City is legally, per stipulation of the grant being used to fund the shelter, to provide showers.
Next steps: None

Relocation of porta potties:

Request: Relocate the porta potties to the Ashland Street side of the shelter facility.
Timing: ASAP
Action: None. Due to ADA requirements and Fire response egress needs these items cannot be relocated at this time.

Screening of Porta potties:

Request: Better screening for shower trailer and porta potties.
Timing: ASAP
Action: After a meeting with the neighborhood coalition representatives an understanding was reached that permanent screening of facilities will be done once a final site plan is in place and future use of the building is decided.

Neighborhood Clean-up

Request: Utilize Parks and Recreation Volunteer Coordinator and Resources to initiate a volunteer clean-up effort in the area surrounding the 24/7 shelter.
Timing: December

CITY OF ASHLAND
Better Together
ADMINISTRATION
Sabrina Cotta, Acting City Manager

Action: Parks & Recreation will make their clean-up supplies and waivers available in December as well as spread the word through their established volunteer groups. The Mayor will coordinate the effort from there for volunteers. Public Works and the City Manager's Office can coordinate the pick-up of the debris/trash.

ADMINISTRATION
20 East Main Street
Ashland, Oregon 97520
ashland.or.us

Tel: 541.488.6002
Fax: 541.488.5311

joe.lessard@ashland.or.us
sabrina.cotta@ashland.or.us

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Tonight's Meeting Date_____

Name Pamala Foy

[redacted]

Regular Meeting

Agenda topic/item number_____ **OR**

Topic for public forum (non agenda item) Protest to 5G

Land Use Public Hearing

Please indicate the following:
For:_____ **Against:**_____

erest or Bias

If you are challenging a m ng commissioner) with a conflict of interest or bias, please write your a facts on this form and deliver it to the clerk immediately. The Presidi challenge with the member. Please be respectful of the proceedin lso provide testimony about the challenge when you testify during the
Written Comments/Challeng

scanned & redacted

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Tonight's Meeting Date 12-4-2023

Name Scott Plass

[redacted]

Regular Meeting

Agenda topic/item number_____ **OR**

Topic for public forum (non agenda item) 5G + Cell tower Safety

Land Use Public Hearing

Please indicate the following:
For:_____ **Against:**_____

Challenge for Conflict of Interest or Bias

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Tonight's Meeting Date 12/5/22

Name PAUL SHELDON

[redacted]

Regular Meeting

Agenda topic/item number_____ **OR**

Topic for public forum (non agenda item) Ashland – Sviatohirsk Sister City

Land Use Public Hearing

Please indicate the following:

For:_____ **Against:**_____

Challenge for Conflict of Interest or Bias

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Parking

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Tonight's Meeting Date 12/5

Name GARY SHAFF

[redacted]

Regular Meeting

Agenda topic/item number X.1 **OR**

Topic for public forum (non agenda item) parking

Land Use Public Hearing

Please indicate the following:
For: X **Against:** _____

Challenge for Conflict of Interest or Bias

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Written Comments/Challenge: _____

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Camp ord

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Tonight's Meeting Date 12-5-23

Name Ainsley Herrick

[redacted]

Regular Meeting

Agenda topic/item number X2 **OR**

Topic for public forum (non agenda item) _____

Land Use Public Hearing

Please indicate the following:
For: _____ **Against:** _____

Challenge for Conflict of Interest or Bias

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Written Comments/Challenge: _____

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Tonight's Meeting Date 12/05/23

Name JD Barons

[redacted]

Regular Meeting

Agenda topic/item number Anti-camping ordinance **OR**

Topic for public forum (non agenda item) _____

Land Use Public Hearing

Please indicate the following:

For: _____ **Against:** _____

Challenge for Conflict of Interest or Bias

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Written Comments/Challenge: _____

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Tonight's Meeting Date 12/5

Name GRACE PETTYGROVE

[redacted]

Regular Meeting

Agenda topic/item number x2 **OR**

Topic for public forum (non agenda item) PROHIBITED CAMPING ORDINANCE

Land Use Public Hearing

Please indicate the following:
For:_____ **Against:** X

Challenge for Conflict of Interest or Bias

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Tonight's Meeting Date Dec 5, 2023

Name Rich Rohde (please print)

[redacted]

Regular Meeting

Agenda topic/item number X. 2 Prohibited Camping Ord. 3228 **OR**

Topic for public forum (non agenda item) _____

Land Use Public Hearing

Please indicate the following:
For: _____ **Against:** _____

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Written Comments/Challenge: _____

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Tonight's Meeting Date 12-5-23

Name Toren McKnight

[redacted]

Regular Meeting

Agenda topic/item number X.2 **OR**

Topic for public forum (non agenda item) Prohibited camping ordinance

Land Use Public Hearing

Please indicate the following:
For:_____ **Against:**_____

Challenge for Conflict of Interest or Bias

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Camp

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Tonight's Meeting Date 12-5-2023

Name Heron Boyce

[redacted]

Regular Meeting

Agenda topic/item number_____ **OR**

Topic for public forum (non agenda item) Camping Ordinance

Land Use Public Hearing

Please indicate the following:
For:_____ **Against:**_____

Challenge for Conflict of Interest or Bias

If you are challenging a member (a city councilor or a planning commissioner) with a conflict of interest or bias, please write your allegation complete with supporting facts on this form and deliver it to the clerk immediately. The Presiding Officer will address the written challenge with the member. Please be respectful of the proceeding and do not interrupt. You may also provide testimony about the challenge when you testify during the normal order of proceedings.

Written Comments/Challenge:_____

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Comments and statements by speakers do not represent the opinion of the City Council, City Officers or employees or the City of Ashland.

Camp ord

Speaker Request Form

THIS FORM IS A PUBLIC RECORD
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1) Complete this form and return it to the City Recorder **prior to the discussion of the item you wish to speak about.**
2) Speak to the City Council from the table podium microphone.
3) State your name and address for the record.
4) Limit your comments to the amount of time given to you by the Mayor, usually 3 or 5 minutes.
5) If you present written materials, please give a copy to the City Recorder for the record.
6) You may give written comments to the City Recorder for the record if you do not wish to speak. (Comments can be added to the back of this sheet if necessary)
7) Speakers are solely responsible for the content of their public statement.

