ASHLAND CITY COUNCIL
BUSINESS MEETING AGENDA
Tuesday, January 17, 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 (Limited In-Person Social Distancing Seating and Zoom Meeting Access)

For written public testimony, email public-testimony@ashland.or.us using the subject line: Ashland City Council Public Testimony.

For public oral testimony, fill out a Speaker Request Form at ashland.or.us/speakerrequest and return to the City Recorder.

6:00 PM Regular Business Meeting*

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

II. **PLEDGE OF ALLEGIANCE**

III. **ROLL CALL**

IV. **MAYOR'S ANNOUNCEMENTS**
   1. Special Called Townhall Meeting Update
      - Date change to Monday, Jan. 30, 2022, 5:30 PM-8:30 PM, Ashland Armory
      - Mayor's State of the City Address
   2. City Council Liaison Appointments

V. **APPROVAL OF MINUTES*****
   1. Minutes of the December 6, 2022 - Business Meeting
   2. ~~Minutes of January 3, 2023 - Business Meeting~~

VI. **SPECIAL PRESENTATIONS**
   1. Severe Weather Emergency Shelter Next Steps

VII. **CITY MANAGER REPORT**

VIII. **PUBLIC FORUM** (15 minutes)

IX. **CONSENT AGENDA**
   1. Approval of a Liquor License from Mas Southern Oregon LLC

X. **PUBLIC HEARINGS**
   1. Public Hearing and First Reading of Ordinance 3217 - Middle Housing Land Division Ordinance

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

XI. **UNFINISHED BUSINESS**

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

XII. **NEW BUSINESS**

1. Chair of the City Council Election
2. City Council Liaison Roles
3. Citizens Budget Committee Appointments
4. 2023-2025 Biennial Budget Calendar & Protocols
5. City Communication Planning Status and Next Steps
6. City Council Compensation

XIII. **ORDINANCES, RESOLUTIONS AND CONTRACTS**

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

XV. **ADJOURNMENT OF BUSINESS MEETING**

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

** **LAND ACKNOWLEDGEMENT**

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

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

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

ASHLAND CITY COUNCIL
BUSINESS MEETING
DRAFT MINUTES
Tuesday, December 6, 2022

I. **CALL TO ORDER**

Mayor Akins called the meeting to order at 6:00 PM.

II. **PLEDGE OF ALLEGIANCE**

Councilor Hyatt led the Pledge of Allegiance.

III. **ROLL CALL**

Councilors' Hyatt, Graham, Moran, DuQuenne and Jensen were present. Councilor Seffinger was absent.

IV. **MAYOR'S ANNOUNCEMENTS**

Councilor Graham read the Land Acknowledgement.

V. **APPROVAL OF MINUTES**

1. Minutes of the October 31, 2022, Study Session Meeting
2. Minutes of the November 1, 2022, Business Meeting

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

I. **SPECIAL PRESENTATIONS**

1. Band Director Recognition

Jensen asked that agenda item be moved to a future Agenda due to the absence of the Band Director.

Mayor Akins spoke she would be moving Agenda Item #3. Severe Weather Emergency Shelter up in the agenda.

I. **PUBLIC FORUM**

Miriam Reed-Ashland-Spoke regarding the damage of radiation and suggested Ashland be 5G free.

Kelly Marcotulli-Ashland-Spoke against 5G. She spoke regarding the upcoming Ordinance to be approved by Council.

D'vorah Swanzman -Ashland- Spoke against 5G. Spoke requesting to work on making a healthy environment in Ashland and be 5G free.

I. Mayor Akins moved **ORDINANCES, RESOLUTIONS AND CONTRACTS**

Item # 3 Severe Weather Emergency Shelter to the next item.

Severe Weather Emergency Shelter

a) Resolution on Severe Weather Emergency Shelter Policy

City Manager Joe Lessard provided the background on the item. Echo Fields, the Housing and Human Services Commission chair provided further background. She explained the need for appropriate shelter for the homeless will increase over time during winter, summer, and periods of intense smoke.

Hyatt confirmed the summer temperature was 95 degrees. Mr. Lessard clarified due to budget, resources, and locations, opening shelters for winter, summer and smoke was a standard and not guaranteed.

Public Testimony

Rich Rohde-Ashland-Supported passing the measure as written. He explained there were three key parts, the activation schedule, communication, and a collaborative debrief following each shelter period.

Hyatt/Graham moved to approve Resolution 2022-33 that supersedes all prior inclement weather policies and sets forth new and comprehensive thresholds for calling an emergency shelter in the instances of severe weather events and outlines a process for enacting a shelter and defines the City's role in that process with the two amendments temperature and inclusion of our youngest citizens.

Discussion: Hyatt noted Council had discussed the emergency manager at the Study Session the night before and it included elements around this policy. She spoke that it would take significant effort to coordinate. Graham noted that this was a good example of Council and Commission working well.

Lessard clarified calling for a shelter operation did not guarantee the shelter would open. It was a volunteer effort and there would be nights where they would not be enough volunteers to support opening a shelter. **Roll Call Vote: Graham, Hyatt, Jensen, DuQuenne, and Moran: YES. Discussion:** None**. Motion passed unanimously.**

b) Resolution Authorizing Contracts for Severe Weather Emergency Shelter Services for a not to exceed total of $100,00

Lessard gave a Staff Report.

Mayor Akins questioned whether or not the City would be entering into a contract with OHRA. Housing Program Specialist Linda Reid answered yes. Reid went over the details and history.

Council discussed cost.

Hyatt/Jensen moved to authorize the City Manager to execute a contract with a nonprofit organization for Emergency Shelter Coordination Services utilizing funding appropriated for that purpose to cover the cost of the activity in an amount not to exceed $100,00.

Discussion: Hyatt commented that it was difficult to target how much was appropriate because it was based on the weather. She spoke to give Lessard the tools needed to execute the policy and Council can revisit the Policy if needed. **Roll Call Vote: Moran, DuQuenne, Jensen, Hyatt, and Graham, YES. Motion passed unanimously.**

c) Resolution 2022-34 Budget Amendment for Severe Weather Emergency Shelter Services

Deputy City Manager Sabrina Cotta explained the Resolution authorized transferring from contingency of the general fund to allow appropriation of the money for the shelter policy.

Councilor Graham wanted to know where the funds would come ongoing. Lessard replied they were looking for an alternative permanent shelter location solution.

Jensen/DuQuenne moved to adopt Resolution 2022-34 authorizing a 2021-23 BN supplemental budget amendment for severe weather emergency shelter services. Discussion: None**. Roll Call Vote: Councilor Graham, Hyatt, Jensen, DuQuenne, and Moran, YES.**
Motion passed unanimously.

II. CITY MANAGER REPORT

City Manager Joe Lessard went over the City Manager Report. Items discussed were:

- Emergency Weather Shelter
- Holiday Luncheon

Moran addressed Measure 15-211 and asked how the city would fill the gap. Lessard explained they would discuss next steps during a future study session.

Graham addressed Utility Billing Division being short staffed. Lessard confirmed that while billing was late, the public would not incur late fees. He explained City Hall remained closed to the public and Utility Billing had moved temporarily to another building; however the public could drop off payments at City Hall or the kiosk next to the Council Chambers Building.

Council discussed future options for City Hall.

Council and Staff discussed Health Insurance for Elected Officials.

Acting City Attorney Doug McGeary explained there is no source document.

Council and Staff discussed having the constituents vote on this issue.

Councilor Jensen called for a point of order stating this item was not on the agenda. Mayor Akins explained she had requested the topic as an agenda item, and it was not added. This was an emergency as healthcare benefits would cease December 31, 2022. The Mayor would not honor the point of order.

Councilor Jensen appealed the Mayor's ruling.

Mayor Akins requested a Roll Call vote on whether Council upheld the point of order. Roll Call Vote: Hyatt, Graham, Jensen, YES; Moran and DuQuenne, NO.

Moran stated if they Council would not be allowed to speak to this he would excuse himself and leave. Acting City Attorney Doug McGeary explained the vote needed a two-thirds majority vote. Mayor Akins noted the point of order did not stand and Council continued to discuss the item.

Council and Staff discussed options and cost implications.

Mayor Akins spoke to the importance of mutual care to this body regarding health benefits.

Council requested that Staff bring this item back within 90 days for discussion.

III. **CONSENT AGENDA**

1. Transportation Advisory Committee Appointments
2. Rogue Valley Transportation Improvement Funding Letter of Support
3. Resolution 2022-36 Suspending Ordinances Affecting City Commissions Transitioned to Advisory Committees
4. Declaration and Authorization to Dispose of Surplus Property
5. Professional Services contract with GSI Water Solutions Inc. for the development of the Water Management and Conservation Plan (WMCP)
6. Approval of Liquor License for Cocorico LLC

DuQuenne and Hyatt pulled Consent Agenda item number 3 for discussion.

Graham/Hyatt moved to approve the Consent Agenda items 1, 2, 4, 5 & 6. Roll Call Vote: Hyatt, Jensen, Moran, Graham, and DuQuenne: YES. Discussion: None**. Motion passed unanimously.**

City Manager Joe Lessard gave a Staff Report regarding Resolution 2022-36.

Hyatt/Graham moved to adopt Resolution 2022-36 that suspends the operations of specific City Commissions established in the Ashland Municipal Code that have transitioned to Standing Advisory Committees or are currently not functioning.
Roll Call Vote: DuQuenne, Hyatt, Moran, Jensen, and Graham: YES. Discussion: None.
Motion passed unanimously.

IV. **PUBLIC HEARINGS**

1. Annexation and Site Review - HWY 99: PA-T3-2022-0004

Mayor Akins read from a script regarding the land use public hearing ***(see attached).***

Mayor Akins opened the hearing at 7:57 PM.

Abstentions, Conflicts, Ex Parte Contacts

Councilor Hyatt disclosed she was the Planning Commission Liaison, had heard discussion regarding the planning action but it did not constitute an ex parte contact.

Staff Report

Interim Planning Director Brandon Goldman gave a Staff Report.

Goldman went over the process.

Senior Planner Derek Severson provided a presentation ***(see attached).***
Items discussed:

- Annexation Request
- Aerial Maps
- Photos of entry to the city and ditches
- Transportation Improvements
- Site Plan
- Site Plan with night photos
- Site Plan Photos night and day
- Site Plan and Illustration
- Underpass Area Site Plan and photo
- Underpass Improvement
- Photos, steep slopes, and public infrastructure beyond trestle at N. Main and OR HWY
- Engineers Drawings
- Sidewalk Terminates photo
- Crosswalk with Rectangular Rapid Flashing Beacon
- Street Standards Exception
- Cross Section Site Plan
- Vehicle Access Safety Evaluation
- Public Infrastructure Site Plan
- Site Development Plan
- Elevations
- Floor Plans can be modified to adjust affordable housing
- Subdivision Map
- Proposed Tree Removal
- Landscape & Open Space Site Plan

Questions of Staff

Jensen questioned the railroad trestle ped crossing piece regarding west bound. Mr. Severson explained the RR trestle restricted Highway 99 has a bike lane but no room for city standards under the trestle. Tape constriction that meets ODOT safety standard and city standards, exception. Bike Lane vertical barrier, p concrete barrier then sidewalk. ODOT cannot adequately have a sidewalk there. Use multi use path with bike and ped then transition to bike lane only. Applicant needs to finalize with ODOT with recognition they will find a safe way to move through that area for bikes and peds with barrier.

Graham received comment letter regarding procedural issues. She questioned if Staff has received this and if there are any concerns. Goldman spoke that Staff did receive these comments and also provided them to the applicant so they can respond during rebuttal.

Applicant's Presentation
Robert Kendrick and Amy Gunter presented a PowerPoint Presentation ***(see attached).***
Items discussed:

- Magnolia Terrace Appeal
- Site Layout
- Grounds for Appeal
- Zoning and Historic Overlays
- Underlying Zoning Standards
- Historic District Design Standards Compliance

Public Testimony
Matthew Havniear-Talent – Spoke that he is Housing Recovery Director for long term recovery group in Jackson County. He spoke in support of the annexation and his reasons why. He spoke that there is a housing crisis in the nation and housing should be considered a priority.

Applicant's Rebuttal
Gunter addressed the letter from Rogue Advocates. She addressed years of meetings and correspondence with ODOT regarding transportation. The indication that improvements cannot be approved by ODOT or will not be is not accurate. Horowitz is available to talk. She explained that ODOT makes an approval. after the plan is approved by city.
Gunter explained the process.

Mayor Akins closed the Public Hearing and record at 9:07 PM.

Council Deliberation and Decision
Graham questioned the traffic study. Goldman explained the City will have to request and it would come through the Public Works Director.

DuQuenne/Hyatt moved to approve first reading of the Ordinance and scheduling a second reading of the Ordinance for December 20, 2022 and directed Staff to prepare written findings for approval of the proposed Annexation, incorporating the Planning Commission's decision and the Staff recommendations, for Council's adoption on December 20, 2022. DISCUSSION: DuQuenne agreed there is a need for additional housing, and this is a beginning of something she hoped would continue. Hyatt spoke to the needs for

middle housing. Graham spoke to the importance to looking at climate work and is pleased to see is that climate is integrated throughout the project. Mayor Akins spoke that she is pleased the progress. **Roll Call Vote: Councilor Moran, Hyatt, Jensen, Graham, and DuQuenne, YES. Motion passed unanimously.**

V. **UNFINISHED BUSINESS** - None

VI. **NEW AND MISCELLANEOUS BUSINESS** - None

VII. **ORDINANCES, RESOLUTIONS AND CONTRACTS**

1. **Resolution 2022-35 Canvassing the Vote for the November 8, 2022, General Election**

Acting City Attorney Doug McGeary suggested the amendments to the motion.

Hyatt/Graham moved to amend Resolution 2022-35 as written, to renumber Section 7 through Section 10, and add 7 to say read to say Justin Adams is declared to be the duly Parks Commissioner for position number 4, and add Section 9 to declare Measure 15-210 is declared to not be approved; and add section 10 to declare Measure 15-211 is declared to not be approved; and add Section 11 to read: This Resolution was duly passed and approved this 6th of December, 2022 and takes effect upon signing by the Mayor. Discussion: None. **Roll Call Vote: Councilor DuQuenne, Moran, Graham, Jensen, and Hyatt, YES. Discussion:** None. **Motion passed unanimously.**

2. **Second Reading SDC Committee Recommended Ordinance Updates for Multi-Family Developments**

Public Works Director Scott Fleury gave a brief Staff Report.

Councilor Jensen/Graham moved to approve second reading of Ordinance Number 3214 and advance it to enactment. DISCUSSION: Jensen spoke in appreciation of Staff. **Roll Call Vote: Councilor Jensen, DuQuenne, Hyatt, Moran, and Graham, YES. Motion passed unanimously.**

3. **Severe Weather Emergency Shelter**

This Item was moved after Public Forum (see above).

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

None.

IX. **ADJOURNMENT OF BUSINESS MEETING**

Graham/DuQuenne moved to adjourn the meeting. Discussion: None. **All Ayes. Motion passed unanimously.**

Meeting adjourned at 9:21 p.m.

Respectfully Submitted by:

_____

City Recorder Melissa Huhtala

Attest:

_____

Mayor Akins

PROCEDURE FOR PUBLIC HEARING FOR ANNEXATION HEARING: 1511 HIGHWAY 99N

READ ALOUD ALL IN BLUE

FOLLOW THE STEPS AND ASK EACH QUESTION IN FULL

1. CALL TO ORDER

The public hearing is now open. The applicant is requesting annexation of 16.86 acres located at 1511 Highway 99 North into the City of Ashland, along with 6.6 acres of adjacent state highway right-of-way and 7.68 acres of adjacent railroad property. The property is currently located in Jackson County and zoned Rural Residential (RR-5). With annexation, these properties would be brought into the City as Low Density, Multi-Family Residential (R-2) with a base density of 13 ½ dwelling units per acre. The application also includes land use requests for Outline Plan subdivision approval to create 12 lots; Site Design Review to construct 230 apartments in ten buildings including at least 38 affordable units; Exceptions to the Street Design Standards; and two Tree Removal Permits. The Planning Commission has reviewed and approved these land use components subject to the Council's approval of the annexation, and has recommended that the Council approve the annexation. Tonight's proceedings include the annexation hearing and first reading of an Ordinance annexing the property.

The Council will take a few moments to cover some preliminary matters and required statements. Generally, the following procedure will be used in this hearing:

1. **Preliminary Matters and Required Statements**
2. **Staff Report**
3. **Applicant's Presentation**
4. **Those wishing to provide testimony**
5. **Rebuttal by the Applicant**
6. **Close Public Hearing & Record**
7. **Advice from Legal Counsel and staff, and**
8. **Council Deliberation and Decision.**

If you wish to participate in this hearing, including challenges for bias, prejudgment or conflict of interest, you must complete a speaker request form located at the back of the room and deliver them to the City Recorder. Please do so immediately.

Challenges will be addressed after the reading of the required statements.

Presentations are generally limited to 15 minutes for the applicant and five minutes for testimony, however these may be adjusted if necessary to accommodate the number of those wishing to testify. When recognized by the presiding officer, please come forward to the podium, give your name, address and make your statement. If presenting documents at the time of your statement, these will be considered exhibits. Please submit these to the City Recorder as part of the record when you have completed your statement. Councilors may ask questions of staff and participants without affecting time limits.

2. ABSTENTIONS, CONFLICTS, EX PARTE CONTACTS

Do any members of the council wish to abstain, declare a conflict of interest or report any ex parte contact on this matter?

If contacts are reported, consider the following:

a. *Ex-parte communications: If a member has had ex parte communication the substance of the contact must be disclosed. The presiding officer and other members must listen to the disclosures to ensure the member places the substance of the ex parte communication on the record. The presiding officer should question the member if the disclosure of the written or oral communication is not complete. If the presiding officer fails to do so, a member may request a more full disclosure (point of order). Legal counsel will also monitor*

the disclosure.

After disclosure of an ex parte contact, (or potential conflict of interest or after a challenge for bias (see below) the member should make the following affirmative statement of impartiality:

"I have not prejudged this application and I am not prejudiced or biased by my prior contacts or involvement or by any personal considerations; I will make this decision based solely on the public interest and the application of the relevant criteria and standards to the facts and evidence in the record of this proceeding."

After ex parte disclosure the following **must be announced** by the presiding officer:

Any person has the right to rebut the substance of the evidence or information disclosed. Please present your rebuttal evidence on the substance of any ex parte contacts during the normal time allowed for testimony which has been established for this proceeding. Please reduce any bias, conflict of interest and prejudgment challenges to writing with supporting evidence and provide these to the City Recorder

b. *Conflict of Interest: If a member has an actual or potential Conflict of Interest, the member must both announce the conflict and explain the nature of the conflict. If the Conflict is only a potential conflict the member may participate and vote. If the Conflict is an actual conflict, the member must also announce that the member will not be participating or voting. The member should leave the room to avoid accusations of non-verbal communication. (The only exception to not voting [for the City Council] is for necessity). After disclosure of potential conflict of interest the member should make an affirmative statement of impartiality.*

c. *Actual personal bias, prejudgment: If a member is actually personally biased, that is, the member cannot make the decision based upon applying the relevant Code standards to the evidence and argument presented, the member must announce the nature of the bias and also announce that they will not be participating or voting. The member should leave the room to avoid accusations of non-verbal communication. (see also Challenges below) Remember, if a member refuses to disqualify him or herself, the Council, for the hearings before the Council, shall have the power to remove such member for that proceeding.*

2. READ THE FOLLOWING STATEMENT (pursuant to the City Land Use Code and ORS 197.763(5). (City Recorder will read the following)

(1) The following is a list of the Ashland Municipal Code applicable substantive criteria for this application:

- **The criteria for Annexation are described in AMC 18.5.8.050.**
- **The criteria for Outline Plan approval are described in AMC 18.3.9.040.A.**
- **The criteria for Site Design Review approval are described in AMC 18.5.2.050**
- **The criteria for a Tree Removal Permit are described in AMC 18.5.7.040.B.**
- **The criteria for an Exception to Street Standards are described in AMC 18.4.6.020.B.1.**
- **The requirements for a City Ordinance are described in Article 10 of the City Charter.**

(2) All testimony, arguments and evidence must be directed toward the applicable substantive criteria, or such other criteria in the Plan or Land Use regulations which the speaker believes applies to the decision.

(3) Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.

(4) Failure of the applicant to raise constitutional or other issues related to proposed conditions of approval with sufficient specificity to allow the decision maker to respond to the issue precludes any action for damages in Circuit Court.

3. **CHALLENGES**

City Recorder, do we have any written challenges to members of this hearing body for bias, prejudgment or conflict of interest?

If a challenge is made, the challenge needs to be entered into the record and summarized by the presiding officer or legal counsel. The presiding officer, the challenged member and if necessary, the hearing body, will make a determination as how to proceed, including the power to override a member's own decision and remove a member.

There is no opportunity for individuals to disrupt proceedings by making out of order oral presentations or interrogating members under the guise of conflict of interest, prejudgment and bias.

If a member is challenged for bias, the following statement should be made:

"I have not prejudged this application and I am not prejudiced or biased by my prior contacts or involvement or by any personal considerations; I will make this decision based solely on the public interest and the application of the relevant criteria and standards to the facts and evidence in the record of this proceeding."

4. **STAFF REPORT**

Brandon & Derek, please come forward to the podium to present the staff report.

5. **APPLICANT'S PRESENTATION**

Would the applicant team please come to the podium, state your names, addresses and make any comments you may have for the council regarding the application?

**Applicant is given 15 minutes to present proposal, at 14 minutes they will be asked to conclude their remarks.

6. **THOSE WISHING TO PROVIDE TESTIMONY – IN FAVOR AND OPPOSED**

"I will now call forward those who have filed testimony request forms or requested to speak via Zoom. Each person will have 5 minutes. When you are called to speak, please state your name, address and make any comments you may have for the council regarding the application. If you have any documents to be submitted into the record, please deliver them to the City Recorder."

7. **REBUTTAL BY THE APPLICANT**

Does the applicant have any rebuttal?

**Applicant will be given 5 minutes of rebuttal time, after which the public hearing portion will be closed

8. **CLOSE PUBLIC HEARING**

At this time, I will close the public hearing and the record for this application.

9. **ADVICE FROM LEGAL COUNSEL AND STAFF**

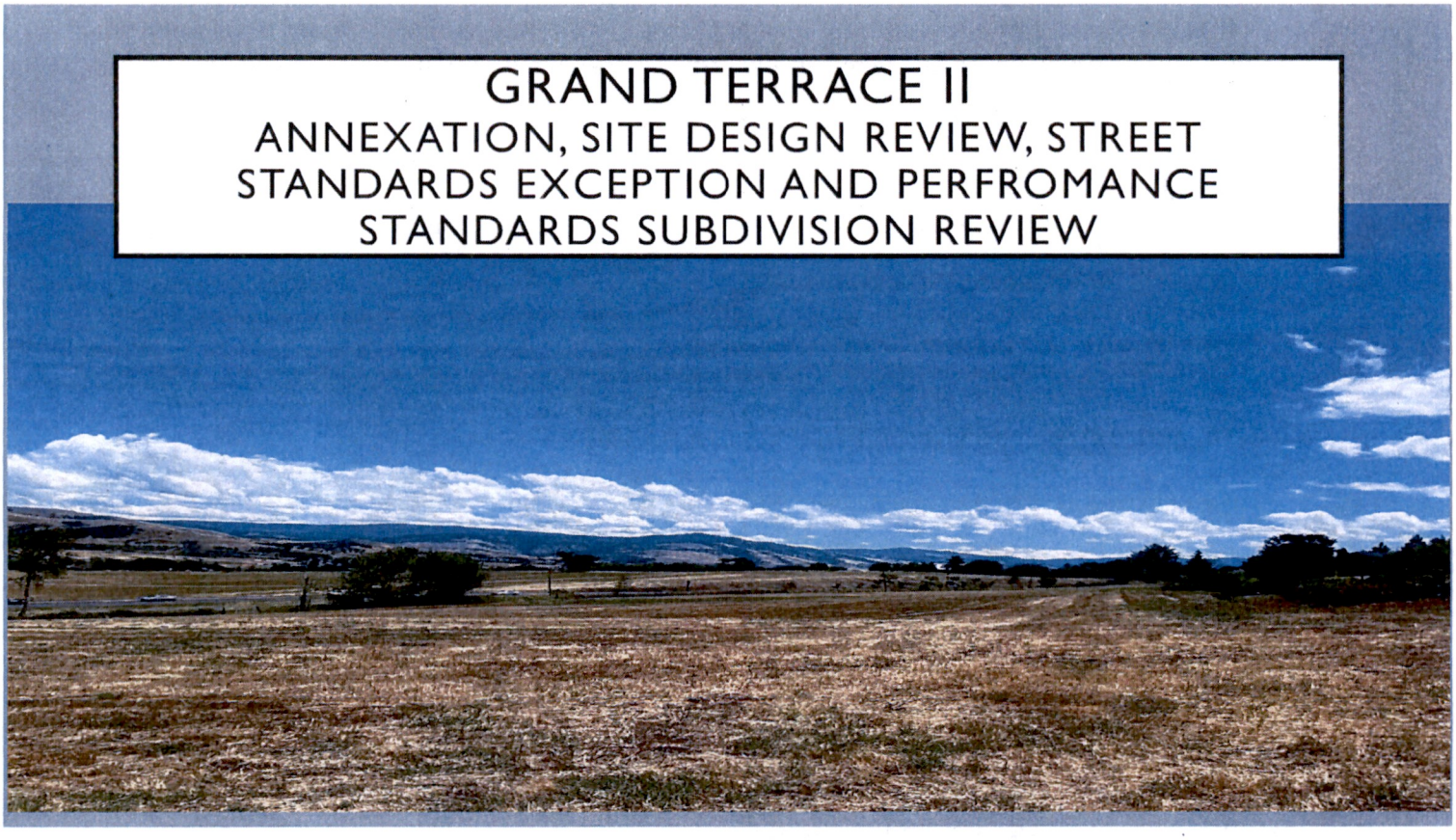
Does the council have any questions of staff or does the staff have any matter they wish to respond to?

10. **COUNCIL DELIBERATION AND DECISION**

"Is there a motion to begin council deliberation?