Tonight's Meeting Date 12/

Name Debbie Neisewander

[redacted]

Regular Meeting

Agenda topic/item number_____ **OR**

Topic for public forum (non agenda item) ordinance against homeless

Land Use Public Hearing

Please indicate the following:
For:_____ **Against:**_____

Challenge for Conflict of Interest or Bias

If you are challenging a member (a city councilor or a planning commissioner) with a conflict of interest or bias, please write your allegation complete with supporting facts on this form and deliver it to the clerk immediately. The Presiding Officer will address the written challenge with the member. Please be respectful of the proceeding and do not interrupt. You may also provide testimony about the challenge when you testify during the normal order of proceedings.

Written Comments/Challenge:_____

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Tonight's Meeting Date 12/5/2023

Name Janet Bell

[redacted]

Regular Meeting

Agenda topic/item number_____ **OR**

Topic for public forum (non agenda item) 1ST READING OF CAMPING ORDINANCE

Land Use Public Hearing

Please indicate the following:
For:_____ **Against:**_____

Challenge for Conflict of Interest or Bias

If you are challenging a member (a city councilor or a planning commissioner) with a conflict of interest or bias, please write your allegation complete with supporting facts on this form and deliver it to the clerk immediately. The Presiding Officer will address the written challenge with the member. Please be respectful of the proceeding and do not interrupt. You may also provide testimony about the challenge when you testify during the normal order of proceedings.

Written Comments/Challenge:_____

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Camp

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Tonight's Meeting Date 12/5/23

Name Jesse Carson Hamilton

[redacted]

Regular Meeting

Agenda topic/item number Ordinaces **OR**

Topic for public forum (non agenda item) _____

Land Use Public Hearing

Please indicate the following:
For: _____ **Against:** _____

Challenge for Conflict of Interest or Bias

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Written Comments/Challenge: _____

_____

_____

_____

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Camp

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Tonight's Meeting Date 12/5

Name Dennis SLATTERY

[redacted]

Regular Meeting

Agenda topic/item number X 2 **OR**

Topic for public forum (non agenda item) Prohibited Camping.

Land Use Public Hearing

Please indicate the following:
For:_____ **Against:**_____

Challenge for Conflict of Interest or Bias

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Written Comments/Challenge:_____

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Camp

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Tonight's Meeting Date 12/5/23

Name DANIEL QUINN

[redacted]

Regular Meeting

Agenda topic/item number X/2 **OR**

Topic for public forum (non agenda item) Public CAMPING

Land Use Public Hearing

Please indicate the following:
For:_____ **Against:**_____

Challenge for Conflict of Interest or Bias

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Written Comments/Challenge:_____

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Camp ord
-last speaker

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Tonight's Meeting Date December 5, 2023

Name Tam Marden.

[redacted]

Regular Meeting

(would like to speak last)

Agenda topic/item number prohibited Camping ordinance. **OR**

Topic for public forum (non agenda item) _____

Land Use Public Hearing

Please indicate the following:

For: _____ **Against:** _____

Challenge for Conflict of Interest or Bias

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Written Comments/Challenge: _____

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_____

_____

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Camp

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Tonight's Meeting Date 12/5/23

Name Trina Sanford (please print)

[redacted]

Regular Meeting

Agenda topic/item number Camping ordinance

Topic for public forum (non agenda item) _____

Land Use Public Hearing

Please indicate the following:

For: _____ **Against:** _____

Challenge for Conflict of Interest or Bias

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Written Comments/Challenge: _____

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7) Speakers are solely responsible for the content of their public statement.

Tonight's Meeting Date 12/5/23

Name James Fox Bride

[redacted]

Regular Meeting

Agenda topic/item number X2 **OR**

Topic for public forum (non agenda item) _____

Land Use Public Hearing

Please indicate the following:
For: _____ **Against:** _____

Challenge for Conflict of Interest or Bias

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Written Comments/Challenge: _____

_____

_____

_____

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From: City of Ashland, Oregon <administration@ashland.or.us>
Sent: Tuesday, December 5, 2023 9:54 AM
To: City Recorder <recorder@ashland.or.us>; Dorinda Cottle <dorinda.cottle@ashland.or.us>
Subject: Council Public Testimony Form Submitted

[EXTERNAL SENDER]
*** FORM FIELD DATA***
Full Name: **Maggie McGovern**
Phone: **8318690852**
Email: **mcgroovin2000@yahoo.com**
Meeting Date : **Dec 5, 2023**
Type of Testimony: **WRITTEN**
Written Testimony: **Similar to others, I want safe housing for all. This city has created a conflict that doesn?t need to exist by putting shelters too close to schools and residents. You are making everyone?s lives harder especially those who are most vulnerable and houseless by placing shelters in inappropriate locations and causing unnecessary upset. I WANT SAFE HOUSING IN SAFE LOCATIONS. In regards to the camping area restriction, we already have an out of control camping issue. Clay st park is one park that is now avoided by many families due to humans camping there. Instead of the proposed camping restrictions I?d prefer a 500 ft no camping perimeter around schools and 250 ft around the playgrounds. The shelters can fit into that, perhaps make a custom perimeter around the shelter where camping is allowed to keep the schools, playgrounds and neighborhoods safe. Had the shelters been located more appropriately this would not be an issue. This being said, the fact that one shelter is that close to Siskiyou School and neighborhoods is callous. My child attends Siskiyiu and having to fence in our school and children is totally unacceptable. I wrote about this previously to the city and you didn?t address it at all. I moved here for an open, safe place to raise children. I have never had to have them fenced in. I pay a lot of hard earned money to live in this town where children can safely go to school, walk to school, run to the playground. I am horrified that the solution is fencing our children in. I am horrified the solution you propose is to alter our children?s safety and freedom and innocence. In addition, badly thought out placement of a shelter will greatly impact Siskiyou Schools enrollment. I planned to have my two children attend Siskiyou but I am reconsidering as I drive my oldest into a gated school now and I no longer know if my plan of him riding his bike to school when he?s old enough will be safe. I know there are parents who will decide not to send their children there because of the safety concerns you have created. And this is just the beginning as the shelter isn?t running yet. Again, I want safe housing in safe locations. You have silenced those who want safety and care for the neighbors and schools by making it seem like we are against safe housing for those who need shelter and don?t have it. Shame on you. The safety issues exist and you are not taking responsibility for the impact you are having on residents and schools and children and families and, ultimately, the houseless population who never asked to be part of such a huge conflict of interest.**

*** USER INFORMATION ***
SubscriberID: **-1**
SubscriberUserName:
SubscriberEmail:
RemoteAddress: **66.241.70.76**
RemoteHost: **66.241.70.76**
RemoteUser:

From: City of Ashland, Oregon <administration@ashland.or.us>
Sent: Tuesday, December 5, 2023 12:02 PM
To: City Recorder <recorder@ashland.or.us>; Dorinda Cottle <dorinda.cottle@ashland.or.us>
Subject: Council Public Testimony Form Submitted

[EXTERNAL SENDER]

*** FORM FIELD DATA***
Full Name: **Lauri Hoagland**
Phone: **707-695-6262**
Email: **lauri7757@aol.com**
Meeting Date : **12/5/23**
Type of Testimony: **WRITTEN**
Written Testimony: **I am opposed to the new camping policy to be reviewed this evening. I live in Ashland and have worked as a Nurse Practitioner with the homeless population in Jackson County on the La Clinica mobile for years. This policy is hostile and punitive and does not feel like it will make our public spaces safer for the community. We all want a private space, toileting/bathing facilities, garbage service and safety. Being homeless is not a choice and is usually the result of multiple hardships involving poverty, trauma, substance use, disability and untreated mental illness. We do not have adequate resources for these individuals in our town. It is cruel to approach this issue by setting rules without providing opportunities. Our police officers should be tending to criminal behavior not deciding if a person's property has utility or penalizing a person who has mental and physical limitations for littering or toileting in open space when there is not easy access t o bathrooms or garbage cans. I think this ordinance will create an atmosphere of distrust rather then one of cooperation. We have been making progress with recent OHRA and shelter space. We need to continue to develop a humanitarian plan. With the increase in climate disasters, inflation, reduction in public funding, lack of mental health and substance use services we will continue to increase our homeless population. We need a comprehensive plan for our community to provide safety for the housed and unhoused among us.**

*** USER INFORMATION ***
SubscriberID: **-1**
SubscriberUserName:
SubscriberEmail:
RemoteAddress: **66.241.70.76**
RemoteHost: **66.241.70.76**
RemoteUser:

From: City of Ashland, Oregon <administration@ashland.or.us>
Sent: Saturday, December 2, 2023 6:27 PM
To: City Recorder <recorder@ashland.or.us>; Dorinda Cottle <dorinda.cottle@ashland.or.us>
Subject: Council Public Testimony Form Submitted

[EXTERNAL SENDER]

*** FORM FIELD DATA***
Full Name: **Alexandra Reid**
Phone: **707 499-9146**
Email: **ralexandrareid@gmail.com**
Meeting Date : **December 5, 2023**
Type of Testimony: **WRITTEN**
Written Testimony: **I respectfully recommend that the City Council NOT approve Prohibited Camping Ordinance 3228 at its first reading this evening. Instead, I would like to suggest that the Council forward this current draft to their Housing and Human Services Advisory Committee which has recently been tasked with developing a Homelessness Masterplan for the City. Regulations concerning camping in public spaces are an important component of such a plan and they need to be aligned and integrated with all other component parts so that the Masterplan is cohesive and something that can actually be implemented. Other points I'd like to add: ` *Creating a "livability team" similar to Medford's to assist people who arrive in Ashland with no place to live sounds like good idea. * Continuing or even increasing the $250 fine for illegal camping sounds debilitating and ineffective. I agree with Councilor Kaplan that "it would be counterproductive to give misdemeanors to homeless individuals..." They can't afford to pay them and having a record of unpaid debts makes it even harder for them to find housing. * Why differentiate between people who are "voluntarily or involuntarily homeless ? It's generally better to avoid labeling people and instead treat them according to their behavior, especially since "federal case law is unclear" about whether a city can differentiate [between these categories.]" Why risk a lawsuit? *The definitions for "Apparent Value or Utility" could cause difficulty. Something that may appear non-essential to one person could be of significant sentimental value to its owner - like the broken necklace my grandmother once wore that I hope to always keep. * The maps of where people cannot camp will be incredibly hard to enforce, perhaps impossible. Why don't we make a map that shows instead where people CAN go, where they may even be welcomed? Not everyone can sleep in a crowded room with strangers, In addition to a shelter we will always need other options, including safe places to camp and safe places to park and sleep in a vehicle. All in all, this ordinance feels punitive. It doesn't feel balanced. It doesn't acknowledge that homelessness is a symptom of much bigger problems in our society. or that people who are homeless are generally uncomfortably sick, in pain, hungry, experiencing low self esteem, exhausted and trying hard not to despair. One time I cheerily asked a woman who was homeless "How are you?" and she replied, "Well, I'm hungry." I don't ask that careless question anymore. I think that under the auspices of the Housing and Human Services Advisory Committee, the group they convene to develop a Homelessness Masterplan that includes a camping ordinance will be more balanced and workable for our City. Representatives from a variety of stakeholders will be invited to participate at that table: people worried about their businesses, people worried about their neighborhood and their children, advocates for the homeless, people who have experienced homelessness or who are experiencing it now and some of our conscientious police officers who will appreciate having guidance and support to carry out whatever the City Council finally approves as a Homelessness Masterplan.**