GRAND TERRACE II

ANNEXATION, SITE DESIGN REVIEW, STREET STANDARDS EXCEPTION AND PERFROMANCE STANDARDS SUBDIVISION REVIEW

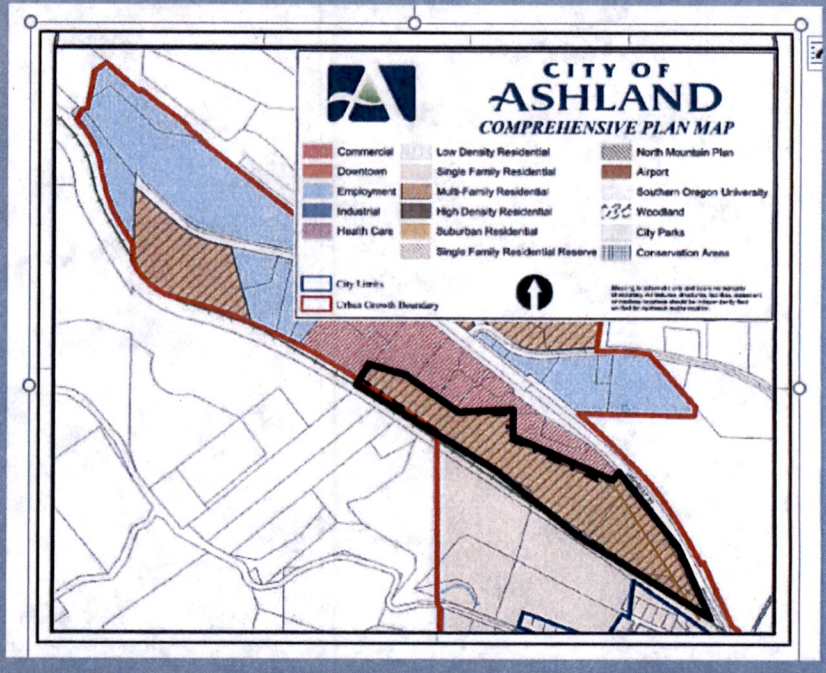


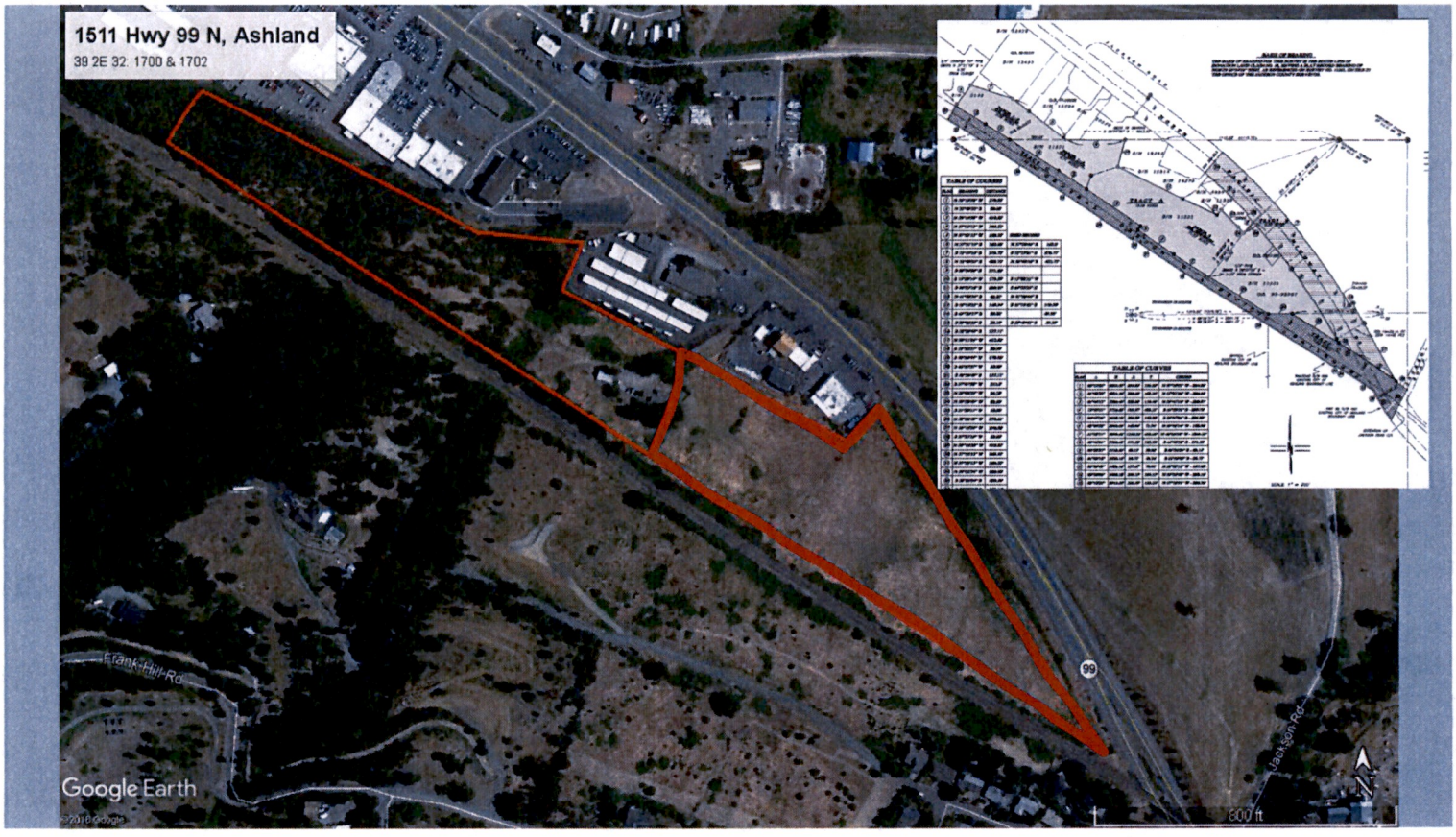
ANNEXATION REQUEST

The property is within the Urban Growth Boundary of the City of Ashland. This area of North Ashland was added 40 years ago. The Comprehensive Plan Designation of the property is Multi-Family Residential.

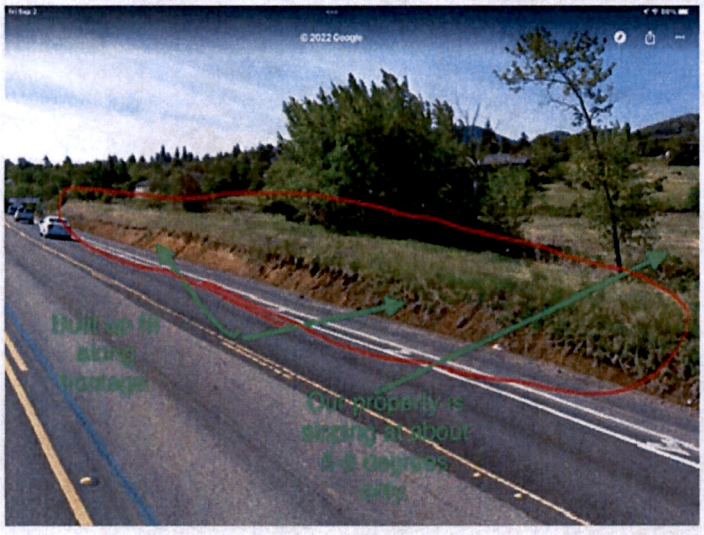
The current zoning of the property is RR-5, Jackson County Rural Residential. The properties to the north are Jackson County Commercial and Jackson County Exclusive Farm Use.

The properties to the S across the tracks are zoned Jackson County Rural Residential and City of Ashland, single family zoning.




1511 Hwy 99 N, Ashland
39 2E 32: 1700 & 1702
Frank Hill Rd
99
Jackson Rd
Google Earth
800 ft

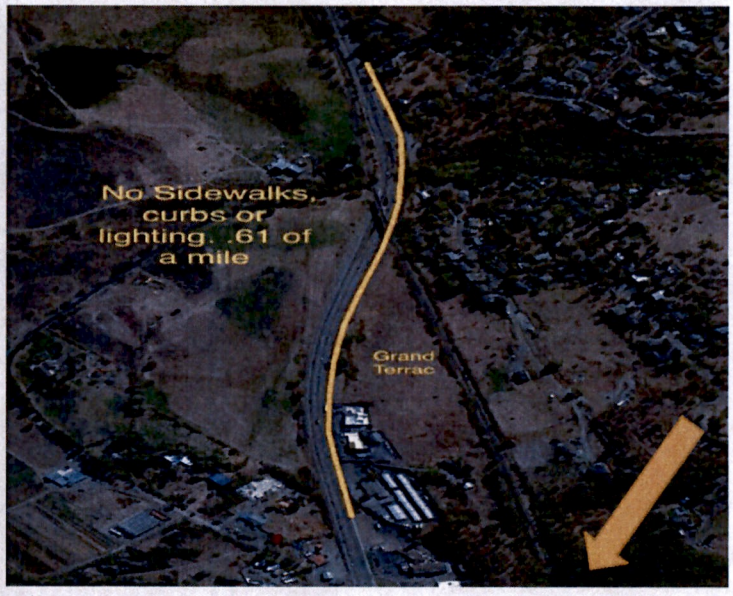

Ashlander
Apartments 2.71
Miles to City Center
City
Center
City
Boundary
Grand Terrace
Apartments 1.36
Miles to City
Center
Development
Annexation
Area
Urban Growth
Boundary

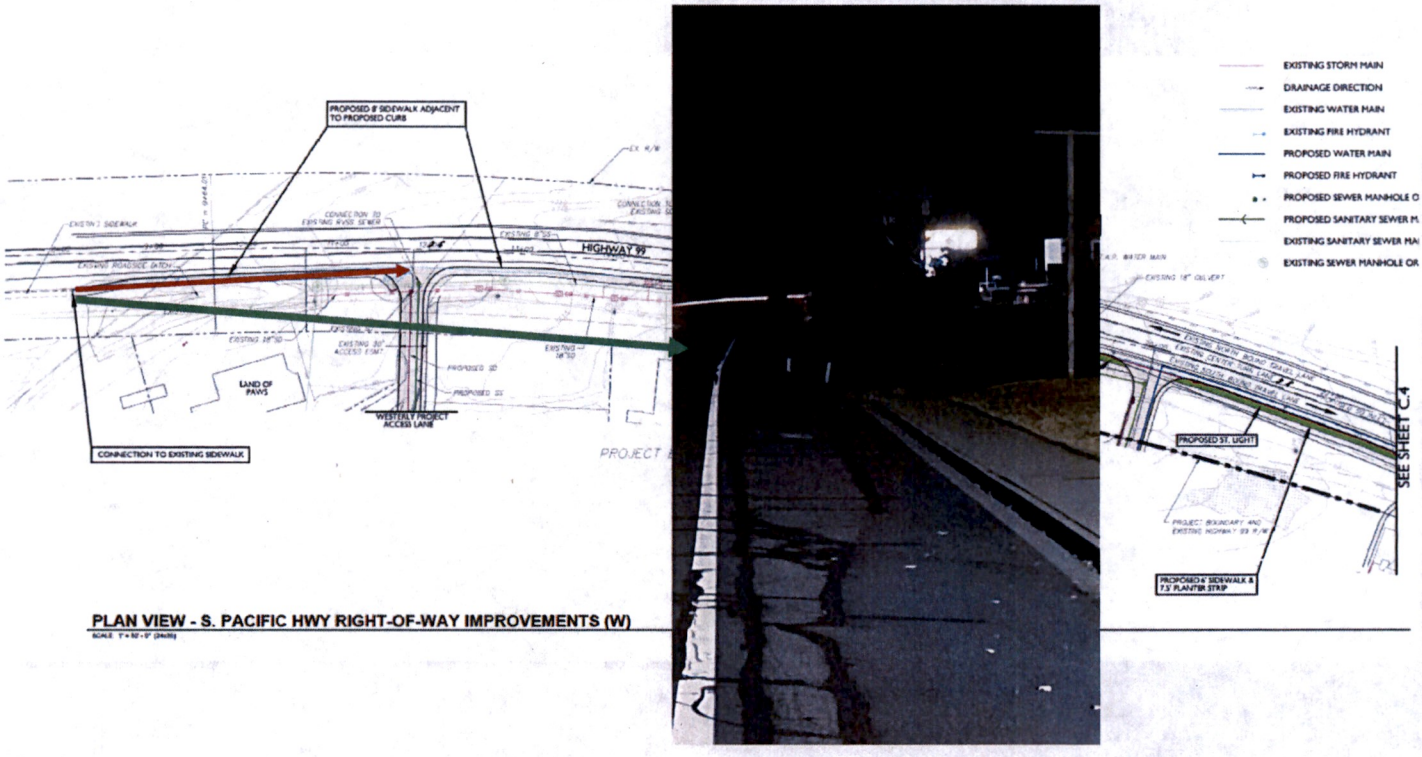

© 2022 Google
Built up fill along frontage
Our property is slightly sloped about 5-6 degrees only



TRANSPORTATION IMPROVEMENTS

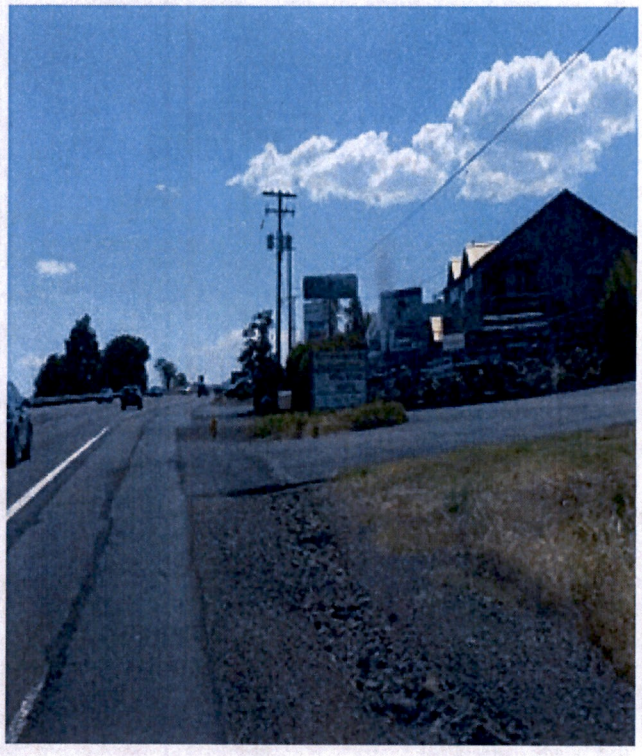
- Major sidewalk improvements
- Underpass improvements
- Rectangular Rapid Flashing Beacon (RRFB) Crosswalk
- Overhead street lighting
- Proposed highway improvement plans currently comply with ODOT Highway Design Manual (HDM) standards, and complies with ODOT 2023 HDM standards, Parts 300, 800 & 900

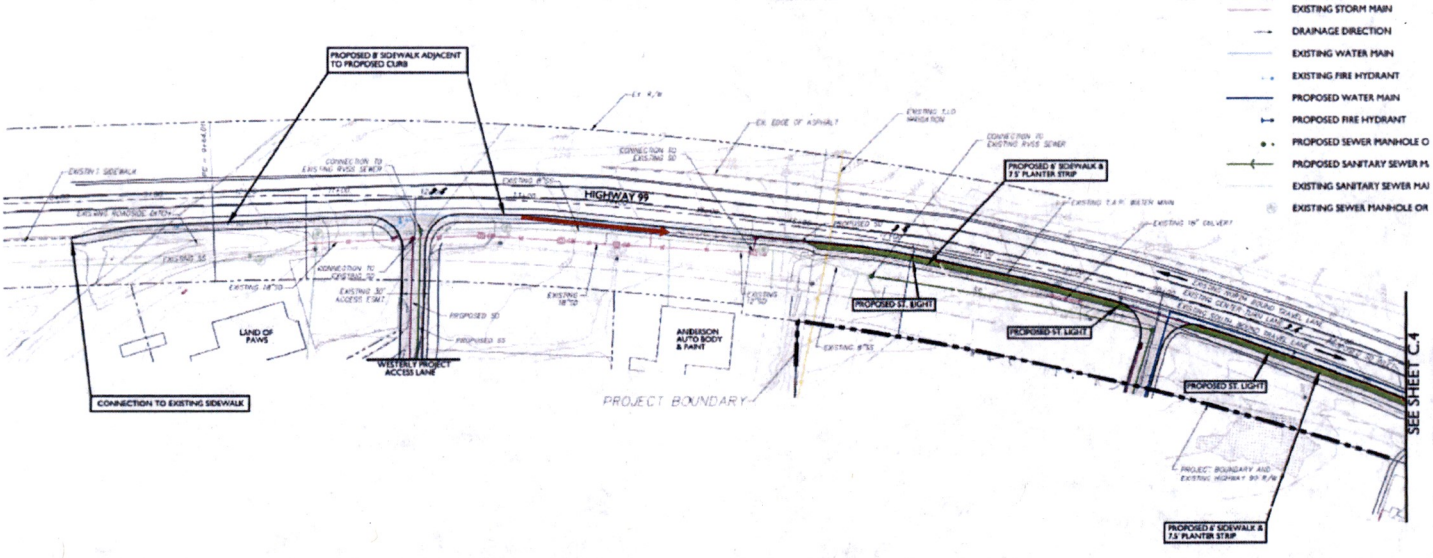




PLAN VIEW - S. PACIFIC HWY RIGHT-OF-WAY IMPROVEMENTS (W)





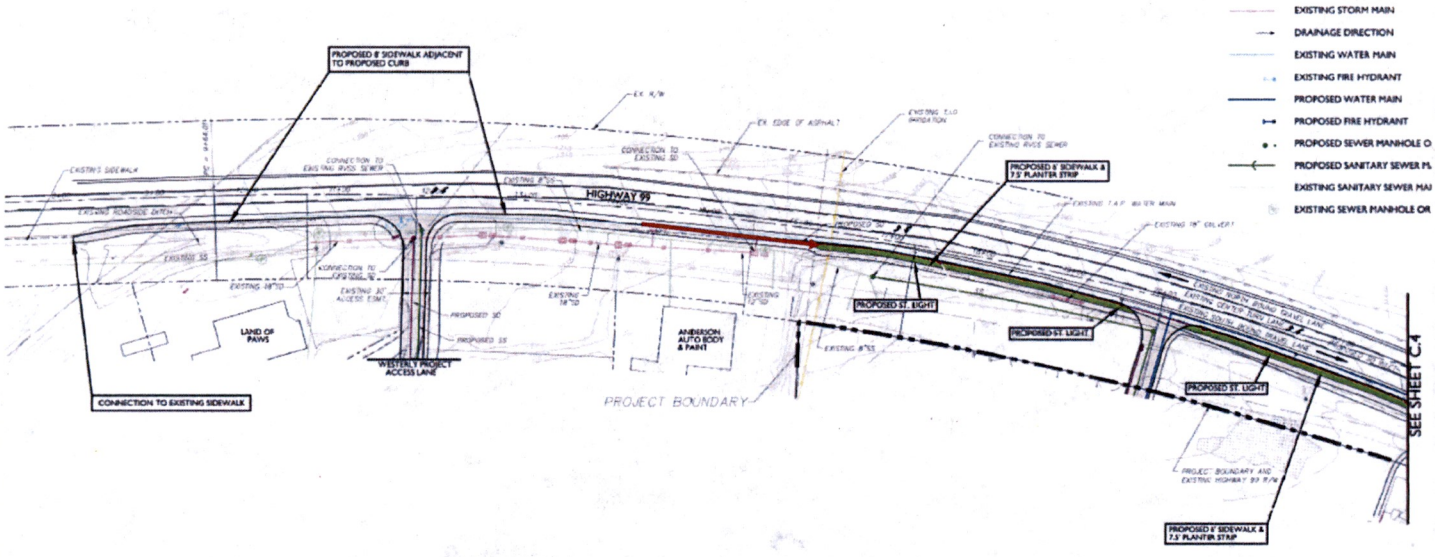


PLAN VIEW - S. PACIFIC HWY RIGHT-OF-WAY IMPROVEMENTS (W)

SCALE: 1" = 10'-0" (24x36)


Paradise

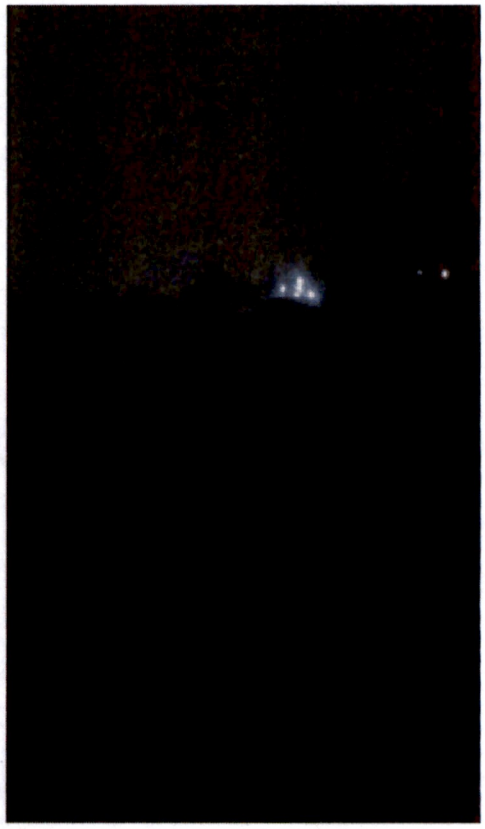


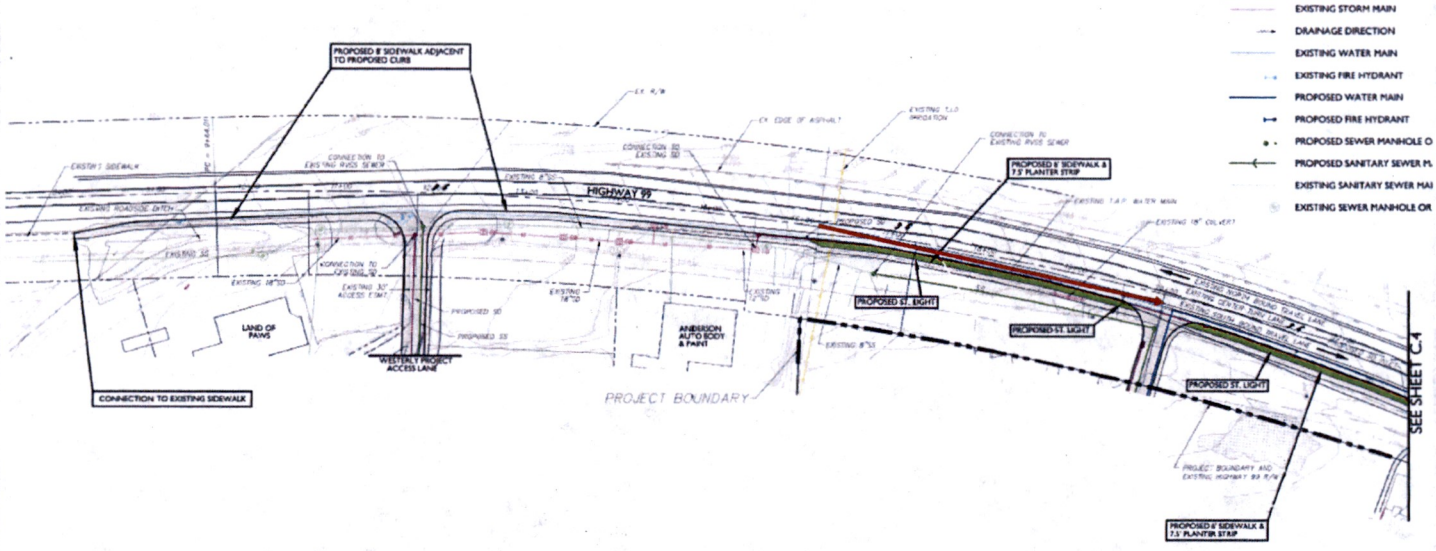


PLAN VIEW - S. PACIFIC HWY RIGHT-OF-WAY IMPROVEMENTS (W)

SCALE 1" = 10' - 0" (24x36)





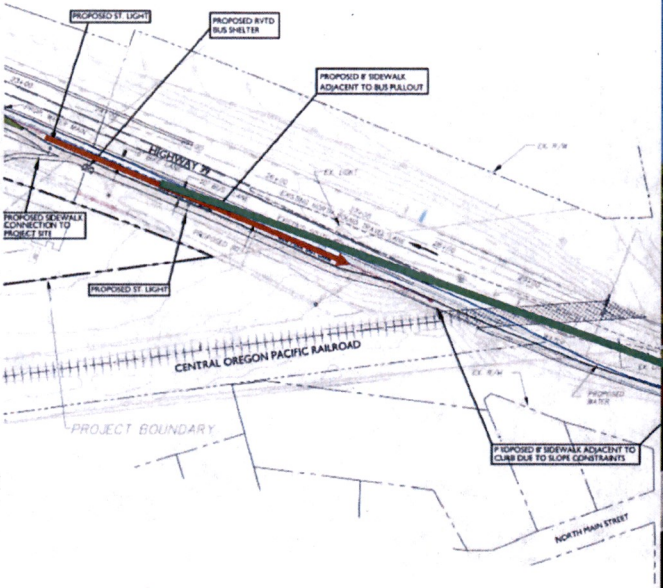


PLAN VIEW - S. PACIFIC HWY RIGHT-OF-WAY IMPROVEMENTS (W)

SCALE: 1" = 10' - 0" (24x36)



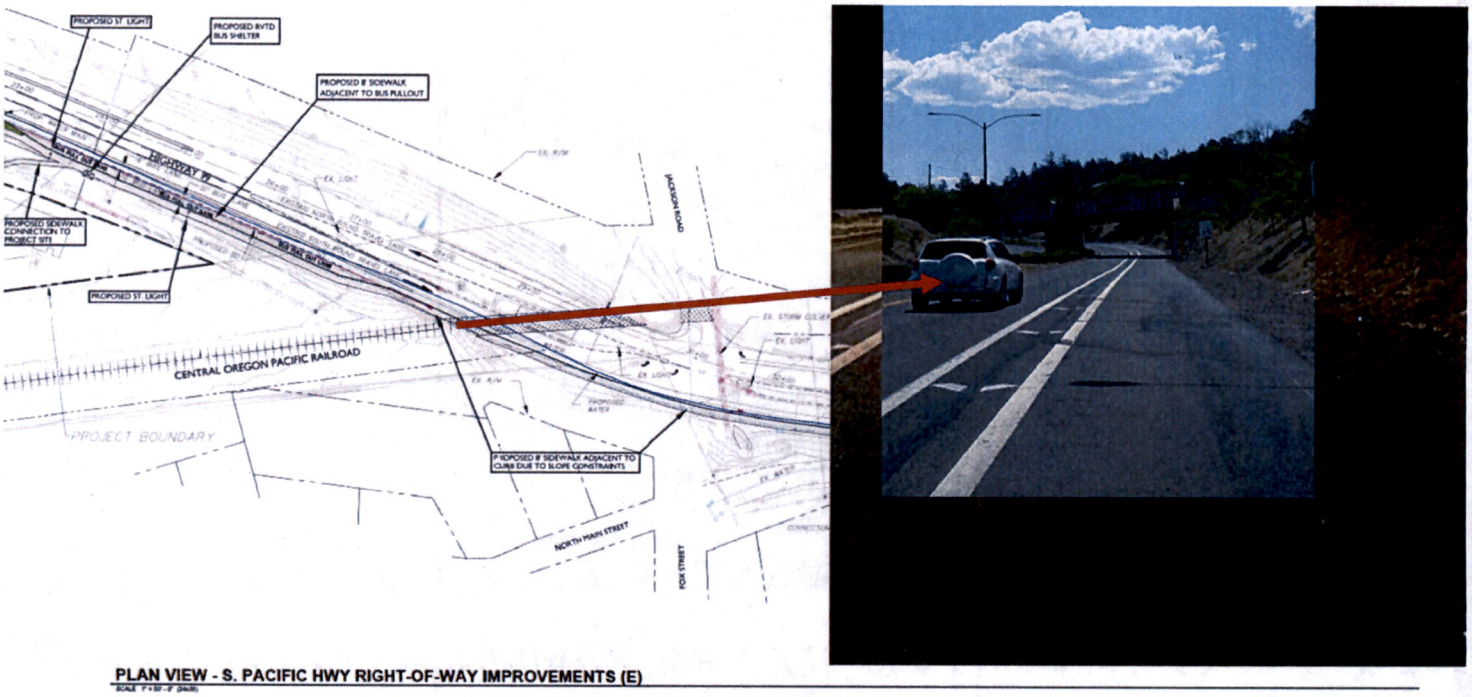

NEW DRIVEWAY



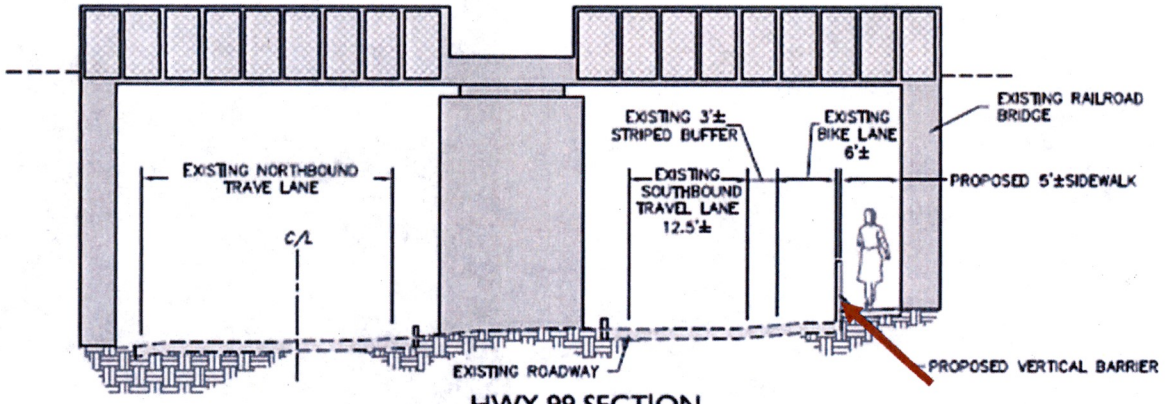


PLAN VIEW - S. PACIFIC HWY RIGHT-OF-WAY IMPROVEMENTS (E)

SCALE: 1"=50'-0" (24x36)

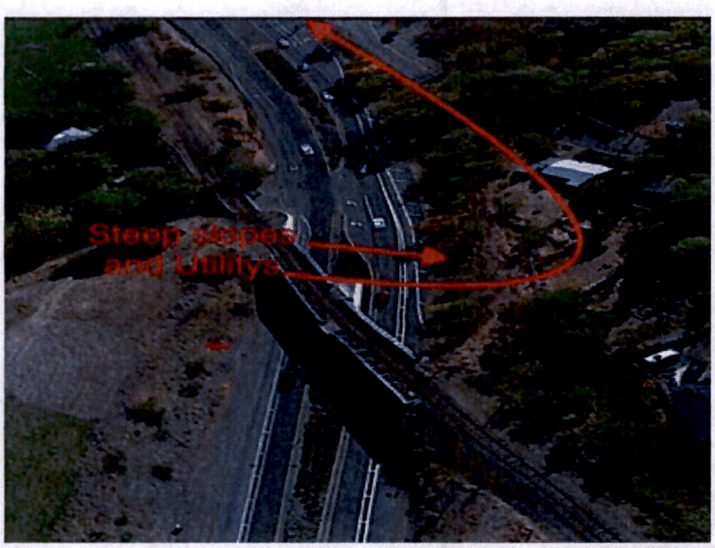


PLAN VIEW - S. PACIFIC HWY RIGHT-OF-WAY IMPROVEMENTS (E)



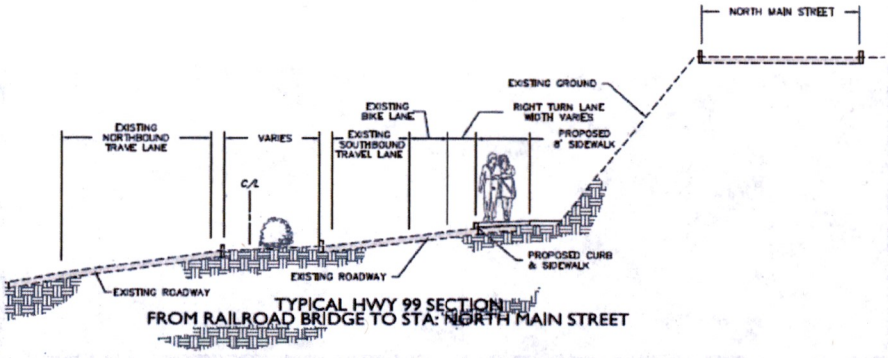
HWY 99 SECTION
@ RAILROAD BRIDGE

OR HWY 99 UNDERPASS IMPROVEMENT

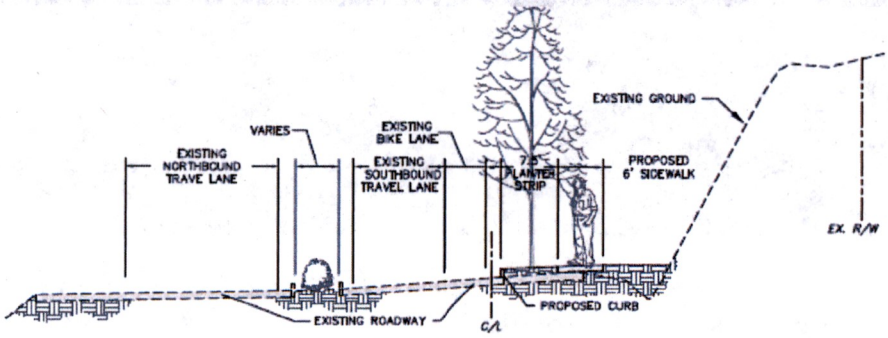




Steep slopes and public infrastructure beyond the trestle at N Main and OR HWY prevent park row and sidewalk. An eight-foot curbside sidewalk is proposed.



TYPICAL HWY 99 SECTION
FROM RAILROAD BRIDGE TO STA: NORTH MAIN STREET

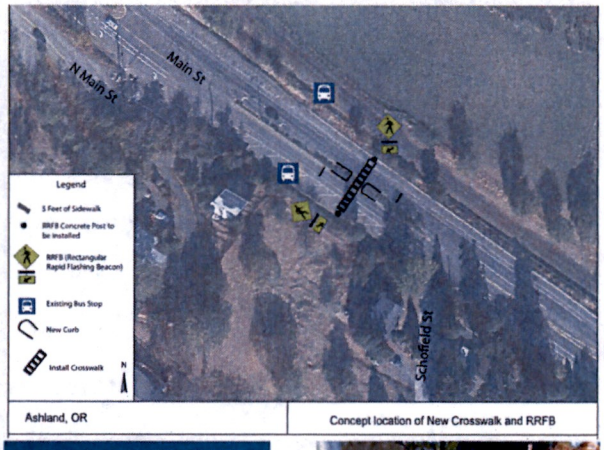


TYPICAL HWY 99 SECTION
FROM NORTH MAIN STREET SCHOFIELD STREET

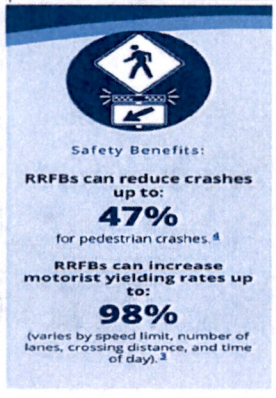


CROSSWALK WITH RECTANGULAR RAPID FLASHING BEACON

- New pedestrian crosswalk with a Rectangular Rapid Flashing Beacon (RRFB) has been proposed S of N Main and N of Schofield leading to the northbound bus stop.
- RRFB's increase motorist yielding rates because the lights are controlled by the pedestrian's presence and do not turn off until they are safely out of the crosswalk.
- RRFB crosswalks provide a safe pedestrian and bicyclist crossing for all the residents in north Ashland where none existed before.
- Safe pedestrian access by crossing Hwy 99 to access the North & South bound bus stops and to access Grand Terrace.



Ashland, OR | Concept location of New Crosswalk and RRFB



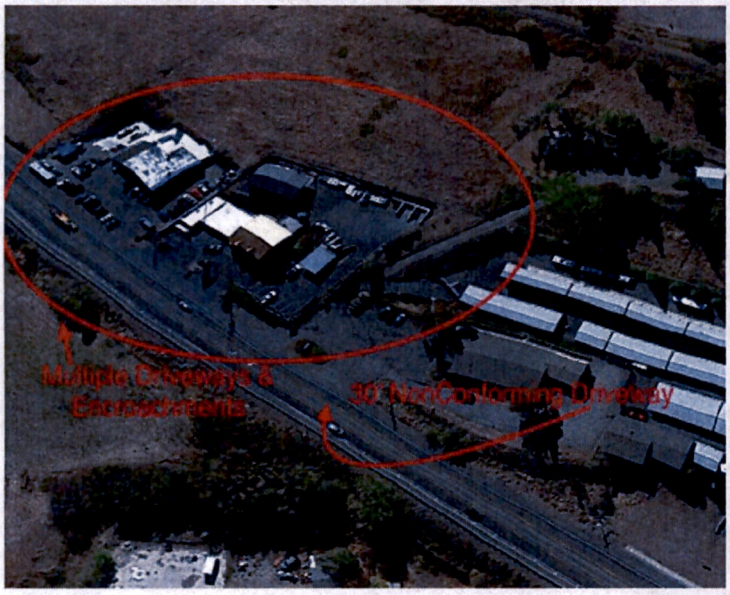


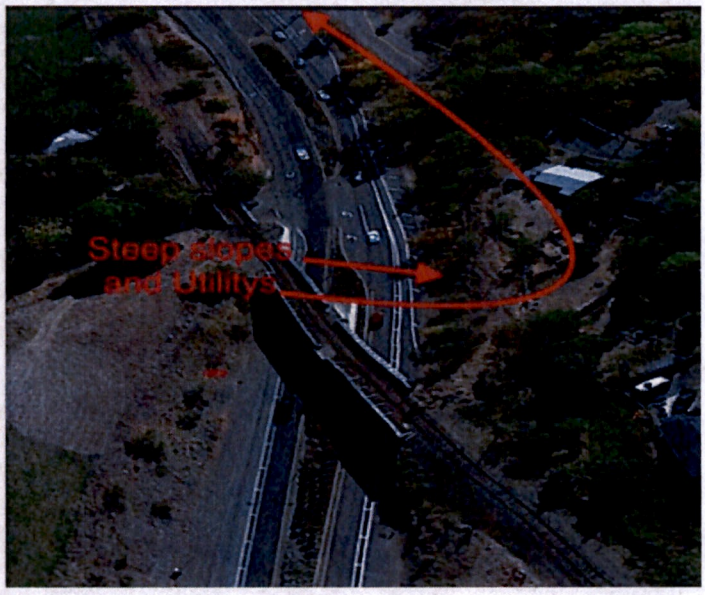
(Photo: ODOT)

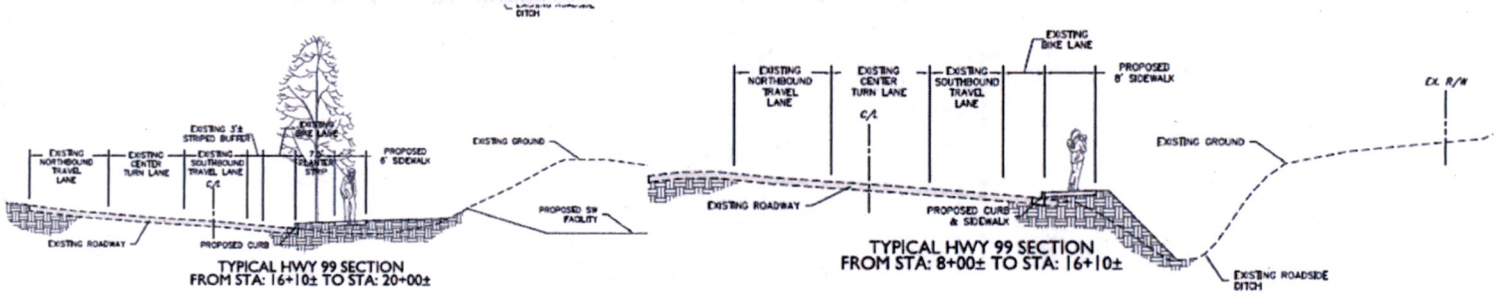
STREET STANDARDS EXCEPTION



DEMONSTRABLE DIFFICULTY IN MEETING THE SPECIFIC REQUIREMENTS OF THIS CHAPTER DUE TO A UNIQUE OR UNUSUAL ASPECT OF THE SITE OR PROPOSED USE OF THE SITE

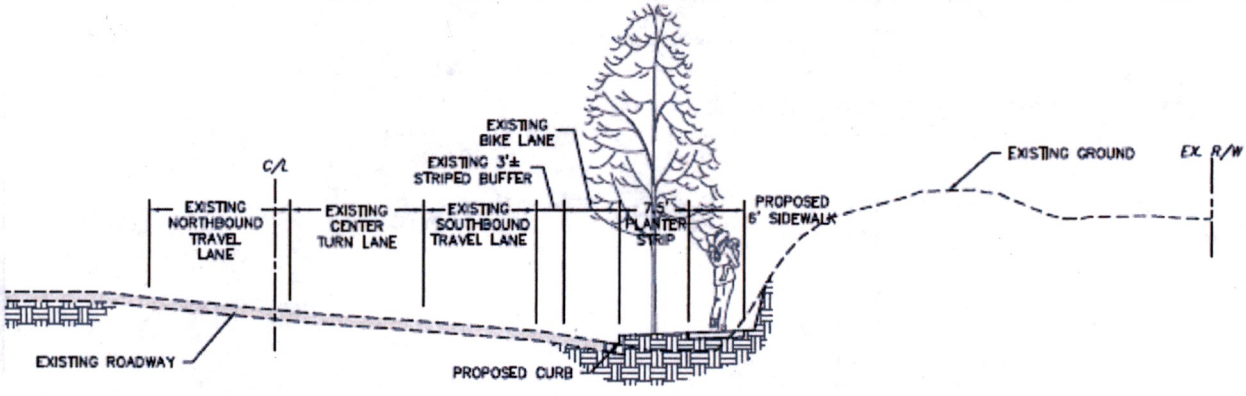






TYPICAL HWY 99 SECTION
FROM STA: 16+10± TO STA: 20+00±

TYPICAL HWY 99 SECTION
FROM STA: 8+00± TO STA: 16+10±



TYPICAL HWY 99 SECTION
FROM STA: 20+00± TO STA: 27+25±

VEHICLE ACCESS SAFETY EVALUATION

CRITERIA FOR SAFETY ACCESS EVALUATION
SIGHT DISTANCE, STOPPING DISTANCE, AND INTERSECTION SIGHT DISTANCE

- **Sight Distance:**
- A safe, clear line of sight exists at the driveways.
- The application has the clear line of sight required for all conditions.

- **Stopping Sight Distance (SSD):**
- Stopping sight distance exceeds requirements.
- SSD based on speed of roadway. As per AASHTO the required SSD is 360 feet for vehicles traveling over 45 MPH. The measured available SSD measured over 700 feet in both directions.
- SSD exceeds the minimum required distance.

- **Intersection Sight Distance**
- Safe reaction time to turn exceeds required distance.

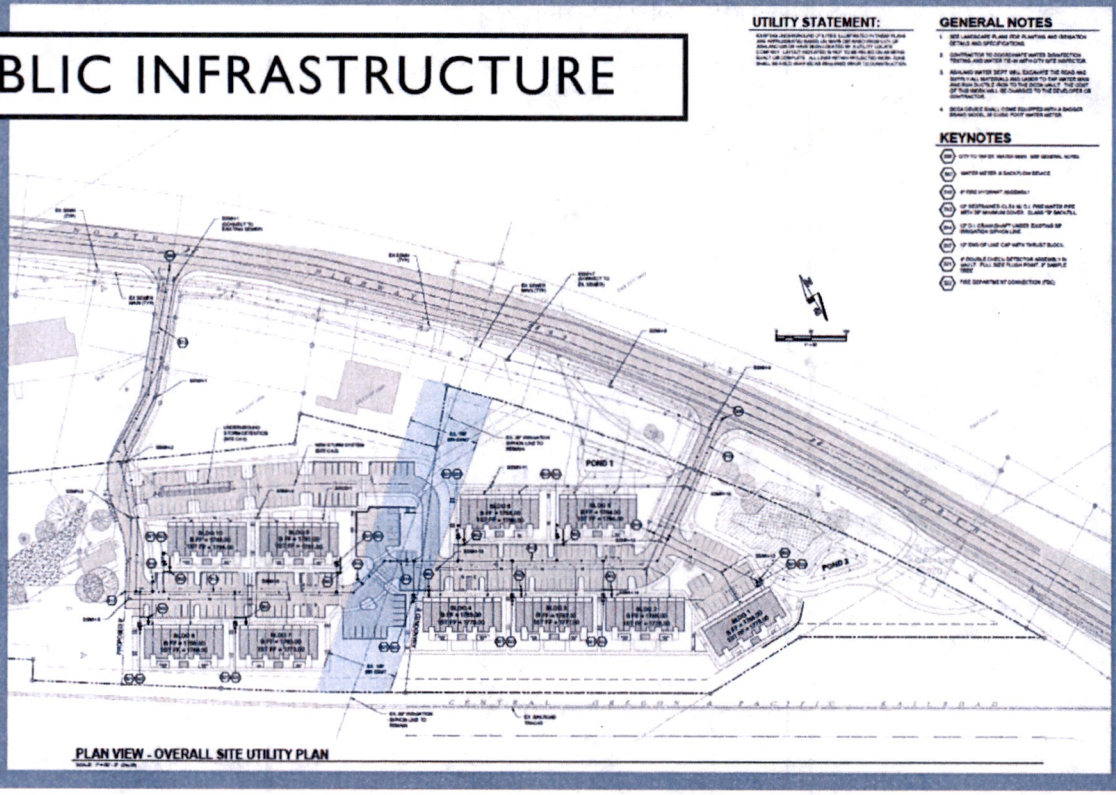


ISD requirement location looking north from site access. ISD is met

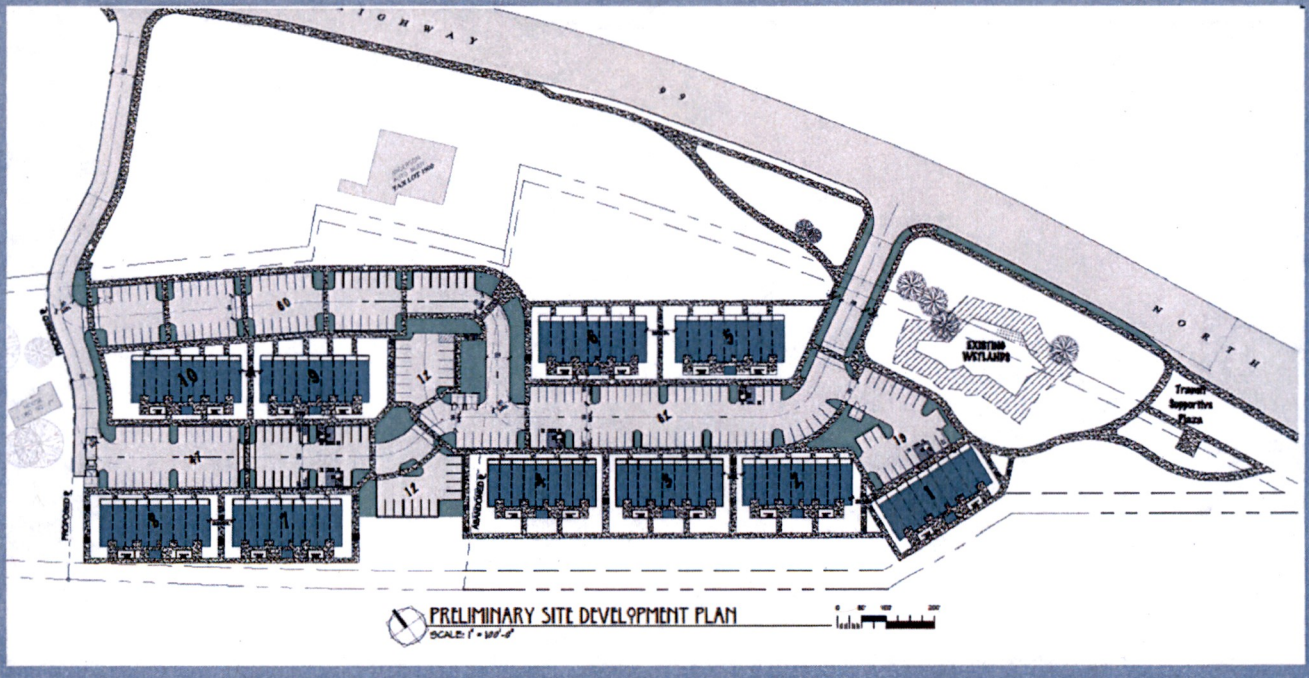


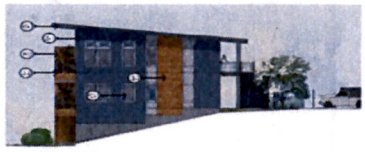
ISD Requirement looking south from access location. ISD is met

PUBLIC INFRASTRUCTURE

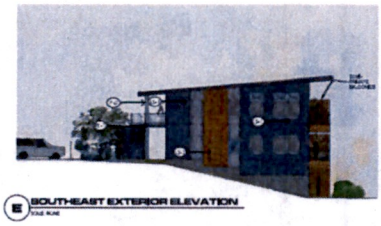


SITE DEVELOPMENT PLAN





F NORTHWEST EXTERIOR ELEVATION



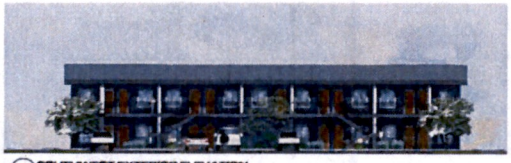
E SOUTHEAST EXTERIOR ELEVATION



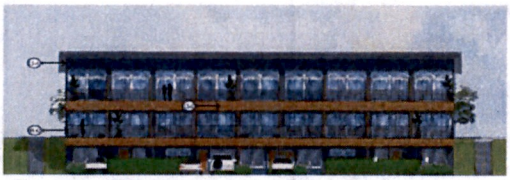
B NORTHWEST BIRDSEYE VIEW

EXTERIOR FINISH & COLOR SCHEDULE

TYPE	MFGR	COLOR	FINISH	MTD
WALL TRIM				
T1.1	FIBER CEMENT SIDING	TBD	SATIN/LIGHT	
T1.2	FIBER CEMENT SIDING	TBD	SATIN/LIGHT	
T1.3	FIBER CEMENT SIDING	TBD	SATIN/LIGHT	
PAINT				
P-1	PAINT	MATCH T1.2	SATIN/LIGHT	
P-2	PAINT	ACCENT	SATIN/LIGHT	
ROOFING				
RM-1	SHEET GALVANIZED	GALVANIZED	MATTE/LIGHT	
RM-2	METAL ROOFING	CHARCOAL GRAY	MATTE/LIGHT	
GUTTER/DOWNSPOUT	GUTTER	MATCH T1.2	MATTE/LIGHT	
STONE				
ST-1	BRICK VENEER	WHITE	MATTE/LIGHT	
ST-2	STONE VENEER	CLEAR COAT	MATTE/LIGHT	
TRIM				
TR-1	STEEL PAINTED	CHARCOAL GRAY	MATTE/LIGHT	
TR-2	VINYL SIDING & TRIMS	WHITE	MATTE/LIGHT	
TR-3	TRIM	TBD	MATTE/LIGHT	
WINDOWS				
W-1	VINYL	WHITE/BRONZE	MATTE/LIGHT	