*** USER INFORMATION ***
SubscriberID: **-1**
SubscriberUserName:
SubscriberEmail:
RemoteAddress: **66.241.70.76**
RemoteHost: **66.241.70.76**
RemoteUser:

From: City of Ashland, Oregon <administration@ashland.or.us>
Sent: Monday, December 4, 2023 10:45 AM
To: City Recorder <recorder@ashland.or.us>; Dorinda Cottle <dorinda.cottle@ashland.or.us>
Subject: Council Public Testimony Form Submitted

[EXTERNAL SENDER]

*** FORM FIELD DATA***
Full Name: **Nancy Roberts**
Phone:
Email: **nroberts03r@aol.com**
Meeting Date : **12/05/2023**
Type of Testimony: **WRITTEN**
Written Testimony: **Please approve the first reading of the proposed prohibited camping ordinance. I have read the proposed ordinance and the staff report. I believe it will help address behavior, not status and is balanced for the greater good of all. I am also in support of the Mayor's shelter goals and requests from the South Ashland community. Thank you**

*** USER INFORMATION ***
SubscriberID: **-1**
SubscriberUserName:
SubscriberEmail:
RemoteAddress: **66.241.70.76**
RemoteHost: **66.241.70.76**
RemoteUser:

From: City of Ashland, Oregon <administration@ashland.or.us>
Sent: Wednesday, November 29, 2023 6:34 PM
To: City Recorder <recorder@ashland.or.us>; Dorinda Cottle <dorinda.cottle@ashland.or.us>
Subject: Council Public Testimony Form Submitted

[EXTERNAL SENDER]

*** FORM FIELD DATA***
Full Name: **Laurie True**
Phone: **916 607 4822**
Email: **ltrue@cypresfunds.net**
Meeting Date : **Dec. 5, 2023**
Type of Testimony: **WRITTEN**
Written Testimony: **RE: Comments on Proposed Camping Prohibition Ordinance No. 3228, posted online as of 11/29/23. Dear Mayor Graham and City Council Members, I am writing in support of the City?s efforts to balance the rights and needs of unhoused individuals with the rights and needs of other city residents, particularly families with children and the frail elderly, who want to continue to use and enjoy the beauty and safety of public spaces here in Ashland. The proposed prohibition on public camping seems reasonable and fair. My understanding of the proposal includes these key points: ? The ordinance differentiates between individuals who are ?involuntarily? and ?voluntarily? homeless. ?Involuntarily? homeless persons lack shelter and are living on the streets due to uncontrollable circumstances such as economic hardship, health and social network breakdowns and exhausted temporary housing options. ? The ordinance (Page 1, Lines 22-28) seems to assume that the City of Ashland will continue to provide ?alternative space and shelter to rest and sleep for persons who lack access to suitable temporary shelter due to either financial inability or the availability of free, viable options.? The City supports the longer-term OHRA Shelter, recently opened the low-barrier Emergency/Cold Weather Shelter at 2200 Ashland Street, and still operates an Overnight Campsite behind the Police Department for those who prefer tents. While not perfect, these shelter spaces are, in my view, viable options for homeless persons: they are City-designated sleeping places that provide minimal comfort, supervision and safety. ? The ordinance seems to target law enforcement prohibitions, fines and removals towards a subgroup, delineated as the ?voluntarily? homeless. The ordinance implies (but does not spell out) that these unhoused individuals will have been specifically offered alternative spaces and shelter provided by the City of Ashland (or other entities) -- but have refused those services. ? By refusing those offers of shelter, these ?voluntarily? homeless persons (according to the ordinance) ?instead willfully exploit spaces for personal gain or advantage, to the detriment of the general public that includes the involuntarily homeless population.? By refusing offers of City-designated shelter alternatives, the ordinance therefore defines this group as those who ?choose to live homeless? ? and as such would be subject to the camping ban as detailed in the ordinance. ? In a key provision, the prohibition on public camping would not be enforced for involuntarily homeless individuals when ?a Designated Space or Shelter is unavailable,? or there is a public emergency such as fires or pandemics. This places the onus on the continued provision of adequate shelter alternatives on the City, which is appropriate. I hope the City continues to improve and expand shelter and emergency meal offerings for our growing unhoused population. It may seem overly draconian to some community members to insist that even those who live on the streets follow some basic rules. Like everyone else, I wish nobody lived on the streets! But here we are and the unhoused problem is not going away anytime soon. I believe the rules as set out in this proposed ordinance are minimal and fair: If you want a place to sleep or camp here in Ashland, you need to use a shelter or designated space. You also need to be a respectful neighbor. There will be consequences for those who choose not to follow these rules. I appreciate the dialogue and tremendous effort that has gone into opening more shelter bed options here in Ashland, and to finding ways to balance the harsh realities of homelessness with the rights of all our community members to enjoy safe, clean public spaces. This won?t be an easy ordinance to understand or enforce. Its fairness will depend on the ongoing and expanding provision of adequate and free shelter options. So, it?s definitely a work in progress. Let?s keep at it -- together! Sincerely, Laurie True 920 Glendower Street**

From: City of Ashland, Oregon <administration@ashland.or.us>
Sent: Tuesday, December 5, 2023 10:58 AM
To: City Recorder <recorder@ashland.or.us>; Dorinda Cottle <dorinda.cottle@ashland.or.us>
Subject: Council Public Testimony Form Submitted

[EXTERNAL SENDER]

*** FORM FIELD DATA***
Full Name: **Paul Vozdic**
Phone:
Email: **vozdic@yahoo.com**
Meeting Date : **12/5/2023**
Type of Testimony: **WRITTEN**
Written Testimony: **I'm in support of approving the first reading of the prohibited camping ordnance.**

*** USER INFORMATION ***
SubscriberID: **-1**
SubscriberUserName:
SubscriberEmail:
RemoteAddress: **66.241.70.76**
RemoteHost: **66.241.70.76**
RemoteUser:

From: City of Ashland, Oregon <administration@ashland.or.us>
Sent: Tuesday, December 5, 2023 10:02 AM
To: City Recorder <recorder@ashland.or.us>; Dorinda Cottle <dorinda.cottle@ashland.or.us>
Subject: Council Public Testimony Form Submitted

[EXTERNAL SENDER]

*** FORM FIELD DATA***
Full Name: **Julia Vinciguerra**
Phone: **907-227-9904**
Email: **OCEJUL@gmail.com**
Meeting Date : **12/5/2023**
Type of Testimony: **WRITTEN**
Written Testimony: **I have read the Agenda Item "Balancing Homelessness Services with Public Space Regulations for a More Livable City." There are a few things that jump out at me. It appears that all of this is set up for "Ashland Residents." How are you discerning who is an Ashland Resident? The majority of people that are on the streets are not from here, and with your new endeavor, more are coming in. Additionally, for those not able to secure a spot within a shelter and are "involuntarily homeless" because they are high on meth or other substances, or, perhaps and most likely they are "registered" sex offenders and can't get in. It is outlandish that we're looking to make room for these people within our public spaces. I'm disgusted. I called the police the other day because my family was going into Bi-mart and there was a group of people smoking crack in between the soil bags stacked outside of the store. My eight year old (whom attends the Siskiyou School adjacent to the she l ter) saw their beautifully crafted homemade pipe that they were sharing, clearly made for their plethora of substances. Why does my child need to see this and ask what these people are doing and why they are allowed to do that in front of our store? You want to make this city "more livable," yet you're pushing out those that are contributing members of this community based on a population that has more than enough ability (in most cases) to be contributing. All of these modifications that you are proposing to allow camping are completely ridiculous. Do you think people will care how far they are from a school? Do you think these people will clean up their trash? Do you think they care? It all looks good on paper, doesn't it? The reality of this situation is that you will turn this community into how Portland looks. We moved from Portland to escape the madness and it looks like Ashland has raised their hand to enable this behavior and RUIN our community. This whole thing is one giant MONEY GRAB, and it reeks of greed. Mayor Graham wants to lead the charge with volunteers to pick up trash in these areas...why are WE picking up their trash? Why are WE inviting this responsibility on our police force? Our kids at the Siskiyou School are now in cages due to this. Without Clay Street Park, they have no room. I'm curious to know if the city will be subsidizing my tuition due to this. Let's help make Ashland more livable for those that are actually living here. I am so disgusted by all of this I'm looking to pack my family up and move elsewhere. You all can have your "involuntarily homeless" population and we'll see how far it gets this community. Sincerely, A contributing member of Ashland that works her tail off to provide for her family and community, Julia.**

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RemoteUser:

For City Council, and the broader awakened & conscious community of Ashland, Oregon

Somewhere in the bible, Jesus Christ spoke, "Do unto the least of these as you would do unto me". Now, in a society where cute deer are permitted to wander all surfaces and regions, yards and parks; to forage, rest, and defecate at will without reproach... why is it necessary to hold men, women, and children who are poor in finance but rich in spirit, at a distance from parks and community spaces?

These urban pockets of rest and reprieve were initially contrived specifically to sustain such populations, who have a love and connection to wooded green spaces. To enforce laws that ban entire regions of people from community space is unconstitutional and elitist thinking. Further, why is it that these deer are permitted to consume and exist where ever they choose, yet a traveling youth, or impoverished family are seen as law breakers, who must be criminalized and run out of a town, originally founded by tolerant and free-thinking people?

Would it be too much to perceive each free-thinking ~~person to be a~~ houseless person be seen as an individual & a divine child of God, if not mandated by our creator, than to be seen as valued equally for his or her own intrinsic being, regardless of holdings or their productivity?

In general, men should not seek to grovel simply for work, often being treated as useful serfs, or feeling relieved that they are not hunted down for their perceived inequities, by a society that has never officially learned the meaning of; "Might does not make right". A dominant section of society, with a willful set of actions, is forcing otherwise good citizens to believe they are unworthy of equality, housing, and general essential goods. This broadly is a criminal act. That there even is a constant wealthy section of the population, which dictates public policy, and demands the alteration of this quality community to be governed by golden effigies of increased property value and affluent bias, with profit laden objectives, rather than quality of life issues, is completely asinine.

As if there is a possible future in upping the cost of living to a point that the average service worker, (who is essential to the survival of the nuevo rich,) can no longer afford lodging, let alone to feed his family. In this scenario, the wealthy will be doing their own grunt work, like tottering on 40-foot ladders to scrape out their gutters, paint their three-story homes, and snaking their own rancid bile to unclog their own neglected toilets. No matter how far you stretch this logic, if you neglect to love your neighbor as yourself, (wither they're housed or not), your soul dies along with your body, & all your horded objects of desire, on this plane of existence. The question may be, is there salvation for the business woman who not only permits mothers and their families to freeze on the streets, but supports laws to keep them hundreds of feet out of vision, so any possible accountability can be further denounced?

The age-old adage, "Everyone does better when everyone does better" exists with great merit for a reason. Peoples' lives, their dignity, and their comfort, Matter. This includes not being resigned to bargain basement cots, stacked 2 feet apart, or sleeping on cement slabs in a warming shelter, on a half inch matt, crammed in rows on the floor, on the far side of the city, with minimal assistance with for other needs, so they are not stumbled over. One would expect better in this "organized and evolved society" selling its out of country imports, near closed community centers, within this society of minimal integrity, and only an illusion of humanity and sustainability.