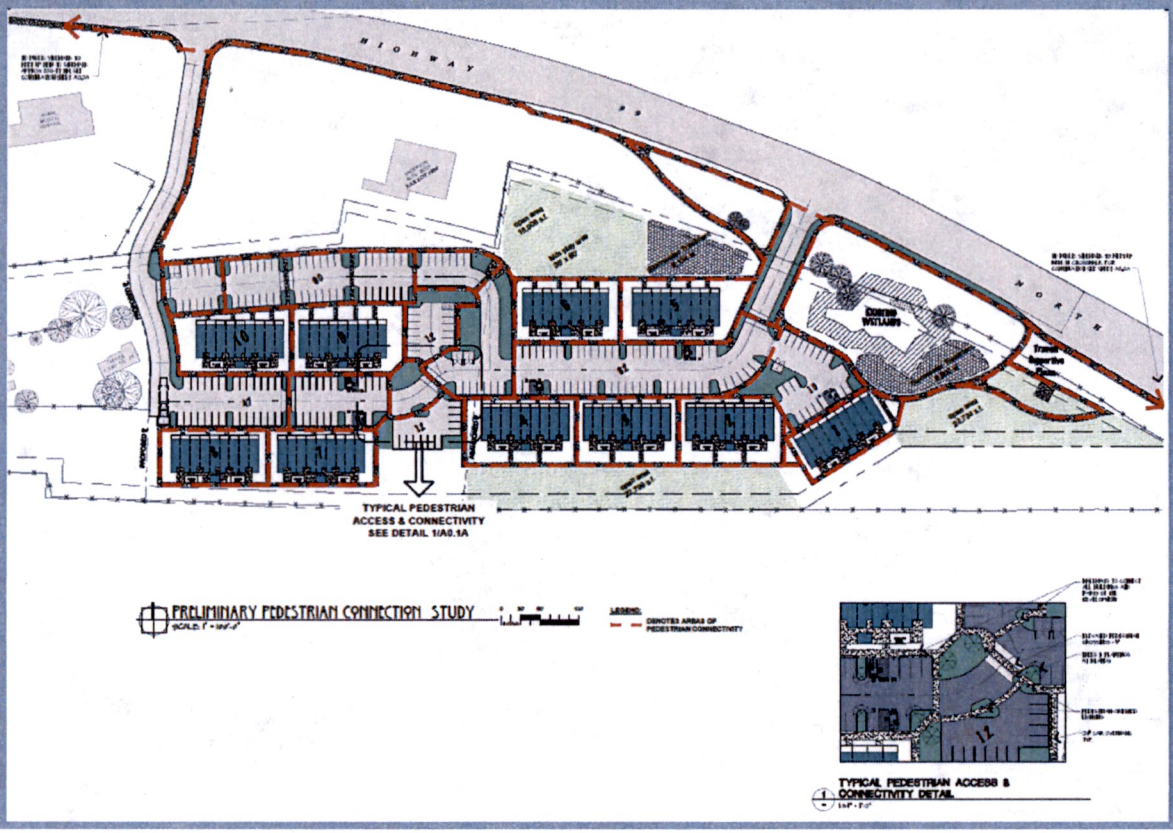
D SOUTHWEST EXTERIOR ELEVATION



C NORTHEAST EXTERIOR ELEVATION



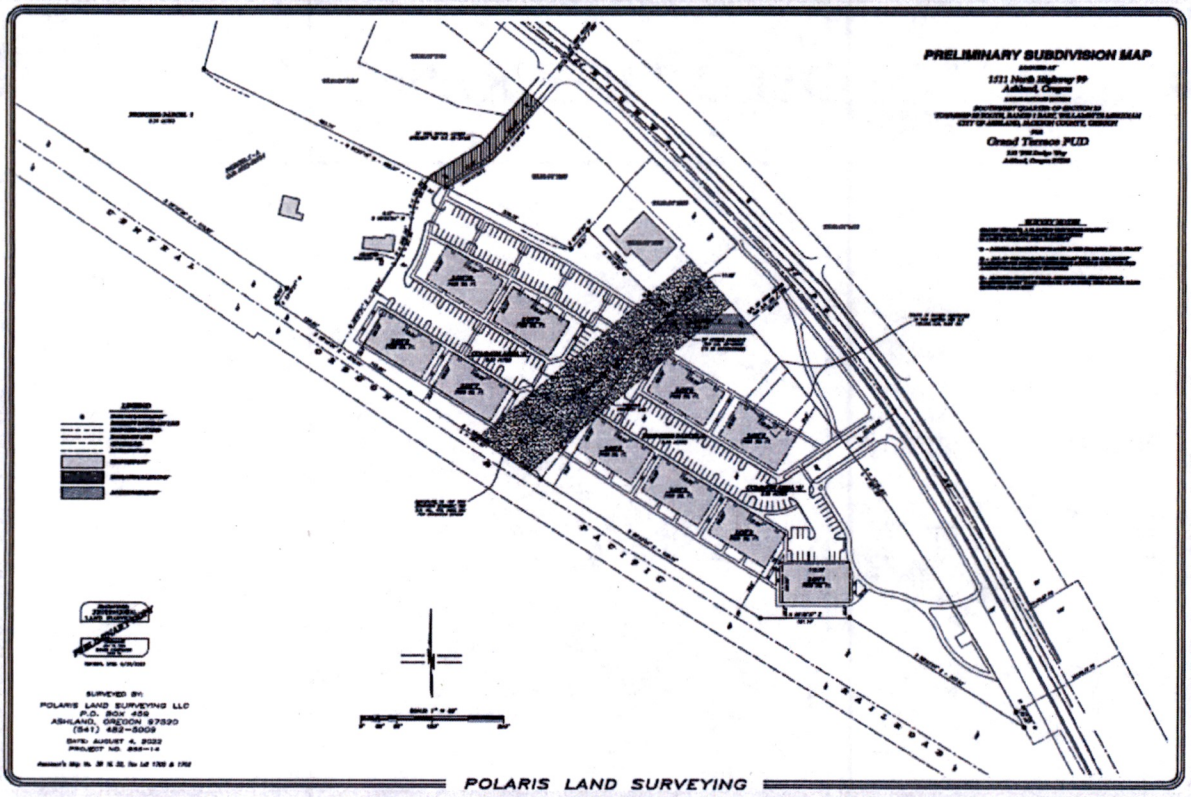
A NORTHEAST BIRDSEYE VIEW



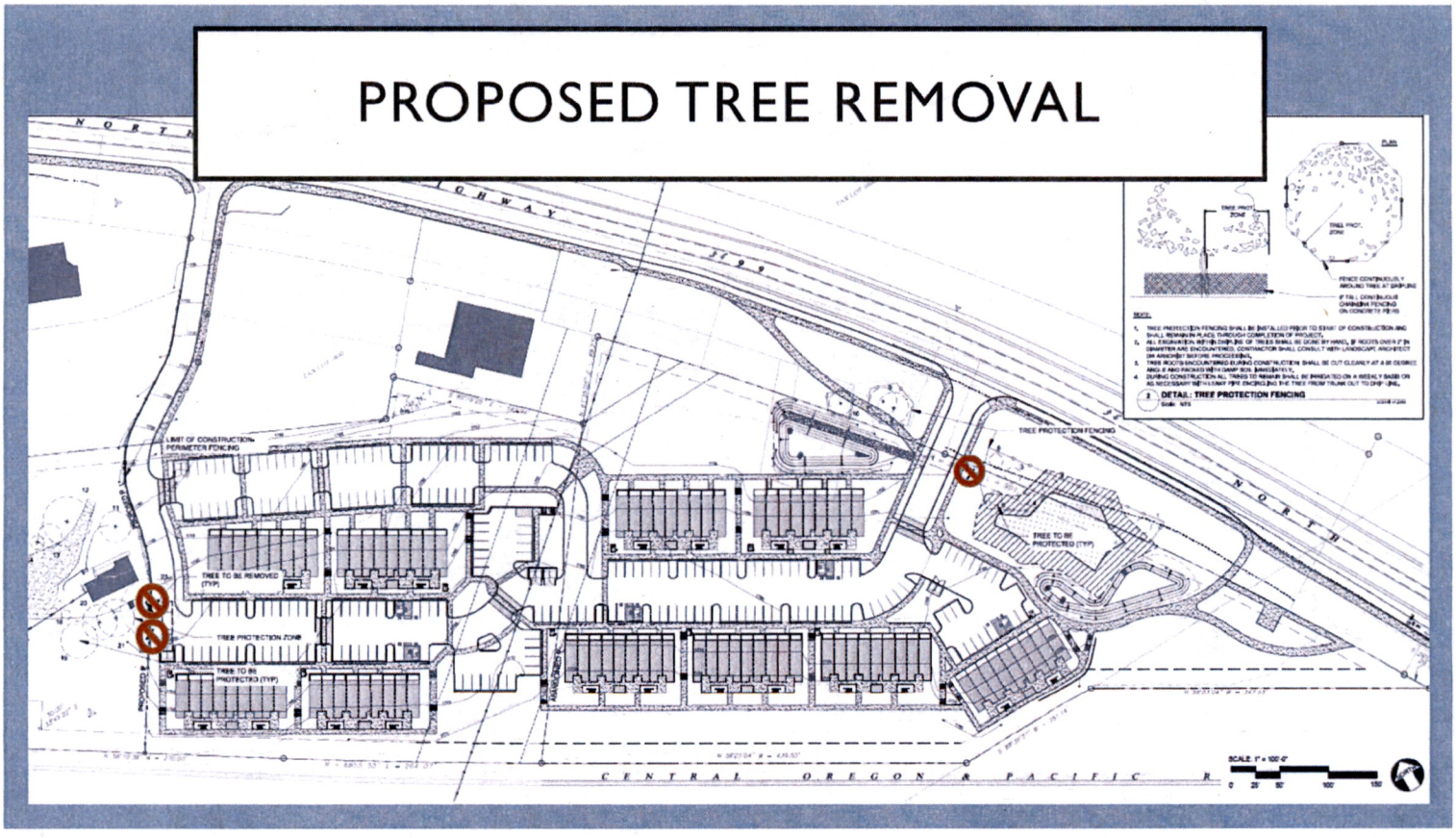
PRELIMINARY PEDESTRIAN CONNECTION STUDY

LEGEND
DENOTES AREAS OF PEDESTRIAN CONNECTIVITY

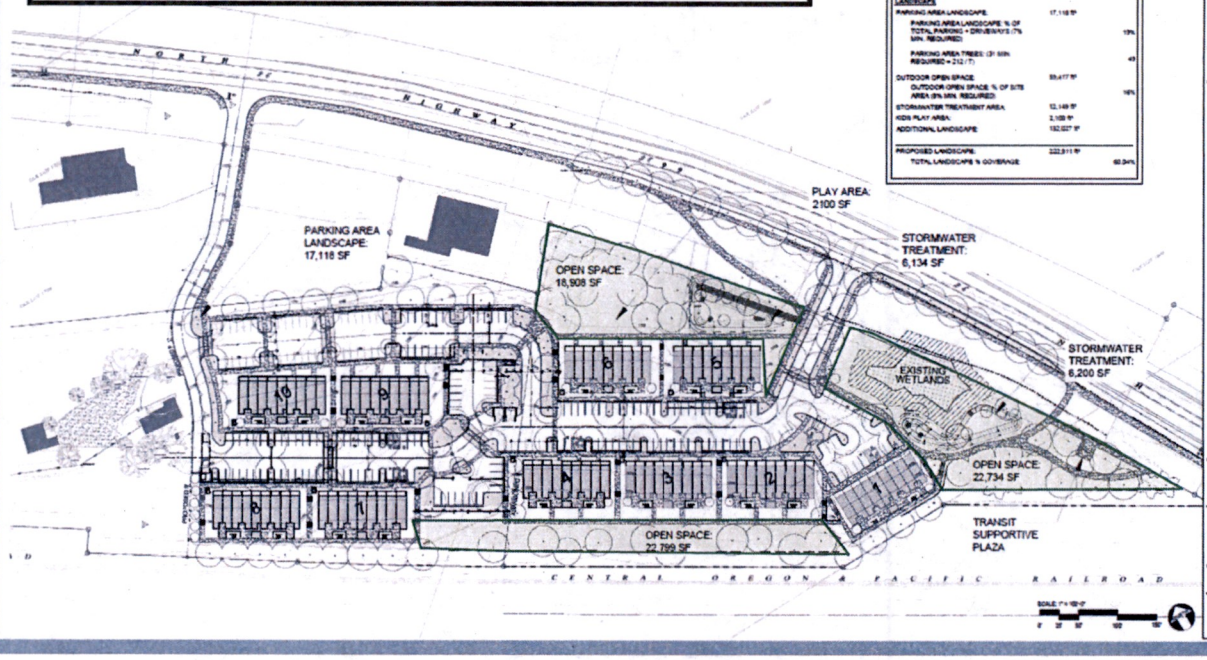
1 TYPICAL PEDESTRIAN ACCESS & CONNECTIVITY DETAIL


PRELIMINARY SUBDIVISION MAP
1521 North Highway 99
Ashland, Oregon
Grand Terrace PUD
SURVEYED BY:
POLARIS LAND SURVEYING LLC
P.O. BOX 439
ASHLAND, OREGON 97520
(541) 482-5009
DATE: AUGUST 4, 2022
PROJECT NO. 845-14
POLARIS LAND SURVEYING

PROPOSED TREE REMOVAL



LANDSCAPE & OPEN SPACE SITE PLAN



LOT COVERAGE	
MAP & TAX LOT NUMBER:	39 1E32 1700 & 1702
PROPOSED LOT SIZE	271,103 ft² = 6.62 Ac
IMPERVIOUS COVERAGE	
TOTAL STRUCTURE AREA COVERAGE = (6,291.6 ft² * 10)	62,916 ft²
PARKING SPACES: = (162 ft² * 212)	34,344 ft²
DRIVEWAYS:	55,532 ft²
SIDEWALKS:	3,833 ft²
PROPOSED TOTAL LOT COVERAGE:	148,282 ft²
TOTAL % COVERAGE	39.99%
ALLOWABLE LOT COVERAGE PER R-2 MULTI-FAMILY:	241,216 ft² = 65%
LANDSCAPE	
PARKING AREA LANDSCAPE:	17,116 ft²
PARKING AREA LANDSCAPE % OF TOTAL PARKING + DRIVEWAYS (7% MIN. REQUIRED)	15%
PARKING AREA TREES: (3' MIN REQUIRED = 212 / 7)	43
OUTDOOR OPEN SPACE:	59,477 ft²
OUTDOOR OPEN SPACE % OF SITE AREA (8% MIN. REQUIRED)	16%
STORMWATER TREATMENT AREA:	12,149 ft²
KIDS PLAY AREA:	2,100 ft²
ADDITIONAL LANDSCAPE:	102,027 ft²
PROPOSED LANDSCAPE:	222,911 ft²
TOTAL LANDSCAPE % COVERAGE	82.24%

KenCairn
Landscape Architecture

REGISTERED LANDSCAPE ARCHITECT
STATE OF OREGON

DRAWN BY:
KKK

SCALE
1" = 100'-0"
WHEN PRINTED ON 11X17

GRAND TERRACE
HIGHWAY 99
ASHLAND, OR 97520

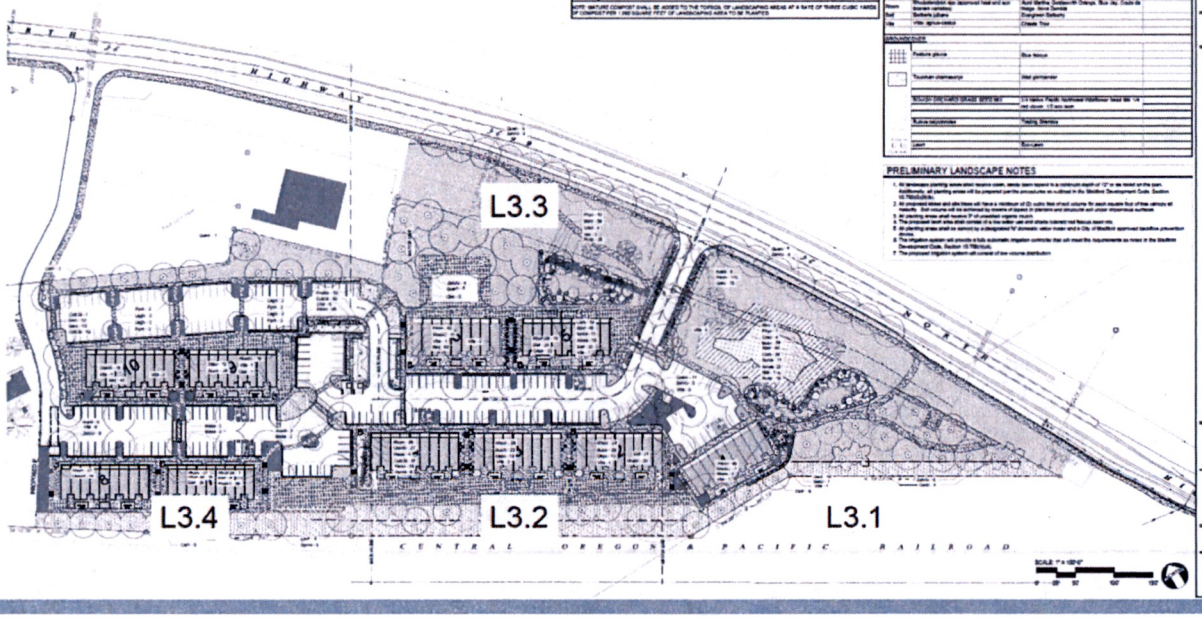
REVISION DATE

LANDSCAPE SITE PLAN

ISSUE DATE:
03.21.22

L 1.0

DETAILED LANDSCAPE SITE PLAN



RVSS PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
TREES			
Mal	Malus sylvestris	Red Alder	
Cal	Calocedrus decurrens	Black Hawthorne	
Qui	Quercus kelloggii	Pacific Willow	
SHRUBS			
Arbu	Arctostaphylos uva ursi 'Point Reyes'	Dwarf Serviceberry	
Cors	Cornus sericea	Red Twig Dogwood	
Hetr	Heteromeles arbutifolia	Creeping Oregon Grape	
Phys	Physocarpus capitatus	Pacific Ninebark	
Rubi	Rubus parviflorus	Thimbleberry	
Sym	Symphoricarpos albus	Western Spirea	
Vacc	Vaccinium ovatum	Common Snowberry	
GROUNDCOVER			
	HYDROSEED MIX #1		
	Elymus glaucus	Blue Wildrye	
	Festuca rubra rubra	Native Red Fescue	
	Horkelia cuneata	Western Sweet	10-20% OF EACH PLUGS OR HYDROSEED
	Sisyrinchium douglasii	Douglas' Blue-eyed Grass	
	Symphoricarpos albus	Snowberry Coralberry	
	Tolmiea menziesii	Trailing Mountain Strawberry	

NOTE: MATURE COMPOST SHALL BE ADDED TO THE TOPSOIL OF LANDSCAPING AREAS AT A RATE OF THREE CUBIC YARDS OF COMPOST PER 1,000 SQUARE FEET OF LANDSCAPING AREA TO BE PLANTED.

PRELIMINARY PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
TREES			
Acer	Acer x Freemanii 'Armstrong'	Armstrong Maple	
Quer	Quercus lobata 'Valley Oak'	Valley Oak	
Cath	Carpinus betulus 'Fastigiata'	Columnar European Hornbeam	
Cerc	Cercis occidens	Western Redbud	
Chi	Chamaecyparis lawsoniana	Lawson's Cypress	
Chi	Chilopsis linearis	Desert Willow	
Pla	Platanus acerifolia 'Bloodgood'	Bloodgood London Plane	
Lage	Lagerstroemia 'Natchez'	Natchez Crepe Myrtle	
Mala	Malus sylvestris	Wild Apple	
Prun	Prunus 'Snow Goose'	Snow Goose Flowering Cherry	
Pyrus	Pyrus calleryana 'Aristocrat'	Aristocrat Flowering Pear	
Quer	Quercus macrocarpa	Bur Oak	
Quer	Quercus lobata 'Valley Oak'	Valley Oak	
SHRUBS			
Arct	Arctostaphylos uva ursi	Dwarf Manzanita	
Buxs	Buxus microphylla japonica 'Green Beauty'	Green Beauty Boxwood	
Cerc	Cercocarpus ledifolius 'Curl Leaf'	Curl Leaf Mountain Mahogany	
Ess	Elaeagnus pungens 'Fruitland'	Fruitland Silverberry	
Euon	Euonymus alata 'compacta'	Compact Burning Bush	
Hemi	Hemerocallis 'Stella de Oro'	Stella de Oro Daylily	
Lave	Lavandula angustifolia 'Hidcote'	Hidcote Lavender	
Mah	Mahonia aquifolium 'Compacta'	Compact Oregon Grape	
Rhod	Rhododendron 'Ken Janeck'	Ken Janeck Rhododendron	
Rosm	Rosmarinus officinalis 'Prostratus'	Prostrate Rosemary	
Sarc	Sarcococca ruscifolia	Fragrant Sweetbox	
Vib	Viburnum tinus 'Spring Bouquet'	Spring Bouquet Viburnum	
GROUNDCOVER			
	Festuca glauca	Blue Fescue	
	Trachelospermum jasminoides	Star Jasmine	
	Various Groundcovers (grade 2/3/4 lbs)	Lily of the Nile, Red Fescue, Hall's Honeysuckle, Kinnikinnick, Lamium, Liriope, Periwinkle, Pink Muhly Grass, Rosemary, Santolina, Snow in Summer, Thyme, Verbena	
	Vinca major	Periwinkle	
	Vinca minor	Dwarf Periwinkle	

PRELIMINARY LANDSCAPE NOTES

1. All landscape planting areas shall receive cover, evenly spread to a minimum depth of 12" or as noted on the plan. Additionally, all planting areas will be prepared per the procedures as outlined in the Medford Development Code, Section 10.790(b)(4)(a).
2. All proposed street and site trees will have a minimum of 25 cubic feet of soil volume for each double foot of tree canopy at maturity. Soil volume will be achieved by means of spaces in planters and structural soil under impervious surfaces.
3. All planting areas shall receive 3" of uncomposted organic mulch.
4. All trees shall be staked while within 5 of a tree trailer, use and shade material not fabrics shall be.
5. All planting areas shall be served by a designated "d" domestic water meter and in City of Medford approved backflow prevention device.
6. The irrigation system will provide a fully automatic irrigation controller that will meet the requirements as noted in the Medford Development Code, Section 10.790(b)(d).
7. The proposed irrigation system will consist of low volume distribution.

KenCairn
Landscape Architecture

REGISTERED LANDSCAPE ARCHITECT

DRAWN BY:
KKK

SCALE
1"= 100'-0"
WHEN PRINTED ON 11X17

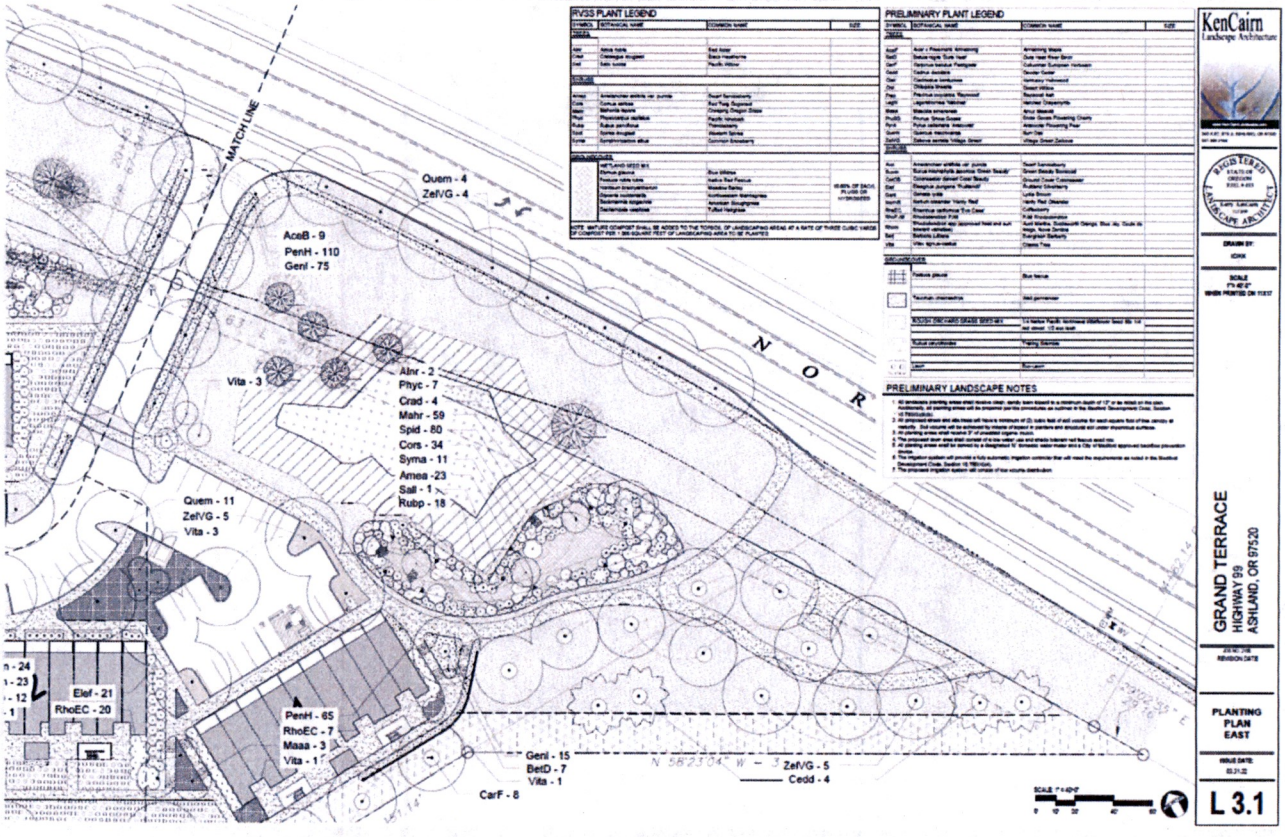
GRAND TERRACE
HIGHWAY 99
ASHLAND, OR 97520

JOB NO. 216
REVISION DATE

PLANTING PLAN

ISSUE DATE
03.31.22

L 3.0



RVSS PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
TREES			
SHRUBS			
GRASS/MEADOWS			
	WETLAND SEED MIX		

NOTE: MATURE COMPOST SHALL BE ADDED TO THE TOPSOIL OF LANDSCAPING AREAS AT A RATE OF THREE CUBIC YARDS OF COMPOST PER 1,000 SQUARE FEET OF LANDSCAPING AREA TO BE PLANTED.

PRELIMINARY PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
TREES			
SHRUBS			
GROUNDCOVER			

PRELIMINARY LANDSCAPE NOTES

1. All landscape planting areas shall receive clean, sandy loam topsoil to a minimum depth of 12" or as noted on the plan. Additionally, all planting areas will be presumed per the prescriptions as outlined in the Resident Development Code, Section 18.72(c)(4)(b).
2. All proposed areas and site trees will have a minimum of 25 cubic feet of soil volume for each square foot of tree canopy at maturity. Soil volume will be achieved by means of shared or planters and structural soil under impermeable surfaces.
3. All planting areas shall receive 3" of shredded organic mulch.
4. The proposed lawn area shall consist of no low water use and shade tolerant turf fescue seed mix.
5. All planting areas shall be served by a designated "K" Hydrozone water meter and a City of Medford approved backflow prevention device.
6. The irrigation system will provide a fully automatic irrigation system that will meet the requirements as noted in the Medford Development Code, Section 18.72(c)(4)(a).
7. The proposed irrigation system will consist of low volume distribution.