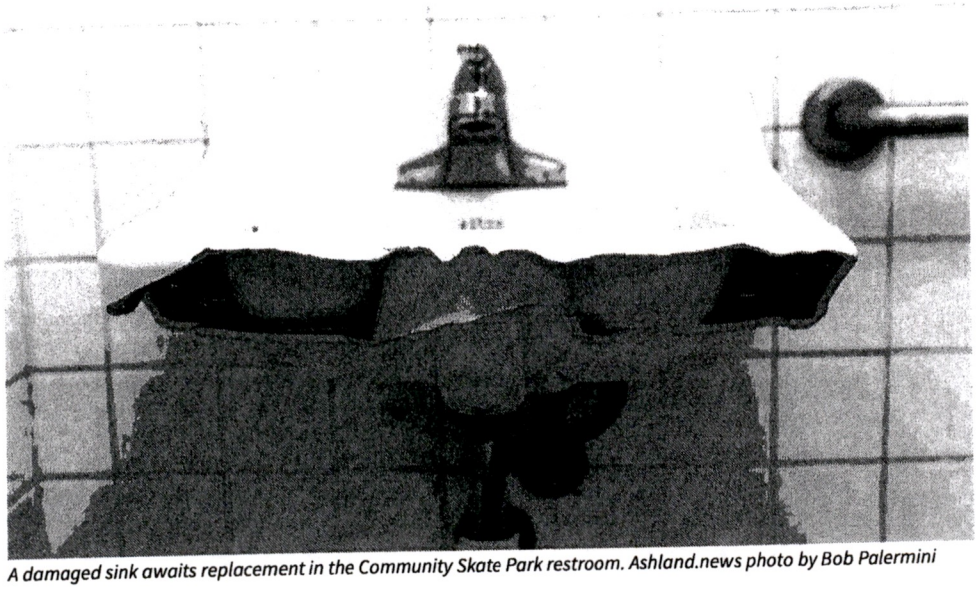
In the words of Pete Seager, "which side are you on, boys, which side are you on?"

BY: Heron Boyce December, 2023

BETTER TOGETHER

Ashland.news
Community-supported Nonprofit News

Escalating vandalism means more costs for Ashland Parks & Rec department



A damaged sink awaits replacement in the Community Skate Park restroom. Ashland.news photo by Bob Palermini

November 28, 2023

(https://ashland.news/donation/)

Casale said determining who the culprit or culprits may be is "a question for psychologists."

He and other parks staff say they have noticed an increase in unfamiliar faces within Ashland's houseless population recently. Some have told Casale that word about Ashland spreads through social media. But the city's position on Interstate 5 has long brought in new people, he said. He speculated those "passing through" could be responsible for some crimes, such as the recent burglary from a maintenance shed.

Individuals brought tools to cut a chain link fence and break the shed's lock, he said. Multiple tools were stolen. It was an individual living in their car near North Mountain Park who first informed staff the shed was broken into and called the police, Casale said.

"They're an asset. We have a few car campers who we say are our 'unhired security,'" he said. "You see them almost every day, a lot of'em you kind of get to be friends with'em. We don't differentiate, they're all parks users. Some of'em are just more permanent."

Casale said staff focus on compassion and building good relationships in the face of a "multi-faceted issue." He has been physically attacked by parks users twice in his tenure with APRC. He and other staff have dealt with overdoses and taken deescalation training.

APD has also noticed a recent increase in unfamiliar faces among the city's houseless population but, in his experience, crime of this kind is often traced back to teenagers, Moulin said. And, he said, night shift officers have noticed groups of youths hanging around Ashland's parks at night.

ASHLAND CITY COUNCIL
STUDY SESSION MINUTES
November 6, 2023

Mayor Graham called the meeting to order 5:30 p.m.

1. **Public Input** - None

2. **Balancing Homelessness Services with Public Space Regulations for a More Livable City**

Deputy City Manager Sabrina Cotta explained this was an update on the law around the behaviors council had previously discussed. She introduced Housing Program Manager Linda Reid, Police Chief Tighe O'Meara and Assistant City Attorney Carmel Zahran. Staff was looking at mimicking the City of Medford's ordinance. Medford used a coordinated effort in their approach to homelessness that involved compassion, providing services, and if necessary, enforcing time, place, and manner. There was an ethic of protecting public spaces, so they were enjoyed by everyone.

Housing Program Manager Linda Reid provided a presentation (see packet for entire presentation) that included:

- **General overview of homeless services that the city supports in Ashland.**
- **HUD Continuum of Care Program**
- **Jackson County Continuum of Care (CoC)**
- **City of Ashland Housing Program**
- **What does the Affordable Housing Program Do?**
- **Homelessness Continuum of Services**

Ms. Reid explained the Annual Point in Time Count of the unhoused and how it provided a snapshot of who was unsheltered and chronically homeless and why they left their living situations. There was an increase in elderly experiencing homelessness.

Ms. Zahran and Acting City Manager Doug McGeary continued with the presentation:

- **Legal Department's Outline**
- **Case law Review Robinson v CA, Martin v. Boise**
- **Case Law review Martin v. Boise take aways, Post Martin**
- **Case law Review Johnson v. Grants Pass**

They spoke to Martin v. Boise and Johnson v. Grants Pass. Ms. Zahran explained if someone was camping illegally and there was no other place the city had set up for them to go, they were allowed to remain where they were. Mr. Geary spoke about the definition of involuntary homeless and how it applied to law enforcement.

- **Johnson v. Grants Pass: Take Aways, Post Johnson v. Grants Pass**

Martin v. Boise started in 2018 and Johnson v. Grants Pass began in 2020. The cases could go before the supreme court at some point. There was not a clear understanding of warm and dry.

- **Relevant Legislation: HB3124**
- **Relevant Legislation: HB3115**
- **Proposed Amendments to AMC 10.46**

Staff addressed the 72-hour campsite period. Under Oregon law, if it is a crime an officer does not have to witness it and if it was a violation, the officer has to observe it.

Chief O'Meara confirmed the bike path might be included in an enhanced law enforcement area (ELEA). They were discussing establishing an ELEA in south Ashland.

- **10.46.010 Definitions (A) "Apparent value or utility"**
- **10.46.010 (D) "Established camping site"**

They could tighten up Apparent value or utility by excluding items not related to bedding and cooking if it was determined to be waste and garbage debris.

- **10.46.010 E. "Designated space or shelter"**

Staff would clarify the language under this section.

- **10.46.010 Definitions (G) "Involuntarily homeless"**
- **10.46.020 Camping Prohibited (B) "The prohibition on camping may be temporarily suspended"**
- **10.46.020 Camping Prohibited (C) "Camping is strictly prohibited"**

Councilor DuQuenne suggested including all parks under strictly prohibited camping spaces instead of just Lithia Park. Councilor Bloom thought parks with playgrounds should be included in the strictly prohibited section. He suggested including parks in the enhanced law enforcement areas. He asked for support to increase the distance from schools, childcare providers, shelters, and freeway entrances from 250 feet to 500 feet. He suggested increasing the distance from other campsites to 150 feet and 250 feet from any river or stream. Councilor Hyatt suggested including the greenway.

Council wanted to understand the practical impact of increasing these distances and including parks. Staff would investigate having a map showing the prohibited and allowed camping spaces if distances were changed. Council agreed.

Council extended the meeting 30 more minutes.

Council agreed to having staff add the greenway and bike path to the map showing the impact of increased distance requirements.

Mr. McGeary read and explained what an enhanced law enforcement area was and meant.

Councilor Hansen noted that 150-feet was half a football field and 500-feet was the equivalent of a 50-story building. He was interested in establishing additional enhanced law enforcement areas to include south Ashland and the greenway. Ms. Zahran further explained the ELEA process. Mayor Graham suggested adding this as a separate topic to a future agenda.

- **10.46.020 Camping Prohibited (D) Involuntarily Homeless persons who use vehicles for shelter in a lawful parking space in the following circumstances:**

Chief O'Meara explained 100% of citizen complaints were related to car camping.

Councilor Dahle noted Exceptions D. E. and F. were the only place that spoke to leaving behind garbage and debris, animals being leashed, and dumping of gray water. He suggested adding language that included, **" but not limited to camping in vehicles"**. Council agreed.

- **10.46.020 Camping Prohibited (E) Except as provided herein, the City will remove established campsites and unclaimed property having Apparent Value or Utility from a campsite as provided by ORS 195.505.**

Ms. Zahran noted ORS 195.505 included HB3124. Chief O'Meara explained it was normal practice to have someone from OHRA present when a campsite is removed.

- **10.46.020 Camping Prohibited (E)(b) Property held having no apparent value or utility, unless hazardous, will be held for fourteen (14) days upon the demand of owners, and processed as follows:**

Councilor Hyatt wanted to ensure this could be consistently enforced and supported in regard to storage space and staff.

- **10.46.030 Prohibited Occupancy (B) Any person who violates any provision of this Chapter is subject to Section 1.08.020 of the Ashland Municipal Code. Any violation of this section is a Class IV Violation.**

Councilor Bloom proposed matching the City of Medford, increase the violation to a Class C Misdemeanor that requires 30 days of jail with a maximum fine of $500 or 30 hours of Community Service. Ms. Zahran explained the Class C Misdemeanor would be for regulating camping and could be used in a two strikes scenario where a person received two citations first. Chief O'Meara further explained a Class C Misdemeanor did not necessarily mean jail. The defendant could receive a criminal citation to appear in lieu of custodial arrest.

Mayor Graham extended the meeting another thirty minutes with council consensus.

Council agreed to a graduated process to a Class C Misdemeanor with the understanding it could be expunged after one year.

Ms. Zahran continued with the presentation:

- **Ashland Livability Team**

Chief O'Meara confirmed they had enough staff to support a livability team.

- **Measure 110 Dynamic**

Council agreed to issue a formal statement about Measure 110 and directed staff to research what might be done regarding the preemption elements in the measure.

Council was interested in discussing the temperature thresholds resolution for the emergency shelter.

Public Comment

Priscilla High/Ashland/Lived in south Ashland and shared her concerns on the increase of unhoused people and the impact it had on residents and property values.

Judie Bunch/Ashland/Lives within two blocks of the shelter and underpass and described safety concerns.

Ken McKelvi/Ashland/Shared how they bought their house and how they felt about the city purchasing the shelter in their neighborhood without informing the neighbors. This is their tax money, and they all deserved a discussion.

Debbie Neiswander/Ashland/Was an advocate for the homeless and had issues with the proposed ordinance. She thought it was criminalizing homelessness.

3. Adjournment of Study Session

Councilor Bloom/DuQuenne m/s to adjourn the meeting at 8:05 p.m. Voice Vote: ALL AYES. Motion passed. The meeting was adjourned at 8:05p.m.

_____

City Recorder Alissa Kolodzinski

Attest:

_____

Mayor Tonya Graham

CITY OF ASHLAND

ADMINISTRATION
Sabrina Cotta, Acting City Manager

Memo

TO: Mayor & City Council
FROM: Sabrina Cotta, Acting City Manager
DATE: November 21, 2023

RE: Shelter Items Follow-up

There has been a request to address several additional items related to the shelter at 2200 Ashland Street. Currently there is $32,000 left this fiscal year to address needs around the unhoused.

Lighting

Request: Lighting on the overpass to illuminate the bike path that travels beneath the Ashland Street bridge.

Timing: Action requested by end of November.

Action: The City has a request into ODOT about placing lighting on the bridge as ODOT owns the bridge. Several items are under consideration:

- The availability of electricity to illuminate versus the need for a solar option.
- Placement of lighting- on the bridge versus grounded.
- Potential issues to consider- dark skies, residential windows that may be affected. Motion sensor lighting is under consideration.

Next steps: After confirmation from ODOT on options for lighting placement. Staff will place the appropriate lighting to illuminate the underpass.

Lighting: bike path

Request: Lighting on the bike path placed to not shine in windows.

Timing: Action requested by end of November.

Action: None. There is currently no budget to address size project. Uncertainty about scope as bike path is several miles long.

Next Steps: Council can request staff come back with a scoped project to include removal of a current CIP project to do this project instead, cost estimate, and budget supplemental.

Fencing

Request: Ensure gaps along the bike path fence are sealed and replace the wooden section of fence with chain link.