KenCairn
Landscape Architecture

REGISTERED LANDSCAPE ARCHITECT
STATE OF OREGON
EXPIRES: 6-30-23
Kathy KenCairn

DRAWN BY
IDRK

SCALE
1"= 40'-0"
WHEN PRINTED ON 11X17

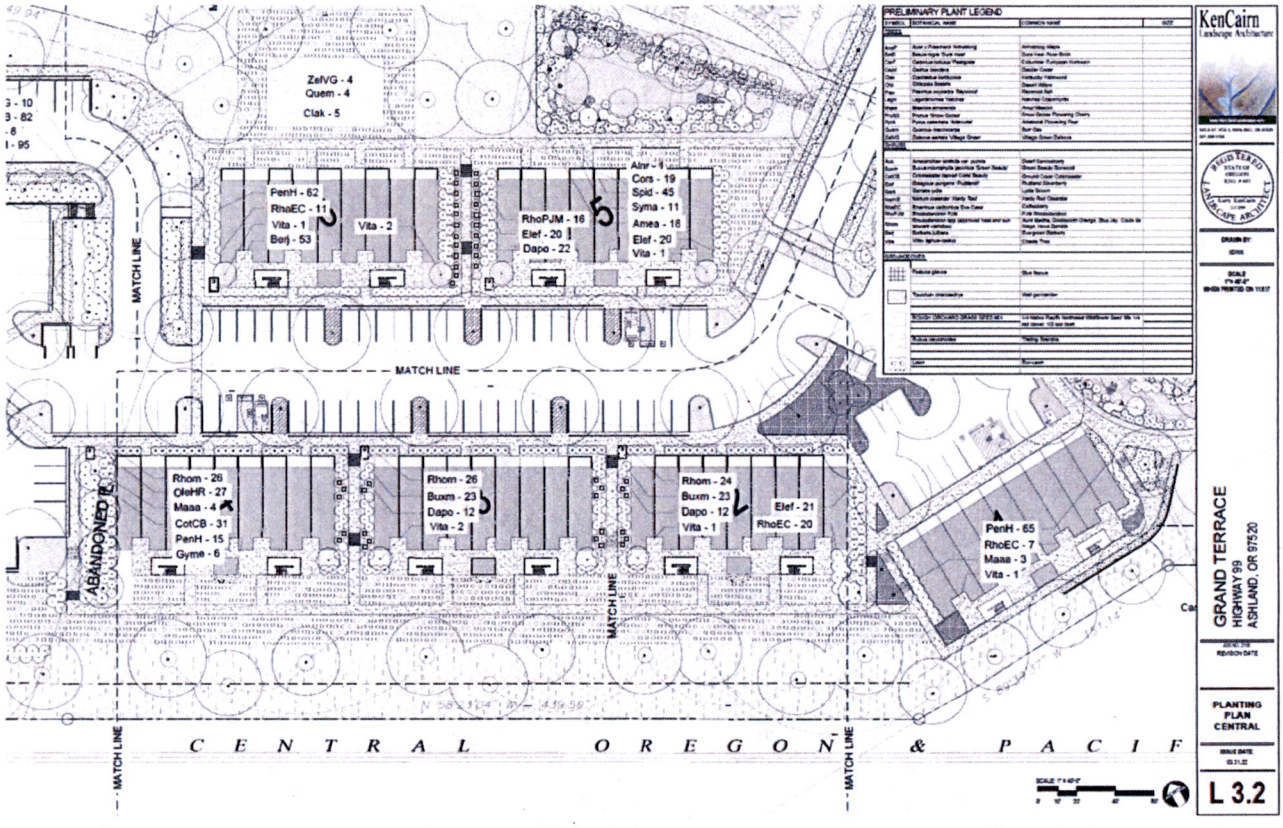
GRAND TERRACE
HIGHWAY 99
ASHLAND, OR 97520

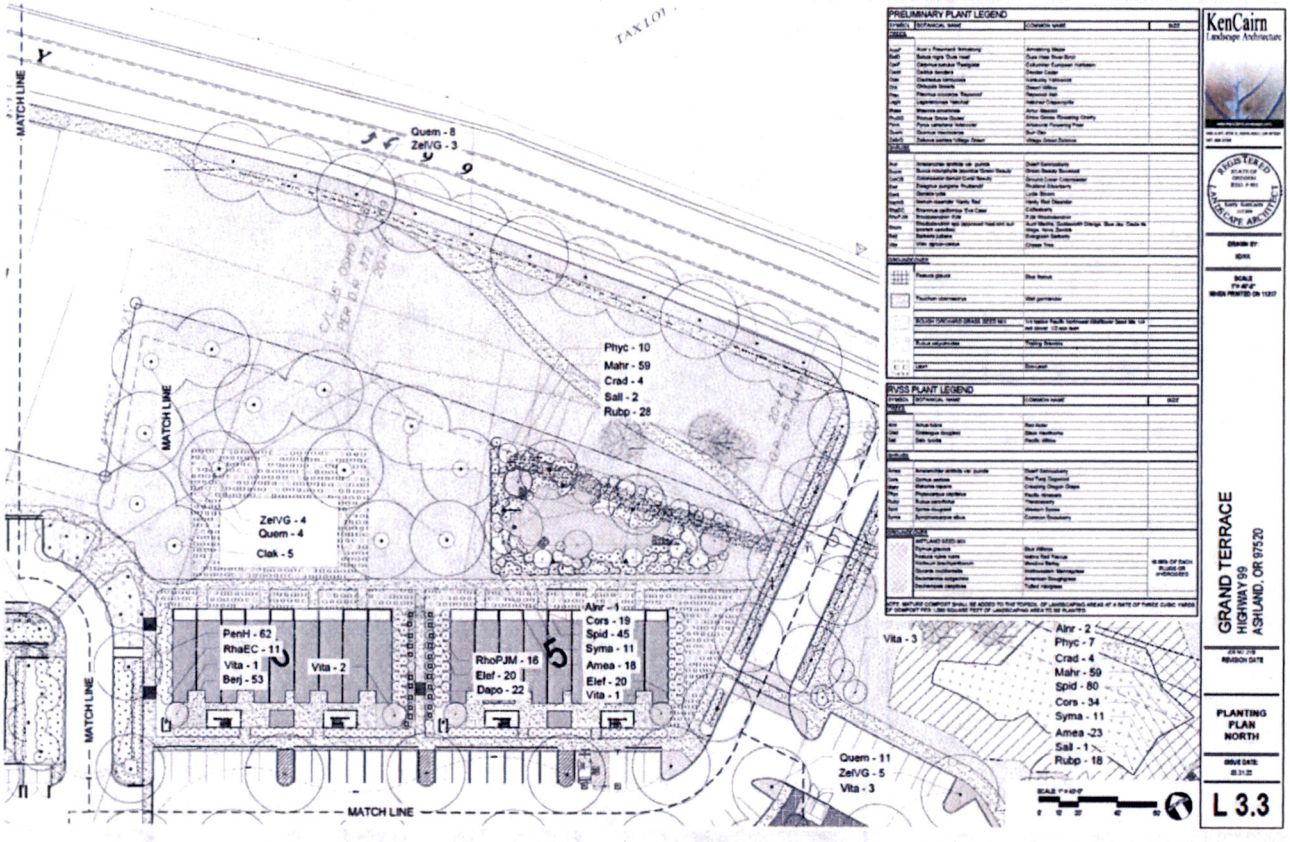
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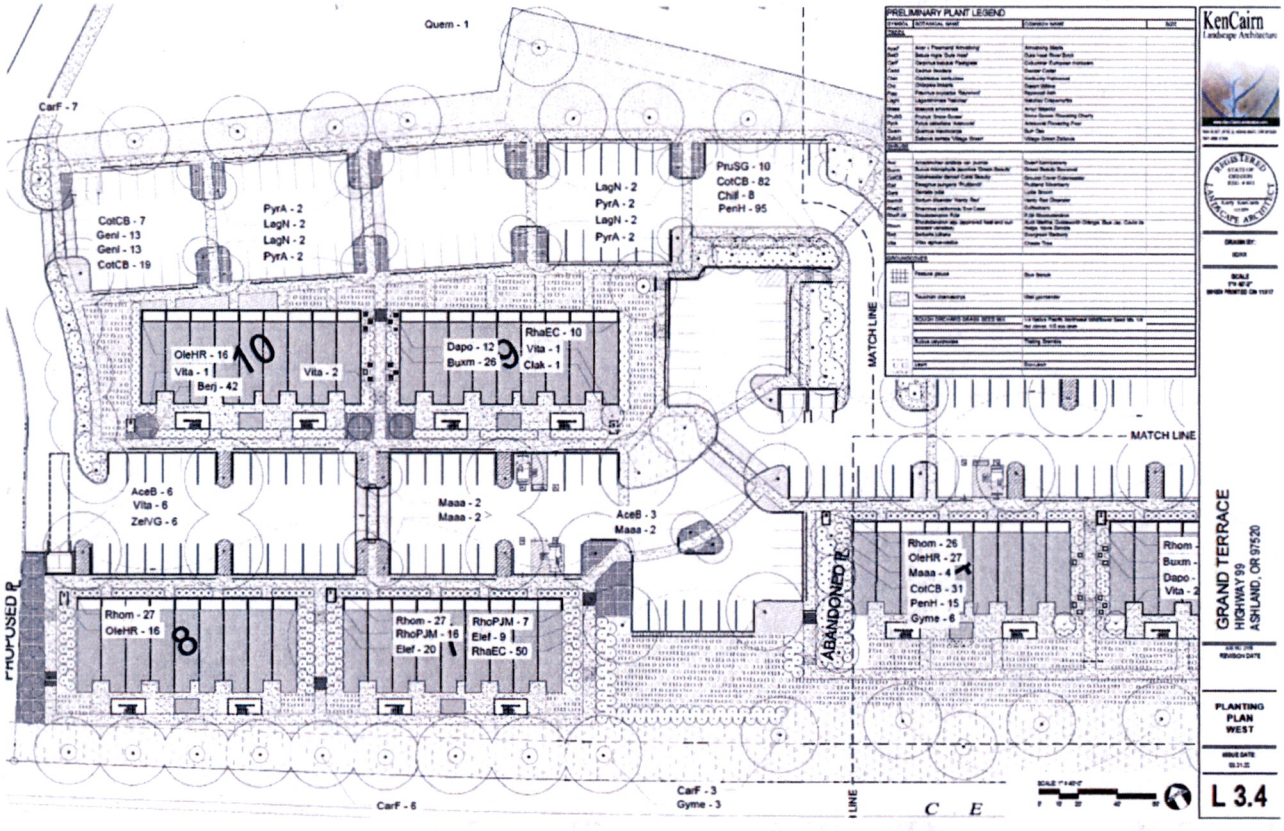
PLANTING PLAN EAST

ISSUE DATE
03.31.22

L 3.1


ZelVG - 4
Quem - 4
Ctak - 5
PenH - 62
RhoEC - 11
Vita - 1
Berj - 53
Vita - 2
RhoPJM - 16
Elef - 20
Dapo - 22
Alnr - 1
Cors - 19
Spid - 45
Syma - 11
Amea - 18
Elef - 20
Vita - 1
MATCH LINE
MATCH LINE
Rhom - 26
OleHR - 27
Maaa - 4
CotCB - 31
PenH - 15
Gyme - 6
Rhom - 26
Buxm - 23
Dapo - 12
Vita - 2
Rhom - 24
Buxm - 23
Dapo - 12
Vita - 1
Elef - 21
RhoEC - 20
PenH - 65
RhoEC - 7
Maaa - 3
Vita - 1
ABANDONED R
MATCH LINE
MATCH LINE
C E N T R A L O R E G O N & P A C I F
PRELIMINARY PLANT LEGEND
KenCairn
Landscape Architecture
GRAND TERRACE
HIGHWAY 99
ASHLAND, OR 97520
PLANTING PLAN CENTRAL
L 3.2


MATCH LINE
Quem - 8
ZelVG - 3
Phyc - 10
Mahr - 59
Crad - 4
Sall - 2
Rubp - 28
ZelVG - 4
Quem - 4
Clak - 5
PenH - 62
RhaEC - 11
Vita - 1
Berj - 53
Vita - 2
RhoPJM - 16
Elef - 20
Dapo - 22
Alnr - 1
Cors - 19
Spid - 45
Syma - 11
Amea - 18
Elef - 20
Vita - 1
Vita - 3
Alnr - 2
Phyc - 7
Crad - 4
Mahr - 59
Spid - 80
Cors - 34
Syma - 11
Amea -23
Sall - 1
Rubp - 18
Quem - 11
ZelVG - 5
Vita - 3
MATCH LINE
MATCH LINE
MATCH LINE
PRELIMINARY PLANT LEGEND
RVSS PLANT LEGEND
KenCairn
Landscape Architecture
GRAND TERRACE
HIGHWAY 99
ASHLAND, OR 97520
PLANTING
PLAN
NORTH
L 3.3


Quem - 1
CarF - 7
CotCB - 7
Geni - 13
Geni - 13
CotCB - 19
PyrA - 2
LagN - 2
LagN - 2
PyrA - 2
LagN - 2
PyrA - 2
LagN - 2
PyrA - 2
PruSG - 10
CotCB - 82
Chil - 8
PenH - 95
OleHR - 16
Vita - 1
Berj - 42
10
Vita - 2
Dapo - 12
Buxm - 26
9
RhaEC - 10
Vita - 1
Clak - 1
MATCH LINE
AceB - 6
Vita - 6
ZelVG - 6
Maaa - 2
Maaa - 2
AceB - 3
Maaa - 2
Rhom - 26
OleHR - 27
Maaa - 4
CotCB - 31
PenH - 15
Gyme - 6
Rhom -
Buxm -
Dapo -
Vita - 2
ABANDONED R
PROPOSED R
Rhom - 27
OleHR - 16
8
Rhom - 27
RhoPJM - 16
Elef - 20
RhoPJM - 7
Elef - 9
RhaEC - 50
CarF - 3
Gyme - 3
CarF - 6
LINE
C
E
PRELIMINARY PLANT LEGEND
KenCairn
Landscape Architecture
GRAND TERRACE
HIGHWAY 99
ASHLAND, OR 97520
PLANTING
PLAN
WEST
L 3.4

ADDITIONAL INFORMATION

TRANSPORTATION IMPACT ANALYSIS

Kelly Sandow PE, of Sandow Engineering, LLC has evaluated the impacts of the proposal.

Key findings of the TIA include – these are addressed in the Technical Memorandum and the TIA Review Response Letter from ODOT dated May 7, 2020:

☐ The TIA shows all studied intersections (Hwy 99N at South Valley View, Highway 99N at Jackson Road, North Main Street at Jackson Road, North Main Street at Maple Street, and Hwy 99N at the project access points) will meet the mobility standards through the Year 2034 with the addition of the traffic associated with anticipated development of the subject property.

☐ The addition of development traffic will not substantially increase queuing conditions over the background conditions.

☐ All site driveways are projected to operate safely and efficiently.

☐ The TIA recommends that Highway 99N be restriped to include a left-turn lane for vehicles entering the site.

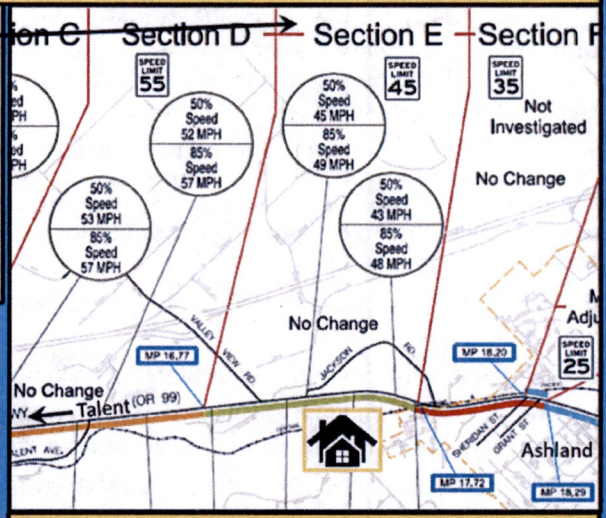
☐ The TIA review by ODOT concludes that the Transportation Planning Rule (TPR) has been met.

ODOT SPEED STUDY

The 2021 Speed Zone Investigation (SZI) was requested by ODOT District 8 Maintenance Management for the reason, "District 8 has received numerous complaints about the safety of this section of roadway and is requesting a SZI to see if a slower speed is warranted and due to the context of roadway changing near the intersection of Sheridan Street the speed change of 25/35 should be placed according to this context change. ".

Investigation:	Investigated Section E
Section Length	0.95 mile
50% Speed	44 MPH
85% Speed	49 MPH
2016-2018 Crash Rate*	1.07
2018 Average Daily Traffic	16,100
Context	Suburban fringe
Culture Type and Density	Light business to rural
Horizontal Alignment	1 Curve
Vertical Alignment	Steady grade
Curve Signs & Speed Riders	None
Existing Posted Speed	45 MPH
Recommended Speed	45 MPH

*Crashes per Million Vehicle Miles



LEGEND

20 MPH
25 MPH
30 MPH
35 MPH
40 MPH
45 MPH
50 MPH
55 MPH
60 MPH
65 MPH
70 MPH
City Limits

Denotes development area

2021 investigation resulted in no changes to speed zones in vicinity of proposed development as shown in the summary diagram above.

ORS 222.170 -CONTIGUITY THROUGH CONSENT AT A PUBLIC HEARING

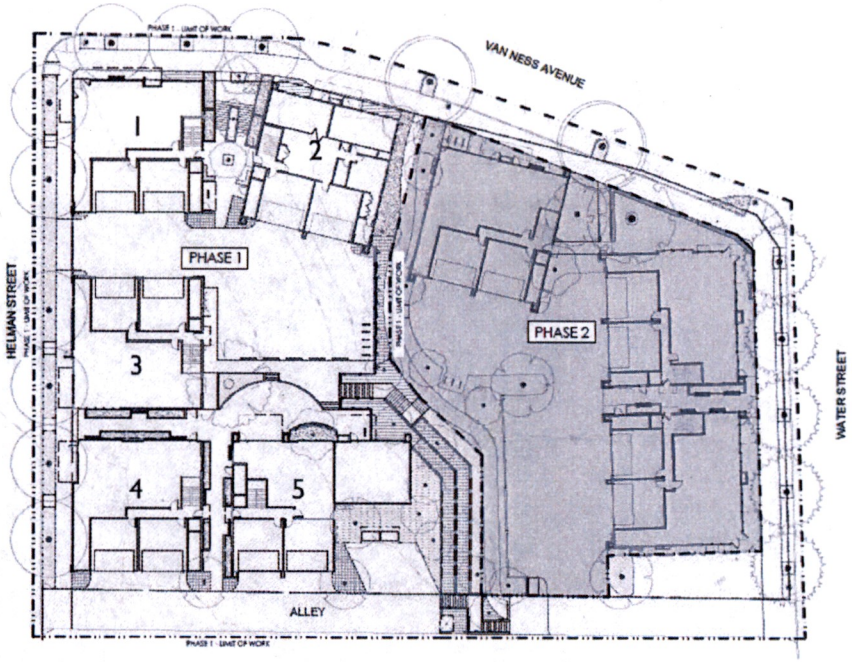
- The applicant proposes that the Council process, as provided in state law (ORS 222.170), an annexation by consent through a public hearing which may be approved without requiring an election, when: more than one-half of the owners with land in the area to be annexed consent to the annexation; owners of more than one-half the land in the area to be annexed consent to the annexation; and that the land represents more than one-half of the total assessed value in the area to be annexed, an annexation can be approved.
- ORS 222.170(4) addresses when one of the properties in the election for consent is owned by the public, is right-of-way for a utility...or railroad, or is exempt from ad valorem taxation shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation, unless the owner of such property files a statement consenting to or opposing the annexation with the legislative body of the city on or before the day the public hearing is held.
- The annexed area of the subject properties and the ODOT right-of-way is substantially more land area than the property controlled by the railroad company.
- ORS 222.170 provides contiguity with the majority of the owners in favor of annexation before a public hearing.
- AMC 18.5.8.060 has been used numerous times over the years to reach across the railroad property and annex it into the city to provide a more logical and orderly expansion of the boundaries of the city.
- City of Ashland Charter, Article 1, Section 3, Boundaries. This states that the City Council has the power to modify the boundaries.

MAGNOLIA TERRACE

APPEAL



SITE LAYOUT

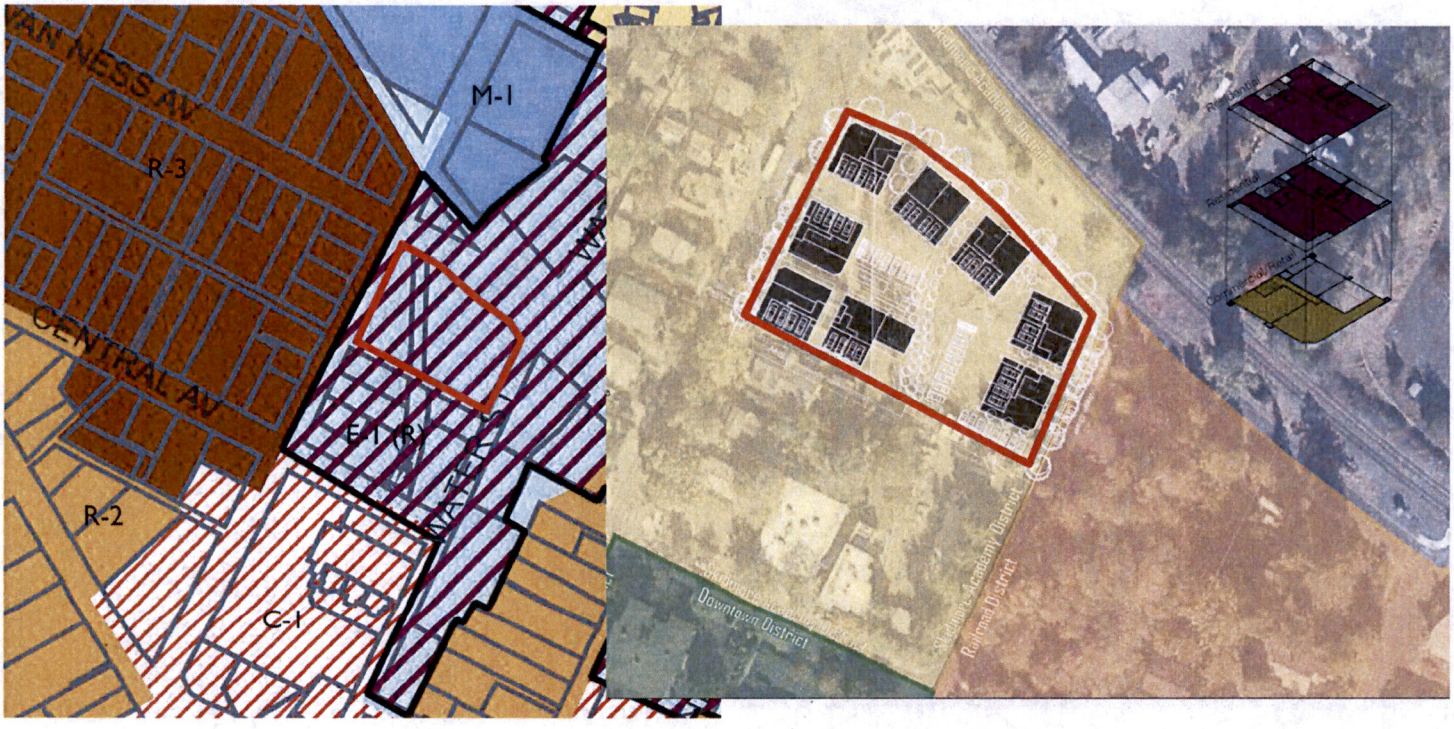

VAN NESS AVENUE
HELLMAN STREET
WATER STREET
ALLEY
PHASE 1
PHASE 2
1
2
3
4
5

GROUNDS FOR APPEAL

- The specific ground for which the decision should be reversed or modified is Application of the Historic District Development Standards in Transitional Areas

- Denial on this grounds is an error because the applicable criteria or procedure in the Ashland Municipal Code 18.4.2.050 states that projects at the boundary between zones or overlays may have appropriate adjustments considered, but the underlying zoning standards and requirements applicable to the subject property must be kept in sight.

ZONING AND HISTORIC OVERLAYS



UNDERLYING ZONING STANDARDS

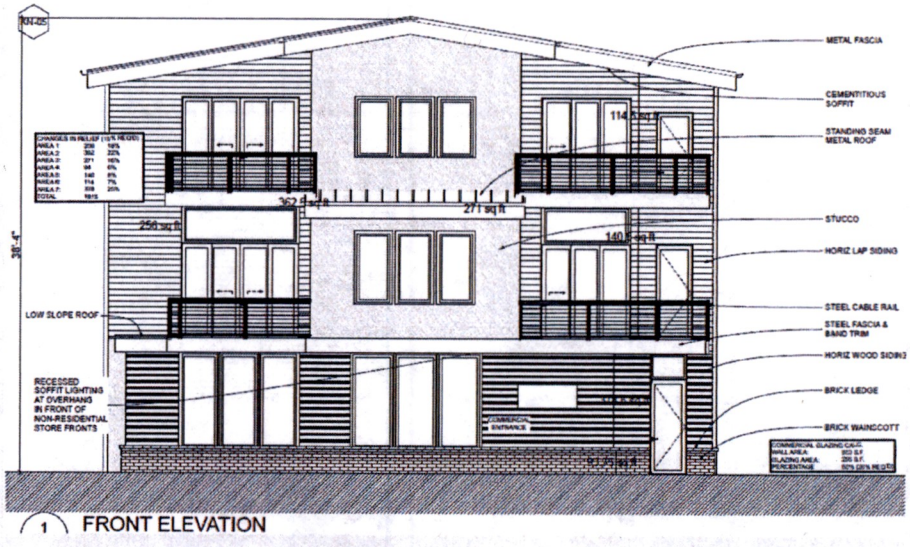
SUBJECT PROPERTY, ADJACENT PROPERTIES TO SOUTH AND WEST

- 18.2.6 STANDARDS FOR NON-RESIDENTIAL ZONES
- Purpose: 18.2.6 sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development, for Ashland's base employment zones, pursuant to the Comprehensive Plan and the purposes of this ordinance.
- No minimum lot area, lot width or lot depth
- There is no minimum front, side, or rear yard required, except where buildings on the subject site abut a residential zone, in which case a side of not less than 10 ft and a rear yard of not less than 10 ft per story is required.
- Maximum height of 40-feet
- Minimum Floor Area Ratio of ½ the acreage of the property
- Minimum Landscape area of 15%
- Maximum coverage area of 85%



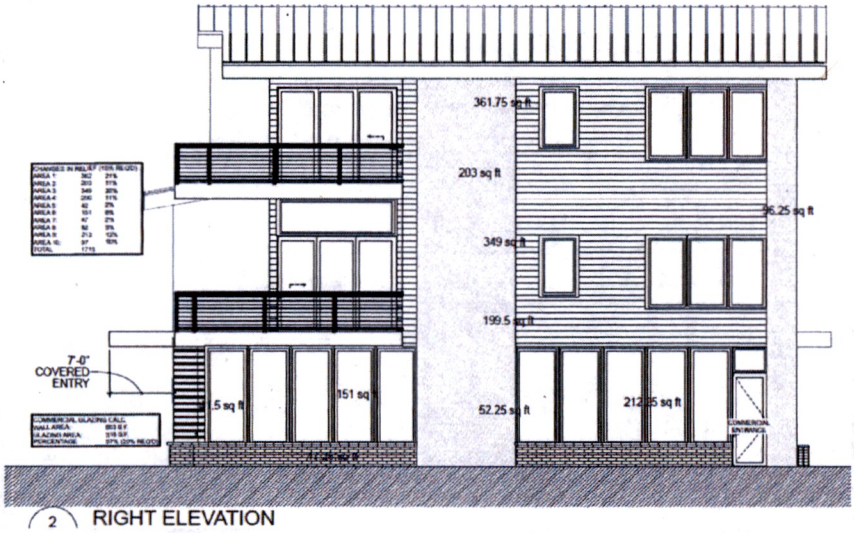
HISTORIC DISTRICT DESIGN STANDARDS COMPLIANCE

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



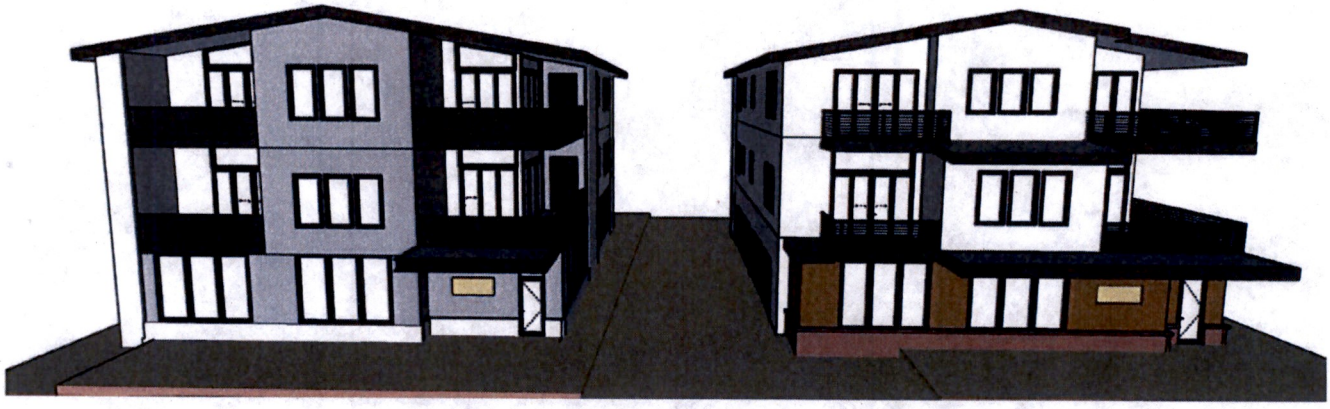
1 FRONT ELEVATION

HISTORIC DISTRICT DESIGN STANDARD COMPLIANCE



2 RIGHT ELEVATION

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

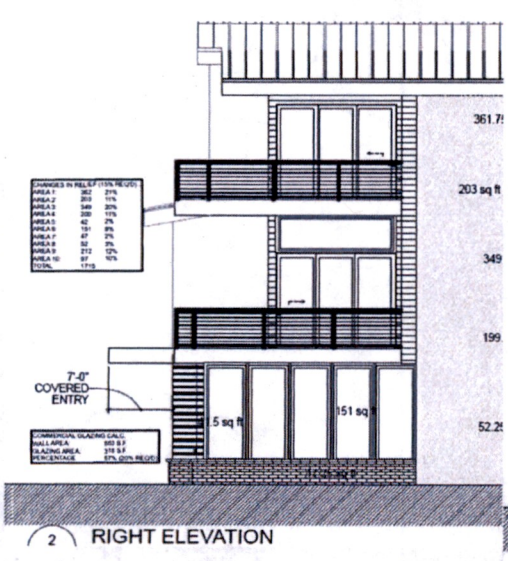


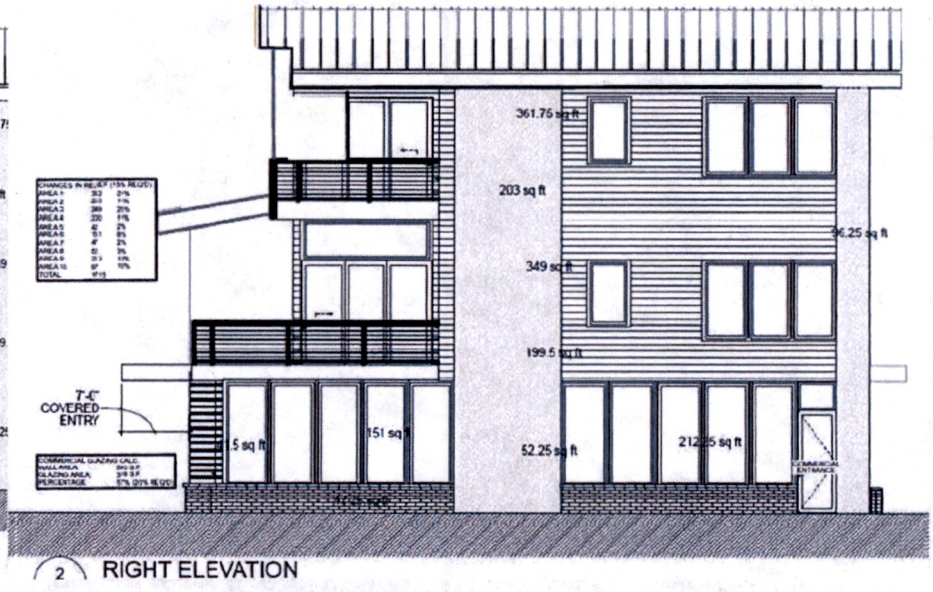
Building 3 (Helman Street)
Original Elevation

Building 3 (Helman Street)
Revised Elevation



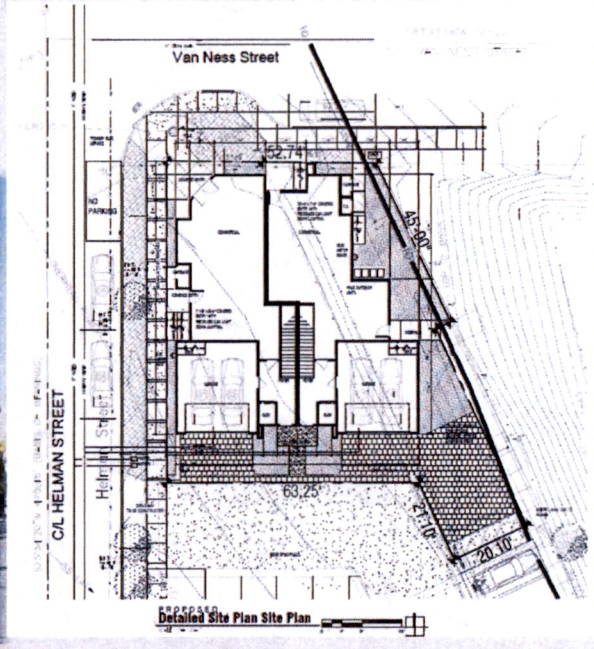
SOLUTION TO CONCERNS OF MASSING & SCALE

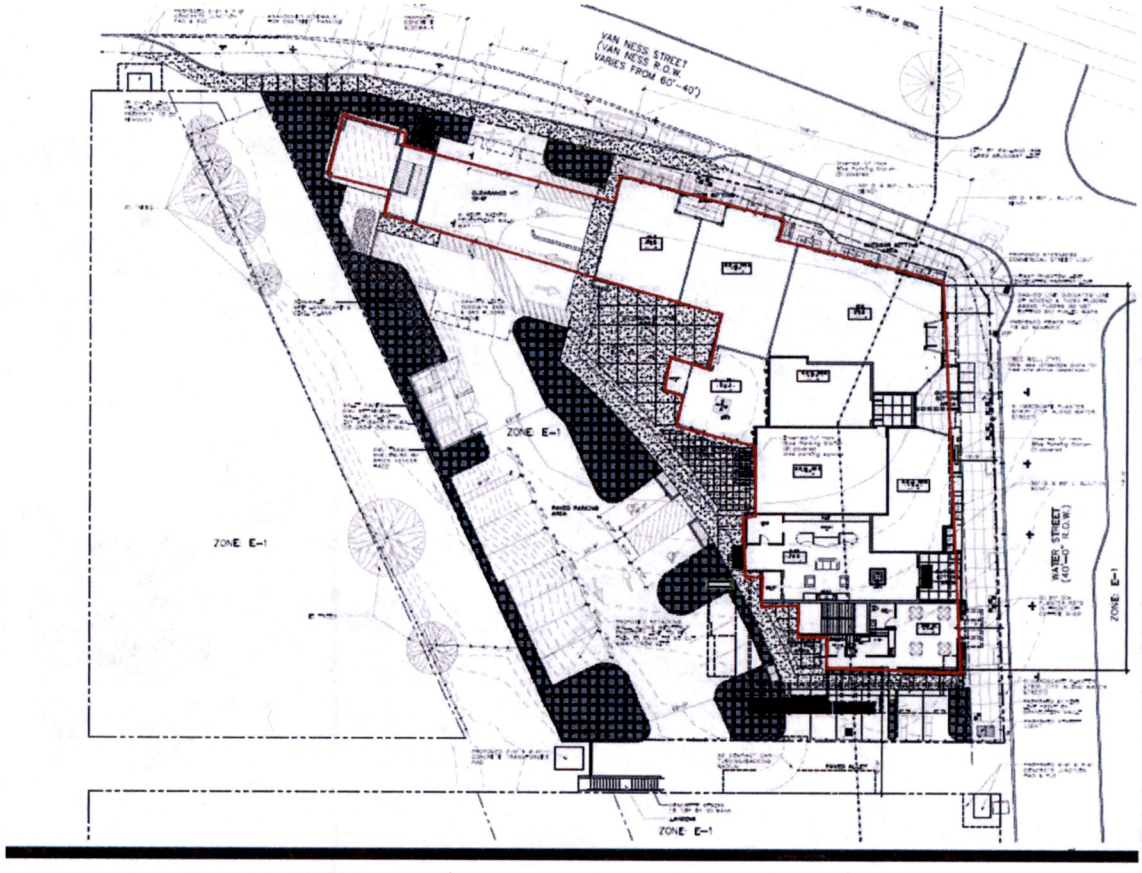


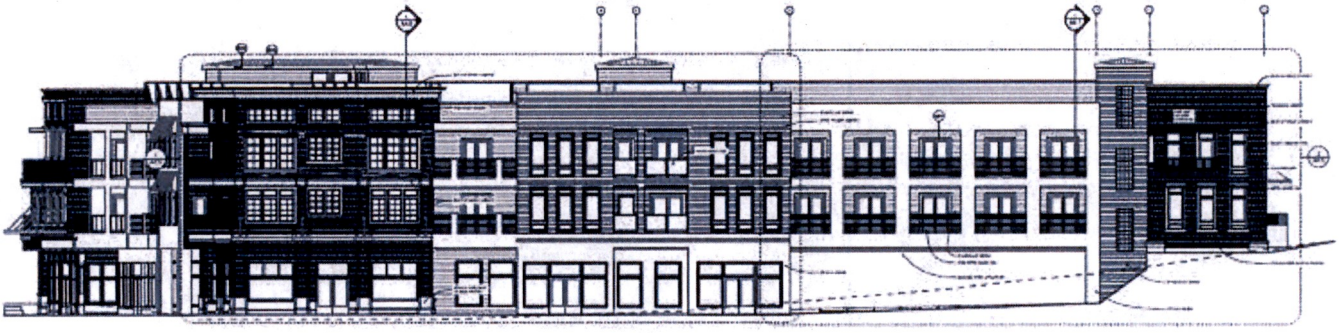


PREVIOUSLY APPROVED ON HELMAN FACADE






VAN NESS STREET
(VAN NESS R.O.W.
VARIES FROM 60'-40')
ZONE E-1
ZONE E-1
ZONE E-1
WATER STREET
(40'-0" R.O.W.)
ZONE E-1



2 / A2.1 NORTH ELEVATION



2 / A2.1 EAST ELEVATION

ROGUE ADVOCATES

December 6, 2022

RE: Comments on Grand Terrace Annexation – Planning Action #PA-T3-2022-00004

Dear Ashland City Council,

Rogue Advocates is a land use advocacy organization with members in Ashland. We support Ashland's goal of increasing the availability of affordable housing and we are particularly supportive of Ashland's longstanding efforts to accomplish their housing goals within a broader context that emphasizes reduced dependency on the automobile while improving conditions for walking, cycling and transit.

Since LUBA's reversal of the City's approval in May of 2021, Ashland has amended its municipal code in multiple ways in order to accommodate this proposal. However, as detailed below, we again find that the proposed annexation does not meet legal requirements and should therefore be denied. Because the City's process here is a legislative decision (AMC 18.5.8.030.A), the "raise it or waive it" requirements of ORS 197.763(1) do not apply.

Issue #1: The City's adopted procedures have not been followed.

The applicable criteria are:

> *18.5.8.030 - Applicability and Review Procedure*
> ***All annexations shall be processed under the Type III procedure*** (emphasis added). *Except for City-initiated annexations, annexation applications require an accompanying planning application for the development of the entirety of the annexed area in accordance with applicable procedure and approval criteria in chapter 18.5.1, General Review Procedures, concurrent with the annexation application.*
>
> *18.5.1.010 - Purpose and Applicability*
> *A. Purpose. This chapter establishes procedures to initiate and make final decisions on planning actions under the Land Use Ordinance ("this ordinance"), pursuant to City policy and state law.*
> *B. Applicability of Review Procedures. All planning actions shall be subject to processing by* ***one*** (emphasis added) *of the following procedures summarized in subsections 1 - 4, below...*

The above criteria function together and allow for **ONE** application type. The criteria require that a Type III procedure be used for all annexations, which includes concurrent review of an accompanying planning application. Applicant's request for annexation with an accompanying request for outline plan subdivision and site design review approval cannot be separately granted by the Planning Commission through a Type II process.

Planning action PA-T3-2022-00004 was included on the September 13th Planning Commission agenda as a Type III process (See Exhibit A) and the Council's initial public hearing on this action is agendized as "Annexation and Site Review - HWY 99: PA-T3-2022-0004" (See Exhibit B), clearly indicating that site review is part of the Council's decision. The City's findings impermissibly divide one planning action into multiple approval processes in violation of AMC 18.5.1.010.B.

BOARD MEMBERS
Jamie Talarico Jimmy MacLeod Steve Rouse Hugo Hamblin-Agosto Pepper Trail Robin Elliott
RogueAdvocates.org * 541-846-1083 * PO Box 624 Ashland, OR 97520

Issue #2: The City impermissibly imposes conditions of approval to satisfy approval criterion.

The City's "Findings, Conclusions and Orders" (hereinafter, "Findings") conclude that:

> "Over 3,000 linear feet of sidewalk installation is proposed, and of this only approximately 900 linear feet directly fronts upon the applicant's properties. Along the applicant's frontage, an Exception is requested to allow curbside sidewalks in order to install a bus pull-out lane, bus stop and transit supportive plaza. The remainder of the areas to be improved are outside the applicant's ownership or control."

We agree that, apart from the applicant's frontage, the areas "proposed" for improvement along Highway 99 between El Tapatio restaurant and Schofield Street are outside the applicant's control. These areas are also outside of the City of Ashland's control. Consequently, these areas are not governed by any conditions imposed by the City.

ODOT has not approved the installation of sidewalks along their right-of-way between El Tapatio restaurant and Schofield Street. And, apart from the area along the applicant's frontage, there is no evidence that they will. To do so would involve the restriction of access and other impositions to multiple private properties and businesses along Highway 99. Similarly, ODOT has not granted permission for the installation of a Rectangular Rapid Flashing Beacon (RRFB) crossing or for improvements to bike/ped facilities underneath the CORP railroad trestle.

Although ODOT's permission *could* be the granted for such improvements, there is no evidence that such permissions *will* be granted. Approvals from the Federal Highway Administration must also be obtained for installation of an RRFB crossing per Interim Approval 21 (See Exhibit C). The City of Ashland has no authority to require ODOT (or FHWA) to approve such improvements and any conditions of approval to that effect are therefore legally non-binding.

Additionally, established case law requires the City to adopt findings showing both nexus and rough proportionality when requiring improvements - particularly costly improvements such as these - that extend well beyond the applicant's property. If anything, the City's findings do the opposite by recognizing pre-existing "dangerous" conditions for pedestrians along Highway 99 that result from non-conforming and/or unimproved driveway access, signage and lighting. Such findings make a case for why *other* property owners (or ODOT) should pay for improvements, not the applicant.

Rogue Advocates asserts that, apart from the frontage under applicant's control, any findings of legal compliance relying on the "proposed" installation of sidewalks, lighting, RRFB crossings, or "multi-use" path improvements under the CORP railroad trestle are without merit because they rely on unenforceable conditions of approval that have not been justified under *Nollan/Dolan* (nexus and rough proportionality) legal precedent.

Issue #3: Adequate water facilities and/or performance guarantees have not been demonstrated.

The applicable criteria are:

> *AMC 18.5.8.050.D - Adequate City facilities for the provision of water to the annexed area as determined by the Public Works Department...can and will be provided from the annexed area...*

All required public facility improvements shall be constructed and installed in accordance with subsection 18.4.6.030.A.

AMC 18.4.6.030.A - Public Improvement Requirement. No building permit may be issued until all required public facility improvements are installed in accordance with the approved design, approved by the City Engineer, or a financial guarantee is provided pursuant to 18.4.6.030.E, below.

AMC 18.4.6.030.E - Performance Guarantee Required. The City may approve a final plat or building permit prior to completion of required public improvements when it determines that enough of the public improvements required for the site development or land division, or phase thereof, are complete and the applicant has an acceptable assurance for the balance of said improvements. The applicant shall provide a bond issued by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City.

With regard to the above criteria, applicant states:

"The proposal is to extend the City of Ashland, eight-inch water main within the Hwy. 99 N, ODOT right-of-way to the property. Presently, a 12-inch water main terminates in the Hwy. 99 right-of-way, approximately 766-feet south of the subject property frontage. The proposal requests extension of the city of Ashland water main as a public facility within the ODOT Highway right-of-way to the property under the railroad property through easement and connecting to the ODOT right-of-way where a private line will be extended through the site."

The Findings state:

"The City will require the applicant to extend the existing 12-inch main line at a location uphill and south of the site, between Fox & Schofield Streets, to a location north of the railroad trestle at the site's northernmost driveway. Final engineered details of the exact location and method of connection to the existing 12-inch city-owned water main will be included in the final engineered plans provided with the Final Plan submittal. In preparing the final civil drawings, consultation with RH2 Engineering, the contract engineer for the City, and use of the city's water model may be required to evaluate domestic consumption and fire flow needs for Grand Terrace, the potential future extension of the main further to the north and resultant impacts to the city system.

As this is at the low end of the City's water system, the applicant must anticipate high water pressures at the meter (160+ psi). This will require a pressure reducing valve (PRV) station at the point of connection. The final type, size, and location of the PRV station will need to be determined in consultation with the project civil engineer, the city-approved PRV supplier and Water Department staff based on the city water model currently managed by RH2 Engineering. PRV stations of this size are typically in underground vaults big enough to walk around in and will need to be in a location where regular maintenance can be performed without stopping traffic or endangering Water Division personnel. The applicant's design team should also evaluate the need for PRV's for each building. The final civil drawings provided with the Final Plan submittal shall include complete PRV details."

There is a significant discrepancy between applicant's above proposal and what has been outlined in the Findings. In particular, extending a 12-inch main line from "a location uphill and south of the site, between Fox & Schofield Streets, to a location north of the railroad trestle at the site's northernmost driveway" is significantly different than "extend(ing) the City of Ashland, eight-inch water main within the Hwy. 99 N, ODOT right-of-way to the property." Applicant makes no mention of a pressure reducing valve (PRV) station in an underground vaults "big enough to walk around in."

What's involved in extending a 12-inch main line from between Fox & Schofield Streets to the subject property? Does such an extension involve traversing multiple private properties, including the railroad, as it would appear by looking at a map?

What's involved in installing a pressure reducing valve (PRV) station in an underground vault "big enough to walk around in?" Where will this station be located so as to satisfy the City's requirements?

These would appear to be substantial public works projects with equally substantial costs. Are these costs paid exclusively by the developer or are they paid through System Development Charges? Are easements required of private property owners to get a 12" main to the subject property?

Such questions remain unanswered, the applicant's civil drawings to not address them, and findings of adequate water facilities can therefore not be made.

Additionally, the City Council has passed first reading of "ORDINANCE NO. 3214 AN ORDINANCE AMENDING SECTION 4.20 OF THE ASHLAND MUNICIPAL CODE: SYSTEMS DEVELOPMENT CHARGES" with a scheduled second reading immediately following consideration of this annexation proposal. The City's adoption of this ordinance may, or certainly appears to, have direct bearing on applicant's ability to satisfy the above criteria.

Some of the changes made through this ordinance, which comes to the City Council based on recommendations made by a committee on which the applicant was a member, include:

> "4.20.090 Collection of Charge A. The systems development charge is payable upon, and as a condition of, issuance or approval of:
> ...7. **Certificate of occupancy issued by the Building Division for multifamily development properties**."
>
> and
>
> **"System development charge payments for multiple-family residential rental projects may be deferred through an installment loan which shall not be subject to an annual interest rate provided all charges are paid prior to two years following the date of issuance of the Certificate of Occupancy."** (bold, underlined text represents proposed modification to code).

How does Ordinance No. 3214 (See Exhibit D) relate to the above criteria; i.e., provision of adequate water to the subject property and the timing of payments?

With the above outstanding questions, AMC 18.5.8.050.D and the two other implicated code sections cited above have not been adequately addressed. [We also note that 18.5.8.050.E.5 - Timing of Transportation Improvements, is similarly implicated by the City's adoption of Ordinance No. 3214.]

Issue #4: Inadequacy of Safety Analysis for Bicycle/Pedestrian Transportation:

The applicable criteria are:

> *AMC 18.5.8.050.E Adequate transportation can and will be provided to serve the annexed area. For the purposes of this section, "adequate transportation" for annexations consists of vehicular, bicycle, pedestrian, and transit transportation meeting the following standards:*
>
> *2. For bicycle transportation, safe and accessible bicycle facilities according to the safety analysis and standards of the governing jurisdiction of the facility or street (e.g., City of Ashland, Jackson County, Oregon Department of Transportation) exist, or can and will be constructed.*
>
> *3. For pedestrian transportation, safe and accessible pedestrian facilities according to the safety analysis and standards of the governing jurisdiction of the facility or street (e.g., City of Ashland, Jackson County, Oregon Department of Transportation) exist, or can and will be constructed.*

The above criteria require that "safe and accessible" bicycle and pedestrian facilities "according to the safety analysis and standards of the governing jurisdiction of the facility or street exist or can and will be constructed." The plain language of this text requires that the governing jurisdiction (ODOT, in this case) complete a "safety analysis" against their standards.

Here, the applicant has submitted an "Access Safety Evaluation" at https://www.ashland.or.us/SIB/files/Comm%20Dev/Planning/Grand%20Terrace%20Annex/03_Grand_Terrace_Access_Safety_Evaluation_1_26_22_sgn.pdf [*Note:* Mistakenly dated "2021"] and not a "safety analysis." Applicant's "Access Safety Evaluation" does not purport to address ODOT's standards with respect to providing "safe and accessible" bicycle and pedestrian facilities nor does it identify what those standards are. There is no evidence that applicant's "Access Safety Evaluation" has been reviewed by ODOT, the governing jurisdiction.

The language contained within AMC 18.5.8.050.E.2&3 has been recently adopted. A November 9, 2021 video recording of a discussion between City planner Maria Harris and Planning Commissioner Lynn Thompson explains the City's intent behind this language. (@ minute 54:00 of: https://videoplayer.telvue.com/player/w9sPsSE7vna3XTN_39bs1rEXjVWF0kfP/media/681097?fullscreen=false&showtabssearch=true&autostart=true)

During the course of the above-referenced discussion, Ms. Harris says:

> "Each jurisdiction has... a safety analysis manual that, when a traffic engineer, whether it's the City or State person, or if it's a private engineer, they have to go to this manual and do a safety and engineering analysis based on that manual. And then the jurisdiction has criteria that... apply to when and what kind of facilities you need. When they do a safety analysis some of the things they look at are crash data, crossings, sight distance, what lighting is in place, channelization, turn lanes - it's quite in-depth. They would be looking at accidents involving bicyclists or pedestrians... in the same way you would a vehicle - where the crossings are, how good the lighting is... how good can you see - the sight distance. Crossings are part of that analysis."

Kelly Sandow's "Access Safety Evaluation" doesn't identify a single standard of the "governing jurisdiction." It doesn't reference a "safety analysis manual" or any criteria used to do the analysis. The bicycle portion of Sandow's "Access Safety Evaluation" (entitled "bicycle access") takes up less than a single page and doesn't mention anything about crossing the highway. And there's also no mention of crash data, sight distances, lighting, channelization or turn lanes. It mentions bicycle lanes on the other side of the highway without describing how a bicyclist is supposed to get there.

The pedestrian portion of Sandow's evaluation (entitled "pedestrian access") takes up slightly more than one page and largely relies on the installation of a new RRFB crossing proposed near Schofield Street to conclude that pedestrians will be safe to cross Highway 99.

The proposed RRFB crossing is along a section of highway with a speed limit of 35 mph. On the east side there is a guardrail and shoulder, but no sidewalk. There are no destinations on the east side of the highway apart from an RVTD "flag stop," which is an unmarked, informal place where you can get on or off the bus from Ashland to Medford. It is unusual to see pedestrians on the east side of the roadway or to see passengers embarking/disembarking the bus at this flag stop [*Note:* Author is the former Senior Planner/Support Services Manager for RVTD and a former frequent passenger on this bus route].

Ms. Sandow's "Access Safety Evaluation" relies on applicant's "proposal" to build 3,088 linear feet of sidewalk along the west side of Highway 99 along with an RRFB crossing. As discussed above under issue #2, the City cannot rely on conditions of approval for the installation of improvements on facilities that are not under the City's jurisdiction. Further, the City has not adopted the requisite *Nollan/Dolan* findings to support requiring the applicant to undertake such extremely costly and potentially disruptive projects on a State highway so far outside of the applicant's control and so far from the applicant's property.

Additionally, applicant has used the City's "exception" process to deviate from the City's Street Design Standards along approximately 2,100 feet of the 3,088 foot length of Highway 99 where improvements have been "proposed."

As explained under Finding 2.5:

> "The Planning Commission notes that requests to depart from the Street Design Standards in AMC 18.4.6.040 are subject to Exception to the Street Design Standards. The Planning Commission further notes that with the current request, over 3,000 linear feet of sidewalk installation is proposed, and of this only approximately 900 linear feet directly fronts upon the applicant's properties. Along the applicant's frontage, an Exception is requested to allow curbside sidewalks in order to install a bus pull-out lane, bus stop and transit supportive plaza. The remainder of the areas to be improved are outside the applicant's ownership or control, and there are impediments to city-standard parkrow and street tree installation due to steepness of other's properties adjacent to the right-of-way; obstructions created by private property owners, and privately-owned encroachments into the highway right-of-way; and physical barriers including private property curbing and the railroad overpass."

The City's Findings note that "the applicant emphasizes that the installation of a continuous sidewalk system will have a positive impact on the adjacent properties while providing greater connectivity, comfort and safety for bicyclists, pedestrians and transit users." We agree. However, the City cannot lawfully require the applicant to construct these improvements absent prior approval by the governing

jurisdiction(s) and without the cooperation of numerous private property owners. The applicant's "proposals," however well-intended, are meaningless in this context.

The above argument is further supported by Findings that state:

> "The Planning Commission finds that physical barriers are present for approximately 2,218-feet of the approximately 3,088-feet of frontage proposed to be improved as part of this annexation. The Commission concludes that the combination of unique and unusual aspects makes the installation of city-standard improvements impossible when private ownership of much of the abutting property is taken into consideration."

The Findings explain that the applicant will be responsible for completing that which is "under his control," or approximately 900 feet of frontage along Highway 99. This equates to less than 30% of the length of sidewalks "proposed" by applicant, the construction of which forms the factual basis of Sandow's "Access Safety Evaluation."

With respect to the "proposed" RRFB crossing, the Findings state:

> "The application further notes that mid-block crosswalks are dangerous, and RRFBs increase the safety of pedestrians and cyclists crossing when compared to a traffic signal."

Neither the City nor the applicant provide any evidence to support the claim that RRFBs provide a safer crossing than a traffic signal. Exhibits C and E rebut this erroneous finding:

Exhibit C - (*Federal Highway Administration - Interim Approval 21 – Rectangular Rapid-Flashing Beacons at Crosswalks)*:

> "There was a wide range of yielding rates, with some as low as 19 percent."

Exhibit E - (*Transportation Research Record - A Study of Driver Noncompliance with Traffic Signals):*

> "In another study it was found that the violation rate (i.e., not stopping when required) increased from 0.1 percent to 0.6 percent when the signal configuration changed from regular operation to flashing red."

Exhibits C and E show that RRFBs have a yielding rate as low as 19%, whereas the yielding rate for traffic signals is typically in the range 99.9%. It is simply inaccurate to claim, without any supporting evidence, that "RRFBs increase the safety of pedestrians and cyclists crossing when compared to a traffic signal."

The "proposed" RRFB near Schofield Street is not near a school, does not connect to a sidewalk on the east side, and is not in an area where pedestrians would be expected to cross. According to expert research, all of these factors will likely contribute to a lower yielding rate - much lower than would otherwise be expected at a traffic signal - reducing the safety and effectiveness of an RRFB crossing at this location particularly as compared to a traffic signal.

Additionally, an RRFB crossing at this location requires placement of poles on the edges of the roadway for signage and for push-button actuation. Since there is no sidewalk on the east side of the roadway, it

will be difficult, if not impossible, to install such a pole in this location without greatly modifying the roadway. This issue is not addressed by applicant.