ADMINISTRATION
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Ashland, Oregon 97520
ashland.or.us
Tel: 541.488.6002
Fax: 541.488.5311
joe.lessard@ashland.or.us
sabrina.cotta@ashland.or.us

Timing: Action requested by end of November.
Action: The City is currently discussing how to replace the wooden section of fence with chain link as well as which department will reprioritize workload to address this.
Next Steps: Department identification and project execution.

APD Presence

Request: Increased APD presence in the area of 2200 Ashland Street and surrounding areas.
Timing: ASAP
Action: APD has increased presence and is currently working on an office in the Albertson's shopping center (Suds ur duds site).
Next steps: Continue with current action.

Relocation of Shower Trailer:

Request: Move the shower trailer to the other side of the building (Ashland Street side)
Timing: ASAP
Action: None. Due to the location of utilities this cannot be relocated. The City is legally, per stipulation of the grant being used to fund the shelter, to provide showers.
Next steps: None

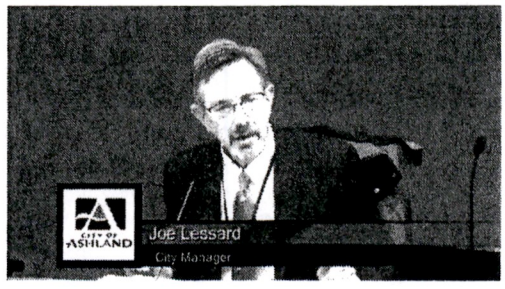
Relocation of porta potties:

Request: Relocate the porta potties to the Ashland Street side of the shelter facility.
Timing: ASAP
Action: None. Due to ADA requirements and Fire response egress needs these items cannot be relocated at this time.

Neighborhood Clean-up

Request: Utilize Parks and Recreation Volunteer Coordinator and Resources to initiate a volunteer clean-up effort in the area surrounding the 24/7 shelter.
Timing: December
Action: Parks & Recreation will make their clean-up supplies and waivers available in December as well as spread the word through their established volunteer groups. The Mayor will coordinate the effort from there for volunteers. Public Works and the City Manager's Office can coordinate the pick-up of the debris/trash.

"We are not trying to close the door on any option," he told the council. "We are trying to leave all the doors open right now."



City Manager Joe Lessard speaks during the Jan. 17 council meeting. Screenshot from RVTV video

More than a year in the making

The Ashland Housing and Human Services Commission has been examining options for a severe weather shelter since being directed by the council Aug. 7, 2021, to explore local needs and seek input from stakeholders and collaborators. The commission returned with recommended policy changes June 6, 2022, including a definition of the severe weather events that will activate the shelter, the roles and responsibilities of a shelter coordinator, a plan to work with third parties, and the city's role in providing support and resources.

The City Council adopted these policy revisions Dec. 6, 2022, which included a threshold of 32 degrees or below for the cold weather shelter, 95 degrees or above for extreme heat, and an air quality index of 150 or above for smoky conditions. The council also set aside $100,000 in the general fund to contract for site operations with a local nonprofit, with the city in talks with Options for Helping Residents of Ashland (OHRA), who said they would take the matter to their board for consideration.

OHRA currently operates a local resource center, a transitional housing shelter, and portable shower trailers. They acquired a defunct Super 8 Motel in 2021 to offer transitional housing and walk-in services, and have collected $1.1 million toward a $2.5 million fundraising goal to fully renovate and staff the facility.

Current facilities faltering

With new policies in place, the city began taking steps toward identifying a location for a new shelter, as current facilities struggle to meet the needs of both volunteers and shelter guests. They intend to use a $1 million state grant accepted last June out of funds set aside by legislators to combat housing insecurity and homelessness.



Ashland Housing Program Manager Linda Reid speaks during the Jan. 17 council meeting. Screenshot from RVTV video

Housing Program Manager Linda Reid said Pioneer Hall, where the city has historically operated such shelters, is aging and in need of repair, and is not suitable for necessary upgrades. She said The Grove, which the city uses as a backup shelter, hosts regular programs and houses the Ashland Parks and Recreation Department offices, so using the building for emergencies can be difficult to coordinate.

Reid said local churches have been able to assist with space in the past, such as Calvary Baptist Church, First Presbyterian Church of Ashland and Ashland First United Methodist Church. While these resources remain available, Reid said outreach from the commission showed stakeholders need more support from the city.

"The churches have always been very gracious," said Reid, "and I'm sure they would actually continue to be very gracious, but essentially the outcome of the stakeholder feedback was the city needs to do more. The churches are overburdened at this time, and it's just harder for them to provide the level of volunteerism — including the buildings — for these purposes."

Lessard said staff have looked at properties the city currently owns, properties that are for sale, and properties that would be suitable for a shelter but are not on the market. He said one goal is to identify a property that would "mature over time" and be suitable for services beyond severe weather sheltering, such as the storage and distribution of emergency supplies and shelter for residents during a disaster.

"What we're really talking about is a health and public safety issue in terms of having shelter in any emergency," he said.

Seeking a long-term solution

Ashland.news
January 22, 2023

Potential Goal

- *Leverage our Stock of Pallet Structures to Provide Next Step Housing in a Community Setting* - The City of Ashland has 13 pallet structures in storage that were purchased with COVID relief funding. These simple structures can provide next level housing options for people who are able to contribute to the functioning of the facility, follow the rules, live in a structured community and continue to make progress toward self-reliance. The structures have no plumbing and therefore do not impact sewer systems. Porta-potties and handwashing stations are typically set up onsite to address sanitation.

City of Ashland Website

The City has investigated these types of villages in other communities and found that they can be operated safely without neighborhood impact. The City operated a pallet village on East Main Street, outside of City limits during COVID. The village was overseen by Rogue Retreat, who has since left Ashland.

Development of a pallet village, using what has been learned in other communities to ensure its effectiveness, requires that the City of Ashland has land that can be used for this purpose. In the

future, the City may develop another pallet village outside of city limits, or consider the property at 2200 Ashland St.

At this time, no proposal or decision has been made. If the City of Ashland does not utilize the pallet structures, the City may transfer them to the City of Medford.