The Findings and the application (but not the "Access Safety Evaluation") suggest that northbound bicyclists wishing to access the proposed development will use the RRFB to cross the highway and then walk their bikes approximately 0.3 miles along the "proposed" sidewalk on the west side of Highway 99.

Although this is certainly a possibility, it's unlikely. Bicyclists are more likely to stay mounted on their bikes, particularly in this downhill section of Highway 99. If they did use the RRFB to cross, they would be unlikely to walk their bikes on the sidewalk for 1/3 mile to the development. They would be much more likely to ride their bikes the wrong way in the bike lane or on the sidewalk, either of which is illegal and extremely dangerous. This is similar to what was communicated to the Planning Commission during the previous consideration of this application by City Public Works Director Scott Fleury. [*Note:* Author is a former transportation planner and a bicyclist with 15 years of bike commuting experience between Ashland and Medford on this highway segment.]

In summary:

- AMC 18.5.8.050.E.2&3 cannot be satisfied based on the imposition of unenforceable conditions of approval to construct sidewalks, an RRFB crossing and a multi-use bike/ped facility under the CORP railroad trestle.

- Applicant's Civil Engineering drawings showing a sidewalk connection between El Tapatio restaurant and Schofield Street (C7.0 - C7.2 @ https://www.ashland.or.us/SIB/files/Comm%20Dev/Planning/Grand%20Terrace%20Annex/02_00_2022-04-15_Grand_Terrace_Land_Use_Set_-_Civil.pdf) are the only drawings from Powell Engineering that are not stamped. They are the only drawings that contain the statement: "SECTIONS CREATED BY OTHERS DURING ANNEXATION APPLICATION AND APPROVAL PROCESS. SHOWN FOR REFERENCE ONLY." They show curbs and sidewalks running continuously from the "westerly"/north project access lane to the proposed main entrance without any curb cuts for driveways, thus eliminating access to Paradise Supply and Anderson Auto Body. They do not show an RRFB crossing. These drawings function as further evidence that the "proposal" for sidewalk improvements cannot be relied on for findings of compliance with AMC 18.5.8.050.E.2&3.

- Kelly Sandow's "Access Safety Evaluation," in addition to relying on improvements that cannot be assured through conditions of approval, does not address the criteria in AMC 18.5.8.050.E.2&3 that require a "safety analysis" as described in the language of the code nor by City staff during the development of this criteria.

Issue #5: The requested exception to City street standards does not meet the requirements of 18.4.6.020.B.1.a.iii:

The applicable criteria are:

> *AMC 18.4.6.020.B.1 - Exception to the Street Design Standards*
> *The approval authority may approve exceptions to the street design standards in section 18.4.6.040 if the circumstances in either subsection B.1.a or b, below, are found to exist.*

a. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site; and the exception is the minimum necessary to alleviate the difficulty; and the exception is consistent with the purpose, intent, and background of the street design standards in subsection 18.4.6.040.A; and the exception will result in equal or superior transportation facilities and connectivity considering the following factors where applicable:
iii. For pedestrian facilities, feeling of safety, quality of experience (i.e., comfort level of walking along roadway), and ability to safely and efficiently cross roadway;

Applicant argues that:

> "There is demonstrable difficulty in meeting the specific Street Design Standards from 18.4.6 for continuous landscape park row, **sidewalks** (emphasis added) and curbs. The exceptions and impediments are in areas that are not part of the development.
>
> Issues of impediments to the standard are steepness of other's properties adjacent to the right-of-way; obstructions created by private property owners, and privately owned encroachments into the highway right-of-way. These are physical barriers like private property curbing and the railroad overpass. These are all other private property ownerships the applicant legally cannot enter upon and built upon.
>
> The Grand Terrace development frontage is approximately 900 lineal feet and an exception at this location is only requested to accommodate a public benefit of a new bus stop and plaza. If the applicant were not voluntarily contributing this public benefit no exception would be requested.
>
> All other requested exception to the Street Design Standards are outside the applicants control. The request is the minimum necessary considering the 3000+ feet of improvements are mostly in areas that are not part of the development and in areas that are owned by others.
>
> Although there are exceptions requested most of the important improvements of providing safe transportation of pedestrians and bicyclist can be done. The installation of a continuous sidewalk system will have a positive impact on the adjacent properties and increase property values by improving their property and increasing the visual beautification of the local, and increased access of pedestrians and bicyclist.
>
> It will provide connectivity and be safer and comfortable for the transit of pedestrians and bicyclist. The requested exception is consistent with the purpose and intent which is 'to enhance the environment for walking, cycling, and mass transit use, and to ensure that high quality development is maintained throughout the city.'"

Here, the applicant employs a verbal contortion act to present a convoluted and disingenuous case for an exception to the City's street standards. Contrary to the requirements under 18.4.6.020.B.1.a.iii, the requested exception will result in an island of sidewalks surrounded by a sea of "dangerous" obstacles for pedestrians, whose numbers can only be multiplied by the proposed development.

On the one hand, applicant argues that various impediments - including physical constraints and private property issues - limit the ability of applicant to provide a continuous sidewalk connection along

Highway 99 and therefore warrant an exception to such requirements. On the other hand, applicant "proposes" a continuous sidewalk between El Tapatio restaurant and Schofield Street, arguing that such improvements "can be done" and "will have a positive impact on the adjacent properties and increase property values by improving their property."

We agree with applicant that the existing pedestrian conditions along Highway 99 between where the sidewalk ends just south of El Tapatio restaurant and where it begins again at Schofield Street (approximately 3,100' distance) are dangerous. We agree that crossing Highway 99 by any means, but particularly by foot or by bike, is EXTREMELY dangerous. We agree that there are all sorts of impediments to constructing a continuous sidewalk along this length. We agree that the applicant has no control over other private properties along this segment of roadway. And finally, we point out that the City of Ashland has no jurisdiction, authority, legal basis, or ability to require the applicant to build a continuous sidewalk system in this location. Likewise, and as previously argued, the City cannot require the applicant to do anything about the area underneath the railroad trestle, or to construct an RRFB crossing.

Therefore, with respect to the 2,218' of Highway 99 frontage not under the applicant's control:

- City standards (AMC 18.4) require that a continuous sidewalk (among other improvements) be present as a condition of annexation;
- Applicant credibly argues that they must take an exception to such standards;
- Applicant "proposes" various improvements to remedy "dangerous" pre-existing conditions for pedestrians along this highway segment while simultaneously arguing that they have no control over the completion of said improvements;
- Applicant takes credit for their "proposed" improvements and thereby claims that the requirements under 18.4.6.020.B.1.a.iii (among others) have been met.

As stated under Issues #2 & #4 above, conditions of approval requiring applicant to construct improvements - including a continuous sidewalk from El Tapatio restaurant to Schofield Street, an RRFB crossing, and a multi-use path under the CORP railroad trestle - cannot be used to demonstrate compliance with any criteria that rely on the completion of these improvements. This is for the simple and obvious fact that the City has no jurisdiction to impose these conditions and they have not completed the requisite legal findings to do so in any case.

Issue #6: Affordability requirements of AMC 18.5.8.050(G) are not met:

The applicable criteria are:

> *AMC 18.5.8.050.G*
> *1 - The total number of affordable units provided to qualifying buyers, or to qualifying renters, shall be equal to or exceed 25 percent of the base density as calculated using the unit equivalency values set forth herein. The base density of the annexed area for the purpose of calculating the total number of affordable units in this section shall exclude any unbuildable lots, parcels, or portions of the annexed area such as existing streets and associated rights-of-way, railroad facilities and property, wetlands, floodplain corridor lands, water resource areas, slopes greater than 35 percent, or land area dedicated as a public park.*
> > *a. Ownership units restricted to households earning at or below 120 percent of the area median income shall have an equivalency value of 0.75 unit.*

b. Ownership units restricted to households earning at or below 100 percent of the area median income shall have an equivalency value of 1.0 unit.

c. Ownership or rental units restricted to households earning at or below 80 percent of the area median income shall have an equivalency value of 1.25 unit.

2. As an alternative to providing affordable units per section 18.5.8.050.G.1, above, the applicant may provide title to a sufficient amount of buildable land for development complying with subsection 18.5.8.050.G.1.b, above, through transfer to a non-profit (IRC 501(3)(c)) affordable housing developer or public corporation created under ORS 456.055 to 456.235.

a. The land to be transferred shall be located within the project meeting the standards set forth in sections 18.5.8.050.G.5 and 18.5.8.050.G.6.

b. All needed public facilities shall be extended to the area or areas proposed for transfer.

c. Prior to commencement of the project, title to the land shall be transferred to the City, an affordable housing developer which must either be a unit of government, a non-profit 501(c)(3) organization, or a public corporation created under ORS 456.055 to 456.235.

d. The land to be transferred shall be deed restricted to comply with Ashland's affordable housing program requirements.

e. Transfer of title of buildable land in accordance with this subsection shall exempt the project from the development schedule requirements set forth in subsection 18.5.8.050.G.4.

3. The affordable units shall be comparable in bedroom mix with the market rate units in the development.

a. The number of bedrooms per dwelling unit in the affordable units within the residential development shall be in equal proportion to the number of bedrooms per dwelling unit in the market rate units within the residential development. This provision is not intended to require the same floor area in affordable units as compared to market rate units. The minimum square footage of each affordable unit shall comply with the minimum required floor area based as set forth in Table 18.5.8.050.G.3, or as established by the U.S. Department of Housing and Urban Development (HUD) for dwelling units developed under the HOME program.

4. A development schedule shall be provided that demonstrates that the affordable housing units per subsection 18.5.8.050.G shall be developed, and made available for occupancy, as follows:

a. That 50 percent of the affordable units shall have been issued building permits prior to issuance of a certificate of occupancy for the last of the first 50 percent of the market rate units.

b. Prior to issuance of a building permit for the final ten percent of the market rate units, the final 50 percent of the affordable units shall have been issued certificates of occupancy.

AMC 18.5.8.050.G requires that either, under subsection 1, the applicant provide the affordable units, or under subsection 2, the applicant provide title to a sufficient amount of land for someone else to build the units. In order to meet the requirements of subsection 4, either one or the other option must be determined prior to satisfying this criterion.

Here, applicant wants both options to be available and commits to neither. As such, it is not possible to make findings related to the quantity of land needed to build the units or how and when (i.e., a "development schedule") the units will be built.

The application proposes 10 separate lots with 10 separate buildings, each with the capacity to contain 23 separate units. The proposal is for 2 of these buildings (or the equivalent land area) to be dedicated to affordable housing.

Applicant states that:

> "The site development includes ten, 2 ½ story, garden flat style apartments. Each of the buildings are proposed to have twenty, 499-square foot, one-bedroom units and three, 250 square foot studio units."

Findings state that:

> "The Planning Commission notes that AMC 18.5.8.050.G.7 provides that the total number of affordable units described in AMC 18.5.8.050.G shall be determined by rounding up fractional answers to the nearest whole unit. Twenty-five percent of the 185.625 dwelling unit base density is 46.406 affordable units, which rounds up to 47 units (185.625 d.u. x 0.25 = 46.406, which rounds up to 47 units). When the 1.25- unit equivalency factor is applied for the 80 percent AMI affordability level for rental units this equates to 38 units (46.406/1.25 = 37.125 units, which rounds up to 38 units.). The Planning Commission finds that these rounded-up numbers will need to be addressed in the required affordability agreement and in the development proposal for the Final Plan submittal."

As mentioned in the Findings, the above numbers don't add up. That is, if 47 units are required, and there is only capacity for 46 (23 units X 2 buildings), then findings of conformance cannot be made under AMC 18.5.8.050.G.

Additionally, applicant proposes units that are 499 square feet (one bedroom units) and 250 square feet (studio units). The minimum square footage required per table 18.5.8.050.G.3 is 500 and 350, respectively. Consequently, requirements under 18.5.8.050.G.3 also cannot be met.

Issue #7: Performance Standards Option of AMC 18.3.9.040(A)(3)(g) is not met:

The applicable criteria are:

> *AMC 18.3.9.040.A - Outline Plan. A proposed outline plan shall accompany applications for subdivision approval under this chapter. For developments of fewer than ten lots, the outline plan may be filed concurrently with the final plan, as that term is defined in subsection 18.3.9.040.B.4. For developments of ten or more lots, prior outline plan approval is mandatory.*
>
> *3. Approval Criteria for Outline Plan. The Planning Commission shall approve the outline plan when it finds all of the following criteria have been met:*
>
> *g. The development complies with the street standards.*

AMC 18.3.9.040(A)(3)(g) requires that "the development complies with the street standards." There is no provision for an exception to the street standards within the Performance Standards Option. Here, applicant is requesting an exception to the street standards.

Issue #8: Performance Standards Option of AMC 18.3.9.060(A) is not met:

The applicable criteria are:

> *AMC 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.*

No on-street parking is provided and no exceptions are allowed under the Performance Standards Option, i.e., *18.3.9.040.a - The development meets all applicable ordinance requirements of the City.*

CONCLUSION

The above evidence and argument demonstrate that findings under PA-T3-2022-00004 do not satisfy the requirements as set forth in the applicable sections of the Ashland Municipal Code.

Respectfully submitted,

Craig Anderson
Member Rogue Advocates

Exhibit A - Planning Commission Agenda, September 13, 2022
Exhibit B - City Council Agenda, December 6, 2022
Exhibit C - Federal Highway Administration Interim Approval 21
Exhibit D - City of Ashland Ordinance No. 3214
Exhibit E - Transportation Research Record 1168

Exhibit A

Agendas and Minutes

City of Ashland

Planning Commission (View All)

Hybrid Planning Commission Regular Meeting

Agenda

Tuesday, September 13, 2022

View Minutes | Attachments

The hybrid public hearing will be held at 7:00 p.m. on September 13, 2022 at the Ashland Civic Center, 1175 Ashland Street, OR. The Public Hearing can also be attended via Zoom. The meeting will be televised on local channel 9 or channels 180 and 181 for Charter Communications customers or will also be available live stream by going to rvtv.sou.edu and selecting RVTV Prime.

Written testimony will be accepted for the public hearing agenda items via email to PC-public-testimony@ashland.or.us with the subject line "09/13/22 PC Hearing Testimony" by 10:00 a.m. on Monday, September 12, 2022. Written testimony will not be accepted on findings because the record is closed. If the applicant wishes to provide a rebuttal to the testimony, they can submit the rebuttal via e-mail to PC-public-testimony@ashland.or.us with the subject line "09/13/22 PC Hearing Testimony" by 10:00 a.m. on Tuesday, September 13, 2022. Written testimony received by the deadlines will be available to the Planning Commission before the meeting and will be included in the meeting minutes.

Oral testimony will be taken via Zoom during the electronic public hearing. If you wish to provide oral testimony during the electronic meeting, send an email to PC-public-testimony@ashland.or.us by 10:00 a.m. on Monday, September 12, 2022. In order to provide testimony at the public hearing, please provide the following information: 1) make the subject line of the email "09/13/22 Speaker Request", 2) include your name, 3) specify the date and

commission meeting you wish to virtually attend or listen to, 4) specify if you will be participating by computer or telephone, and 5) the name you will use if participating by computer or the telephone number you will use if participating by telephone.

If you would like to watch and listen to the Planning Commission meeting virtually, but not participate in any discussion, you can use the Zoom link below to join the meeting as an attendee.

ASHLAND PLANNING COMMISSION

REGULAR MEETING

September 13, 2022

https://zoom.us/j/96613154440

I. CALL TO ORDER: 7:00 PM

II. ANNOUNCEMENTS

III. CONSENT AGENDA

A. **Approval of Minutes**

1. August 9, 2022 Regular Meeting

B. **Initiation of an Ordinance Amendment Relating to Food Trucks & Food Carts**

IV. PUBLIC FORUM

V. TYPE I PUBLIC HEARING

PLANNING ACTION: PA-APPEAL-2022-00016 (Appealing PA-T1-2022-00187)

SUBJECT PROPERTY: 580 Clover Ln

APPLICANT/OWNER: Tesla / Asia Johnson

APPELLANT: Stracker Solar / Jeff Sharpe

DESCRIPTION: An appeal of the staff decision approving a request for a Conditional Use Permit and Site Design Review approvals to allow for the installation of an asphalt-paved parking lot with approximately 24 electric vehicle (EV) charging stalls on an undeveloped site. The project proposes to install associated electrical equipment (transformers, switchgears, Tesla supercharger cabinets and surcharger posts), storm

drainage and water (for onsite irrigation only) utilities, and landscaping. **COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** E-1;

ASSESSOR'S MAP: 39 1E 14 AA; **TAX LOT:** 6801.

VI. TYPE III PUBLIC HEARING

PLANNING ACTION: PA-T3-2022-00004

SUBJECT PROPERTY: 1511 Highway 99 North

APPLICANT/OWNER: Casita Developments, LLC for owner Linda Zare

DESCRIPTION: A request for the Annexation of 16.86 acres located at 1511 Highway 99 North into the City of Ashland, along with 6.6 acres of adjacent Oregon Department of Transportation state highway right-of-way and 7.68 acres of California Oregon & Pacific railroad property. The property is currently located in Jackson County and zoned Rural Residential (RR-5); with Annexation these properties would be brought into the City as Low Density, Multi-Family Residential (R-2). Concurrent with Annexation, the application also requests: Outline Plan subdivision approval to create 12 lots; Site Design Review to construct 230 apartments in ten buildings including 37 affordable units; an Exception to the Street Design Standards; and Tree Removal Permits to remove two trees greater than six-inches in diameter at breast height. COMPREHENSIVE PLAN DESIGNATION: Multi-Family Residential; ZONING: Existing – County RR-5 Rural Residential, Proposed – City R-2 Low Density Multi-Family Residential; ASSESSOR'S MAP: 38 1E 32; TAX LOT #'s: 1700 & 1702

VII. ADJOURNMENT

Online City Services

Pay Your Utility Bill $	Request Conservation Evaluation

Exhibit B

City Utilities – Pay Online, Connect/Disconnect and More

Agendas and Minutes

City of Ashland

City Council (View All)

Council Business Meeting

Agenda

Tuesday, December 06, 2022

ASHLAND CITY COUNCIL
BUSINESS MEETING AGENDA
Tuesday, December 6, 2022

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

HELD HYBRID (Limited In-Person Social Distancing Seating and Zoom Meeting Access)
The Special Business Meeting will be held in Council Chambers, 1175 E. Main Street. Written and oral testimony will be accepted for public input. For written testimony, email public-testimony@ashland.or.us using the subject line: Ashland City Council Public Testimony.
For oral testimony, fill out a Speaker Request Form at ashland.or.us/speakerrequest and return to the City Recorder.

5:30 PM Executive Session

The Ashland City Council will hold an Executive Session and may conduct the following:

1. Consultation with the City Attorney on current or likely litigation pursuant to ORS

192.660(2)(h)

2. Deliberations with persons designated by the governing body to carry on labor negotiations, pursuant to ORS 192.660(2)(d)

6:00 PM Regular Business Meeting*

I. **CALL TO ORDER**
II. **PLEDGE OF ALLEGIANCE**
III. **ROLL CALL**
IV. **MAYOR'S ANNOUNCEMENTS**

Land Acknowledgement**

V. **APPROVAL OF MINUTES**
    1. **Minutes of the October 31, 2022 Study Session Meeting**
    2. **Minutes of the November 1, 2022 Business Meeting**

Minutes of Boards, Commissions and Committees***

VI. **SPECIAL PRESENTATIONS**
    1. Band Director Recognition

7. **CITY MANAGER REPORT**
8. **PUBLIC FORUM**
9. **CONSENT AGENDA**
    1. **Transportation Advisory Committee Appointments**
    2. **Rogue Valley Transportation Improvement Funding Letter of Support**
    3. **Resolution Suspending City Commissions Transitioned to Advisory Committees**
    4. **Declaration and Authorization to Dispose of Surplus Property**
    5. **Professional Services contract with GSI Water Solutions Inc. for the development of the Water Management and Conservation Plan (WMCP)**
    6. **Approval of Liquor License for Cocorico LLC**

10. **PUBLIC HEARINGS**
    1. **Annexation and Site Review - HWY 99: PA-T3-2022-0004**

11. **UNFINISHED BUSINESS**

12. **NEW AND MISCELLANEOUS BUSINESS**
13. **ORDINANCES, RESOLUTIONS AND CONTRACTS**
    1. **Resolution Canvassing the Vote for the November 8, 2022, General Election**
    2. **Second Reading SDC Committee Recommended Ordinance Updates for Multi-Family Developments**
    3. Severe Weather Emergency Shelter
        a. **Resolution on Severe Weather Emergency Shelter Policy**
        b. **Resolution Authorizing Contracts for Severe Weather Emergency Shelter Services for a not to exceed total of $100,000**
        c. **FY 2022-2023 Budget Amendment for Severe Weather Emergency Shelter Services**

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

XV. **ADJOURNMENT OF BUSINESS MEETING**

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

**** LAND ACKNOWLEDGEMENT**

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

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

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Manager's office at (541) 488-6002 (TTY

Exhibit C

Interim Approval 21 – Rectangular Rapid-Flashing Beacons at Crosswalks

PDF Version, 606KB
You may need the Adobe® Reader® to view the PDFs on this page.

Memorandum

U.S. Department of Transportation
Federal Highway Administration

Subject:	**INFORMATION**: MUTCD – Interim Approval for Optional Use of Pedestrian-Actuated Rectangular Rapid-Flashing Beacons at Uncontrolled Marked Crosswalks (IA-21)	Date:	March 20, 2018
From:	Martin C. Knopp Associate Administrator for Operations	In Reply Refer To:	HOTO-1
To:	Federal Lands Highway Division Directors Division Administrators		

Purpose: The purpose of this memorandum is to issue an Interim Approval for the optional use of Rectangular Rapid-Flashing Beacons (RRFB) as pedestrian-actuated conspicuity enhancements for pedestrian and school crossing warning signs under certain limited conditions. Interim Approval allows interim use, pending official rulemaking, of a new traffic control device, a revision to the application or manner of use of an existing traffic control device, or a provision not specifically described in the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD). State and local agencies must request and receive permission to use this new Interim Approval, designated IA-21, from the Federal Highway Administration (FHWA) in accordance with the provisions of Section 1A.10 of the MUTCD before they can use the RRFB, even if prior approval had been given for Interim Approval 11 (IA-11), now terminated. The issuance of this new Interim Approval does not reinstate IA-11 either in whole or in part.

Background: The Florida Department of Transportation has requested that the FHWA issue an Interim Approval to allow the use of RRFBs as pedestrian-actuated conspicuity enhancements to supplement standard pedestrian and school crossing warning signs at uncontrolled marked crosswalks. The RRFB does not meet the current standards for flashing warning beacons as contained in the 2009 edition of the MUTCD, Chapter 4L, which requires a warning beacon to be circular in shape and either 8 or 12 inches in diameter, to flash at a rate of approximately once per second, and to be located no less than 12 inches outside the nearest edge of the warning sign it supplements. The RRFB uses rectangular-shaped high-intensity light-emitting-diode (LED)-based indications, flashes rapidly in a combination wig-wag and simultaneous flash pattern, and may be mounted immediately adjacent to the crossing sign.

Research on the RRFB: The City of St. Petersburg, Florida, experimented with the RRFB at 18 pedestrian crosswalks across uncontrolled approaches and submitted its final report in 2008. In addition to "before" data, the city collected "after" data at intervals for one year at all 18 sites and for two years at the first two implemented sites. For the first two sites, the city collected data for overhead and ground-mounted pedestrian crossing signs supplemented with standard circular yellow flashing warning beacons, for comparison purposes, before the RRFBs were installed. The data showed

higher motorist yielding rates at crosswalks where the RRFBs had been installed in comparison to lower rates for standard warning beacons. The higher yielding rates were sustained even after two years of operation, and no identifiable negative effects were found. The St. Petersburg data also showed that drivers exhibit yielding behavior much farther in advance of crosswalks with RRFBs than with standard circular yellow flashing warning beacons.

In addition to the St. Petersburg locations, experimentation with RRFBs was also conducted at other uncontrolled marked crosswalks in Florida and other States. Data from locations other than St. Petersburg was limited, but did show results similar to those found in St. Petersburg.

The Texas Transportation Institute (TTI) conducted a Federally funded research project[1] that developed and tested a new flash pattern for the RRFB that was shown to be at least as effective as the flash pattern that was initially tested in St. Petersburg, Florida, and that showed that mounting the RRFB unit above the sign was at least as effective as mounting the RRFB unit below the sign. In this project, the results were generally favorable, however there was a wide range of yielding rates, with some as low as 19 percent. This broad range indicates that there might be certain factors or characteristics of locations at which the RRFB might not be effective.

A separate project[2] conducted by TTI examined data from multiple projects to determine various factors that influenced driver yielding rates at RRFB locations. In this project, the researchers found that intersection configuration, presence of a median refuge, crossing distance, approach to the crossing, and one-way vs. two-way traffic significantly affected the rate of driver yielding. Additional factors including posted speed limit, mounting of the beacons (overhead or roadside), and the type of crossing and sign—Pedestrian (W11-2) or School (S1-1) sign compared with the Trail Crossing (W11-15) sign—were also significant.

FHWA Evaluation of Results: The Office of Transportation Operations reviewed the available data in 2008 and considered the RRFB to be highly successful for the applications tested (uncontrolled marked crosswalks). The RRFB offers significant potential safety and cost benefits because it achieves high rates of compliance at a low relative cost in comparison to other more restrictive devices that provide comparable results, such as full midblock signalization or pedestrian hybrid beacons.

The FHWA granted interim approval status to the RRFB on July 16, 2008, and designated that action as Interim Approval 11 (IA-11).

The FHWA was later informed that the concept of the RRFB had been patented by a private company. Because patented traffic control devices are not allowed to be included in the MUTCD, are not allowed to be given interim approval status, and are not allowed to be a part of an official experiment, the FHWA terminated Interim Approval 11 on December 21, 2017.

The FHWA has confirmed that the patents on the RRFB device that was the subject of Interim Approval 11 have been expressly abandoned and the concept of the RRFB is now in the public domain. Because of this action, the RRFB is once again eligible for interim approval status and the FHWA is issuing this new Interim Approval for the RRFB.

Interim Approval 11 (IA-11) remains terminated. Agencies that previously had been approved to use RRFBs under IA-11 are not covered by this new Interim Approval to install new RRFBs. If agencies that had approval under IA-11 wish to continue to install new RRFBs, then they must submit a new request to the FHWA and agree to comply with the terms and conditions of IA-21.

This Interim Approval does not create a new mandate compelling installation of RRFBs, but will allow agencies to install this traffic control device, pending official MUTCD rulemaking, to provide a degree of enhanced pedestrian safety at uncontrolled marked crosswalks.

Conditions of Interim Approval: The FHWA will grant Interim Approval for the optional use of the RRFB as a pedestrian-actuated conspicuity enhancement to supplement standard pedestrian crossing or school crossing signs at uncontrolled marked crosswalks to any jurisdiction that submits a written request to the Office of Transportation Operations. A State may request Interim Approval for all jurisdictions in that State. Jurisdictions using RRFBs under this Interim Approval must agree to the following:

- Comply with the Technical Conditions detailed in this memorandum;
- Maintain an inventory list of all locations at which the RRFB is installed; and
- Comply with all the conditions as listed in Paragraph 18 of Section 1A.10 of the MUTCD.

In addition, any agency that receives this approval must acknowledge agreement with the following:

- That an agency will furnish its list of locations where implemented if requested by FHWA;
- That FHWA has the right to rescind this Interim Approval at any time; and
- That issuance of this Interim Approval does not guarantee that the provisions, either in whole or part, will be adopted into the MUTCD.

1. General Conditions:
    a. Each RRFB unit shall consist of two rapidly flashed rectangular-shaped yellow indications with an LED-array-based light source, and shall be designed, located, and operated in accordance with the detailed requirements specified below.
    b. The use of RRFBs is optional. However, if an agency opts to use an RRFB under this Interim Approval, the following design and operational requirements shall apply, and shall take precedence over any conflicting provisions of the MUTCD for the approach on which RRFBs are used:
2. Allowable Uses:
    a. An RRFB shall only be installed to function as a pedestrian-actuated conspicuity enhancement.
    b. An RRFB shall only be used to supplement a post-mounted W11-2 (Pedestrian), S1-1 (School), or W11-15 (Trail) crossing warning sign with a diagonal downward arrow (W16-7P) plaque, or an overhead-mounted W11-2, S1-1, or W11-15 crossing warning sign, located at or immediately adjacent to an uncontrolled marked crosswalk.
    c. Except for crosswalks across the approach to or egress from a roundabout, an RRFB shall not be used for crosswalks across approaches controlled by YIELD signs, STOP signs, traffic control signals, or pedestrian hybrid beacons.
    d. In the event sight distance approaching the crosswalk at which RRFBs are used is less than deemed necessary by the engineer, an additional RRFB may be installed on that approach in advance of the crosswalk, as a pedestrian-actuated conspicuity enhancement to supplement a W11-2 (Pedestrian), S1-1 (School), or W11-15 (Trail) crossing warning sign with an AHEAD (W16-9P) or distance (W16-2P or W16-2aP) plaque. If an additional RRFB is installed on the approach in advance of the crosswalk, it shall be supplemental to and not a replacement for the RRFBs at the crosswalk itself.
3. Sign/Beacon Assembly Locations:
    a. For any approach on which RRFBs are used to supplement post-mounted signs, at least two W11-2, S1-1, or W11-15 crossing warning signs (each with an RRFB unit and a W16-7P plaque) shall be installed at the crosswalk, one on the right-hand side of the roadway and one on the left-hand side of the roadway. On a divided highway, the left-hand side assembly should be installed on the median, if practical, rather than on the far left-hand side of the highway.
    b. An RRFB unit shall not be installed independent of the crossing warning signs for the approach that the RRFB faces. If the RRFB unit is supplementing a post-mounted sign, the RRFB unit shall be installed on the same support as the associated W11-2, S1-1, or W11-15 crossing warning sign and plaque. If the RRFB unit is supplementing an overhead-mounted sign, the RRFB unit shall be mounted directly below the bottom of the sign.
4. Beacon Dimensions and Placement in the Sign Assembly:
    a. Each RRFB shall consist of two rectangular-shaped yellow indications, each with an LED-array-based light source. The size of each RRFB indication shall be at least 5 inches wide by at least 2 inches high.
    b. The two RRFB indications for each RRFB unit shall be aligned horizontally, with the longer dimension horizontal and with a minimum space between the two indications of at least 7 inches, measured from the nearest edge of one indication to the nearest edge of the other indication.
    c. The outside edges of the RRFB indications, including any housings, shall not project beyond the outside edges of the W11-2, S1-1, or W11-15 sign that it supplements.
    d. As a specific exception to Paragraph 5 of Section 4L.01 of the 2009 MUTCD, the RRFB unit associated with a post-mounted sign and plaque may be located between and immediately adjacent to the bottom of the crossing warning sign and the top of the supplemental downward diagonal arrow plaque (or, in the case of a supplemental advance sign, the AHEAD or distance plaque) or within 12 inches above the crossing warning sign, rather than the recommended minimum of 12 inches above or below the sign assembly. (See the example photo that is shown below.)
5. Beacon Flashing Requirements:
    a. When actuated, the two yellow indications in each RRFB unit shall flash in a rapidly flashing sequence.
    b. As a specific exception to the requirements for the flash rate of beacons provided in Paragraph 3 of Section 4L.01, RRFBs shall use a much faster flash rate and shall provide 75 flashing sequences per minute. Except as provided in Condition 5f below, during each 800-millisecond flashing sequence, the left and right RRFB indications shall operate using the following sequence:

        The RRFB indication on the left-hand side shall be illuminated for approximately 50 milliseconds. Both RRFB indications shall be dark for approximately 50 milliseconds.

        The RRFB indication on the right-hand side shall be illuminated for approximately 50 milliseconds. Both RRFB indications shall be dark for approximately 50 milliseconds.

        The RRFB indication on the left-hand side shall be illuminated for approximately 50 milliseconds. Both RRFB indications shall be dark for approximately 50 milliseconds.

The RRFB indication on the right-hand side shall be illuminated for approximately 50 milliseconds.
Both RRFB indications shall be dark for approximately 50 milliseconds.

Both RRFB indications shall be illuminated for approximately 50 milliseconds.
Both RRFB indications shall be dark for approximately 50 milliseconds.

Both RRFB indications shall be illuminated for approximately 50 milliseconds.
Both RRFB indications shall be dark for approximately 250 milliseconds.

c. The flash rate of each individual RRFB indication, as applied over the full flashing sequence, shall not be between 5 and 30 flashes per second to avoid frequencies that might cause seizures.
d. The light intensity of the yellow indications during daytime conditions shall meet the minimum specifications for Class 1 yellow peak luminous intensity in the Society of Automotive Engineers (SAE) Standard J595 (Directional Flashing Optical Warning Devices for Authorized Emergency, Maintenance, and Service Vehicles) dated January 2005.
e. To minimize excessive glare during nighttime conditions, an automatic signal dimming device should be used to reduce the brilliance of the RRFB indications during nighttime conditions.
f. Existing RRFB units that use the flashing sequence that was specified in the Interim Approval 11 memorandum and a subsequent interpretation (the RRFB indication on the left-hand side emits two slow pulses of light after which the RRFB indication on the right-hand side emits four rapid pulses of light followed by one long pulse of light) should be reprogrammed to the flash pattern specified above in Condition 5b as part of a systematic upgrading process, such as when the units are serviced or when the existing signs are replaced.

6. Beacon Operation:
   a. The RRFB shall be normally dark, shall initiate operation only upon pedestrian actuation, and shall cease operation at a predetermined time after the pedestrian actuation or, with passive detection, after the pedestrian clears the crosswalk.
   b. All RRFB units associated with a given crosswalk (including those with an advance crossing sign, if used) shall, when actuated, simultaneously commence operation of their rapid-flashing indications and shall cease operation simultaneously.
   c. If pedestrian pushbutton detectors (rather than passive detection) are used to actuate the RRFB indications, a Push Button To Turn On Warning Lights (R10-25) sign shall be installed explaining the purpose and use of the pedestrian pushbutton detector.
   d. The duration of a predetermined period of operation of the RRFBs following each actuation should be based on the procedures provided in Section 4E.06 of the 2009 MUTCD for the timing of pedestrian clearance times for pedestrian signals.
   e. The predetermined flash period shall be immediately initiated each and every time that a pedestrian is detected either through passive detection or as a result of a pedestrian pressing a pushbutton detector, including when pedestrians are detected while the RRFBs are already flashing and when pedestrians are detected immediately after the RRFBs have ceased flashing.
   f. A small pilot light may be installed integral to the RRFB or pedestrian pushbutton detector to give confirmation that the RRFB is in operation.

7. Accessible Pedestrian Features:
   a. If a speech pushbutton information message is used in conjunction with an RRFB, a locator tone shall be provided.
   b. If a speech pushbutton information message is used in conjunction with an RRFB, the audible information device shall not use vibrotactile indications or percussive indications.
   c. If a speech pushbutton information message is used in conjunction with an RRFB, the message should say, "Yellow lights are flashing." The message should be spoken twice.

Any questions concerning this Interim Approval should be directed to Mr. Duane Thomas at duane.thomas@dot.gov.



Figure 1. Example of an RRFB dark (left) and illuminated during the flash period (center and right) mounted with W11-2 sign and W16-7P plaque at an uncontrolled marked crosswalk.

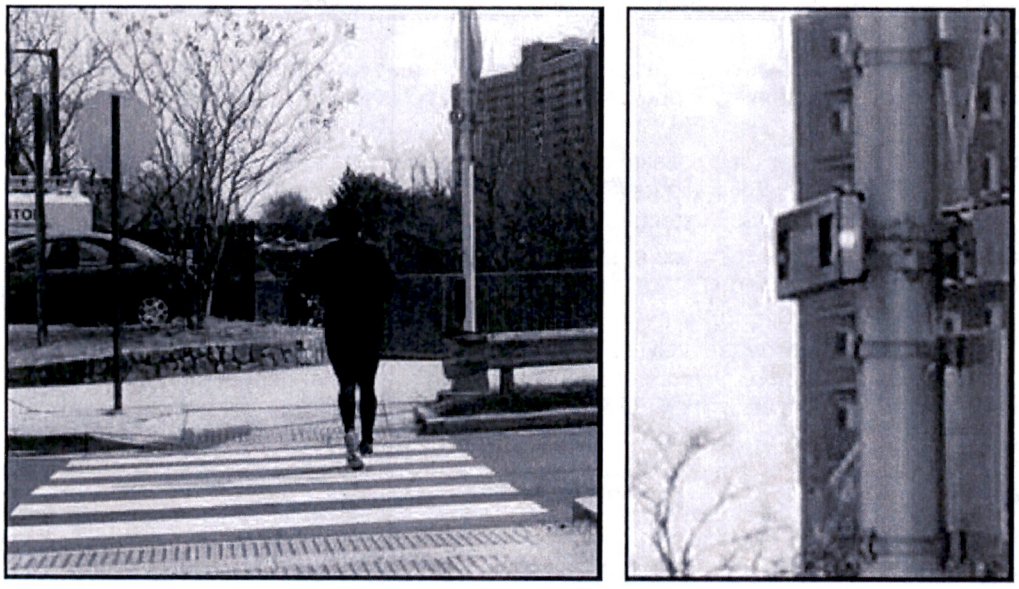


Figure 2. View of pilot light to pedestrian at shared-use path crossing with median refuge. Enlargement of pilot light at right.

Figure 3. Example of pedestrian pushbutton and R10-25 sign with pilot light for pedestrian actuation.



cc:
Associate Administrators
Chief Counsel
Chief Financial Officer
Directors of Field Services
Director of Technical Services

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1 Fitzpatrick, K., R. Avelar, M. Pratt, M. Brewer, J. Robertson, T. Lindheimer, and J. Miles. *Evaluation of Pedestrian Hybrid Beacons and Rapid Flashing Beacons*. Report No. FHWA-HRT-16-040, pp. 88-106. Texas Transportation Institute, College Station, Texas. July 2016. https://www.fhwa.dot.gov/publications/research/safety/16040/index.cfm [Return to Note 1]

2 Fitzpatrick, K., M. Brewer, R. Avelar, and T. Lindheimer. *Will You Stop for Me? Roadway Design and Traffic Control Device Influences on Drivers Yielding to Pedestrians in a Crosswalk with a Rectangular Rapid-Flashing Beacon*. Report No. TTI-CTS-0010. Texas A&M Transportation Institute, College Station, Texas. June 2016. https://static.tti.tamu.edu/tti.tamu.edu/documents/TTI-CTS-0010.pdf [Return to Note 2]

FHWA

Exhibit D

ORDINANCE NO. 3214
AN ORDINANCE AMENDING SECTION 4.20 OF THE ASHLAND MUNICIPAL CODE: SYSTEMS DEVELOPMENT CHARGES

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

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 City desires to amend the systems development charges ordinance

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

SECTION 1. Chapter 4.20 is hereby amended to read as follows:

4.20.010 Definitions

The following words and phrases, as used in Chapter 4.20 of the Ashland Municipal Code, have the following definitions and meanings:

A. Capital Improvement(s). Public facilities or assets used for any of the following:

1. Water supply, treatment and distribution;
2. Sanitary sewers, including collection, transmission and treatment;
3. Storm sewers, including drainage and flood control;

4. Transportation, including but not limited to streets, sidewalks, bike lanes and paths, street lights, traffic signs and signals, street trees, public transportation, vehicle parking, and bridges; or

5. Parks and recreation, including but not limited to mini-neighborhood parks, neighborhood parks, community parks, public open space and trail systems, buildings, courts, fields and other like facilities.

B. Development. As used in Sections 4.20.020 through 4.20.180 means constructing or enlarging a building or adding facilities, or making a physical change in the use of a structure or land, which increases the usage of any capital improvements or which will contribute to the need for additional or enlarged capital improvements.

C. Improvement Fee. A fee for costs associated with capital improvements to be constructed after the effective date of this ordinance.

D. Qualified Public Improvements. A capital improvement that is:

1. required as a condition of development approval; and

2. is identified in the plan adopted pursuant to section 4.20.080 and is either:

a. Not located on or contiguous to property that is the subject of development approval, or

b. Located on or contiguous to the property that is the subject of development approval and is required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.

E. Reimbursement Fee. A fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted pursuant to Section 4.20.040.

F. Systems Development Charge. A reimbursement fee, a public improvement charge or a combination thereof assessed or collected at any of the times specified in Section 4.20.070. It shall not include connection or hook-up fees for sanitary sewers, storm drains or water lines, since such fees are designed by the City only to reimburse the City for the costs for such connections. Nor shall the SDC include costs for capital improvements which by City policy and State statute are paid for by assessments or fees in lieu of assessments for projects of special benefit to a property (Ord. 2791 § 1, amended, 1997), or the cost of complying with requirements or conditions imposed by a land use decision.

4.20.020 Purpose

The purpose of the systems development charge (SDC) is to impose an equitable share of the public costs of capital improvements upon those developments that create the need for or increase the demands on capital improvements.

4.20.030 Scope

The systems development charge imposed by Chapter 4.20 is separate from and in addition to any applicable tax, assessment, charge, fee in lieu of assessment, or fee otherwise provided by law or imposed as a condition of development. A systems development charge is to be considered in the nature of a charge for service rendered or facilities made available, or a charge for future services to be rendered on facilities to be made available in the future.

4.20.040 Systems Development Charge Established

A. Unless otherwise exempted by the provisions of this Chapter or other local or state law, a systems development charge is hereby imposed upon all development within the City; and all development outside the boundary of the City that connects to or otherwise uses the sanitary sewer system, storm drainage system or water system of the City. The City Manager is authorized to make interpretations of this Section, subject to appeal to the City Council.

B. Systems development charges for each type of capital improvement may be created through application of the methodologies described in Section 4.20.050 of this code. The amounts of each system development charge shall be adopted initially by Council resolution following a public hearing. Changes in the amounts shall also be adopted by resolution following a public hearing, except changes resulting solely from inflationary cost impacts. Inflationary cost impacts shall be measured and calculated annually by the City Manager and charged accordingly. Such calculations will be based upon changes in the Engineering News Record Construction Index (ENR Index) for Seattle, Washington. (Ord. 2791 § 2, amended, 1997)

4.20.050 Methodology

A. The methodology used to establish a reimbursement fee shall consider the cost of then-existing facilities, prior contributions by then-existing users, gifts or grants from federal or state government or private persons, the value of unused capacity, rate-making principles employed to finance publicly owned capital improvements, and other relevant factors identified by the City Council. The methodology shall promote the objective that future systems users shall contribute an equitable share of the cost of then-existing facilities.

B. The methodology used to establish the improvement fee shall consider the cost of projected capital improvements identified in an improvement plan (see Subsection 4.20.080) that are needed to increase the capacity of the systems to which the fee is related.

C. The methodologies used to establish the systems development charge shall be adopted by resolution of the Council following a public hearing.

1. The City shall provide written notice to persons who have requested notice of any adoption or modification of SDC methodology at least 90 days before the hearing. If no one has requested notice, the City shall publish notice in a newspaper of general circulation in the City at least 90 days before the hearing.

2. The revised methodology shall be available to the public at least 60 days before the first public hearing of the adoption or amendment of the methodology.

D. A change in the amount of a reimbursement fee or an improvement fee is not a modification of the SDC methodology if the change is based on a change in project costs, including cost of materials, labor and real property, or on a provision for a periodic adjustment included in the methodology or adopted by separate ordinance or resolution, consistent with State law.

E. A change in the amount of an improvement fee is not a modification of the SDC methodology if the change is the result of a change in the Improvement Plan adopted in accord with Subsection 4.20.080.

F. The formulas and calculations used to compute specific systems development charges are based upon averages and typical conditions. Whenever the impact of individual developments present special or unique situations such that the calculated fee is grossly disproportionate to the actual impact of the development, alternative fee calculations may be approved or required by the City Manager under administrative procedures prescribed by the City Council. All data submitted to support alternate calculations under this provision shall be site specific. Major or unique developments may require special analyses to determine alternatives to the standard methodology.

G. When an appeal is filed challenging the methodology adopted by the City Council, the City Manager shall prepare a written report and recommendation within twenty (20) working days of receipt for presentation to the Council at its next regular meeting. The council shall by resolution, approve, modify or reject the report and recommendation of the City Manager, or

may adopt a revised methodology by resolution, if required. Any legal action contesting the City Council's decision in the appeal shall be filed within sixty (60) days of the Council's decision.

4.20.060 Authorized Expenditures

A. Reimbursement Fees shall be spent on capital improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness.

B. Improvement fees shall be spent only on capacity increasing improvements for which the fees are assessed, including repayment of indebtedness. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of such improvements funded by improvement SDCs must be related to the need for increased capacity to provide service for future users.

C. Notwithstanding subsections (A) and (B) of this section, SDC revenues may be expended on the direct costs of complying with the provisions of this chapter, including the costs of developing SDC methodologies, system planning, providing an annual accounting of SDC expenditures and other costs directly related to or required for the administration and operation of this SDC program.

4.20.070 Expenditure Restrictions

A. SDCs shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements, or for costs of the operation or routine maintenance of capital improvements.

B. A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the plan adopted by the city pursuant to section 4.20.080 of this ordinance.

4.20.080 Improvement Plan

A. Prior to the establishment of a system development charge, the city council shall prepare a capital improvement plan, public facilities plan, master plan, or other comparable plan that includes:

1. A list of the capital improvements that the city council intends to fund, in whole or in part, with revenues from improvement fees;

2. The estimated cost and time of construction of each improvement and the percentage of that cost eligible to be funded with improvement fee revenue; and

3. A description of the process for modifying the plan.

B. In adopting a plan under Section 4.20.080(A) of this ordinance, the city council may incorporate by reference all or a portion of any capital improvement plan, public facilities plan, master plan, or other comparable plan that contains the information required by this section.

C. The city council may modify such plan and list, as described in Section 4.20.080(A) of this ordinance, at any time. If a system development charge will be increased by a proposed modification to the list to include a capacity increasing public improvement, the city council will:

1. At least thirty (30) days prior to the adoption of the proposed modification, provide written notice to persons who have requested notice pursuant to Section 4.20.120 of this ordinance;

2. Hold a public hearing if a written request for a hearing is received within seven (7) days of the date of the proposed modification.

D. A change in the amount of a reimbursement fee or an improvement fee is not a modification of the system development charge if the change in amount is based on:

1. A change in the cost of materials, labor, or real property applied to projects or project capacity as set forth on the list adopted pursuant to Section 4.20.080(A) of this ordinance;

2. The periodic application of one or more specific cost indexes or other periodic data sources, including the cost index identified in Section 4.20.040 of this ordinance. A specific cost index or periodic data source must be:

a. A relevant measurement of the average change in prices or costs over an identified time period for materials, labor, real property, or a combination of the three;

b. Published by a recognized organization or agency that produces the index or data source for reasons that are independent of the system development charge methodology; and

c. Incorporated as part of the established methodology or identified and adopted by the city council in a separate resolution, or if no other index is identified in the established methodology, then the index stated in Section 4.20.040 of this ordinance.

4.20.090 Collection of Charge

A. The systems development charge is payable upon, and as a condition of, issuance or approval of:

1. A building permit;

2. A development permit;

3. A permit for a development not requiring the issuance of a building permit; or

4. A permit or other authorization to connect to the water, sanitary sewer or storm drainage systems.

5. A right-of-way access permit

6. A planning action or change in occupancy (as defined in the Uniform Building Code) that will increase the demands on any public facility for which systems development charges are charged.

7. **Certificate of occupancy issued by the Building Division for multifamily development properties.**

B. If development is commenced or connection is made to the water system, sanitary sewer system or storm sewer system without an appropriate permit, the systems development charge is immediately payable upon the earliest date that a permit was required, and it will be unlawful for anyone to continue with the construction or use constituting a development until the charge has been paid or payment secured to the satisfaction of the City Manager.

C. Any and all persons causing a development or making application for the needed permit, or otherwise responsible for the development, are jointly and severally obligated to pay the charge, and the City Manager may collect the said charge from any of them. The City Manager or his/her designee shall not issue any permit or allow connections described in Subsection 4.20.090.A until the charge has been paid in full or until an adequate secured arrangement for its payment has been made, within the limits prescribed by resolution of the City Council.

D. An owner of property obligated to pay a system development charge may apply to pay the charge in semi-annual installments over a period not exceeding ~~**ten**~~ **twenty** years as provided in this section.

1 The minimum charge subject to payment by installments shall be $2,000 ~~**and the maximum charge that may be subject to payment by installments shall not exceed $200,000**~~. The

minimum semi-annual installment shall be-$1000. Installments shall include interest on the unpaid balance at annual rate of **3% above the Federal Reserve prime rate. The date of rate establishment will coincide with the date a building permit is issued for the development utilizing the installment payment program.** ~~**6% for a five-year installment loan or 7% for a 10-year installment loan.**~~ A one-year installment loan shall not be subject to an annual interest rate provided all charges are paid ~~**prior**~~ to the City~~**'s**~~ **within one year of** issuance of the Certificate of Occupancy, **or by** time of sale, ~~**or within one year of when the charge was imposed**~~, whichever comes first.

System development charge payments for multiple-family residential rental projects may be deferred through an installment loan which shall not be subject to an annual interest rate provided all charges are paid prior to two years following the date of issuance of the Certificate of Occupancy.

2. The installment application shall state that the applicant waives all irregularities or defects, jurisdictional or otherwise, in the proceedings to cause the system development charge.

3. The application shall also contain a statement, by lots or blocks, or other convenient description of the property meeting the requirements of ORS 93.600, subject to the charge.

4. A systems development charge subject to installment payments shall be chargeable as a lien upon the property subject to the charge. Pursuant to ORS 93.643(2)(c), the City recorder shall record notice of the installment payment contract with the Jackson County Clerk. The applicant shall pay the recording charges. (Ord. 2791 § 5, amended, 1997; Ord. 2670, amended, 1992)

4.20.100 Exemptions

The conditions under which all or part of the systems development charges imposed in Section 4.20.040 may be waived are as follows:

A.Structures and uses established and legally existing on or before the effective date of this ordinance are exempt from a system development charge, except water and sewer charges, to the extent of the structure or use then existing and to the extent of the parcel of land as it is constituted on that date. Structures and uses affected by this subsection shall pay the water or sewer charges pursuant to the terms of this ordinance upon the receipt of a permit to connect to the water or sewer system.

B. Housing for low income or elderly persons which is exempt from real property taxes under state law. (Ord. 2791 § 7, amended, 1997)

4.20.105 Deferrals for Affordable Housing

A. The systems development charge for the development of qualified affordable housing under the City's affordable housing laws shall be deferred until the transfer of ownership to an ineligible buyer occurs. Deferred systems development charges shall be secured by a second mortgage acceptable to the City, bearing interest at not less than five percent per annum. Accrued interest and principal shall be due on sale to an ineligible buyer.

B. The systems development charge and second mortgage for the development of qualified affordable housing shall terminate 30 years after the issuance of a certificate of occupancy if the housing unit(s) have continued to meet the affordable housing requirements during the 30 year period. (Ord. 2791 § 8, amended, 1997; Ord. 2670, amended, 1992)

4.20.110 Credits

A. When development occurs that gives rise to a system development charge under Section 4.20.040 of this Chapter, the system development charge for the existing use shall be calculated and if it is less than the system development charge for the proposed use, the difference between the system development charge for the existing use and the system development charge for the proposed use shall be the system development charge required under Section 4.20.040. If the change is use results in the systems development charge for the proposed use being less than the system development charge for the existing use, no system development charge shall be required; however, no refund or credit shall be given.

B. The limitations on the use of credits contained in this Subsection shall not apply when credits are otherwise given under Section 4.20. 110. A credit shall be given for the cost of a qualified public improvement associated with a development. If a qualified public improvement is located partially on and partially off the parcel of land that is the subject of the approval, the credit shall be given only for the cost of the portion of the improvement not attributable wholly to the development. The credit provided for by this Subsection shall be only for the improvement fee charged for the type of improvement being constructed and shall not exceed the improvement fee even if the cost of the capital improvement exceeds the applicable improvement fee. Credits paid

as a permit for development will expire five years after paid. The credit shall be apportioned equally among all single-family residential lots (where such credit was granted for subdivisions). Credits for other types of developments shall be allocated to building permits on a first-come, first served basis until the credit is depleted.

C. Applying the methodology adopted by resolution, the City Manager or designee shall grant a credit against the improvement fee, for a capital improvement constructed as part of the development that reduces the development's demand upon existing capital improvements or the need for future capital improvements or that would otherwise have to be provided at City expense under then existing Council policies.

D. Credits for additions to dedicated park land, or development of planned improvements on dedicated park land, shall only be granted by the City Manager upon recommendation by the Park and Recreation Commission for land or park development projects identified in the Capital Improvement Plan, referred to in Section 4.20.070.B.

E. In situations where the amount of credit exceeds the amount of the system development charge, the excess credit is not transferable to another development. It may be transferred to another phase of the original development.

F. Credit shall not be transferable from one type of capital improvement to another. (Ord. 2791 § 9, amended, 1997)

4.20.120 Notification

A. The city shall maintain a list of persons who have made a written request for notification prior to adoption or modification of a methodology for any system development charge. Written notice shall be mailed to persons on the list as provide in sections 4.20.050 and 4.20.080. The failure of a person on the list to receive a notice that was mailed does not invalidate the action of the city.

B. The city may periodically delete names from the list, but at least thirty (30) days prior to removing a name from the list, the city must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

4.20.130 Segregation and Use of Revenue

A. All SDC proceeds are to be segregated by accounting practices from all other funds of the City. SDC proceeds shall be used only for capital improvement of the type for which they were collected and authorized costs and overhead.

B. The City Manager shall provide the City Council with an annual accounting, based on the City's fiscal year, for SDCs showing the total amount of SDC revenues collected for each type of facility and the projects funded from each account in the previous fiscal year. A list of the amounts spent on each project funded in whole or in part with SDC revenues shall be included in the annual accounting.

C . The monies deposited into each SDC account shall be used solely as allowed by this chapter and State law, including, but not limited to:

1. Design and construction plan preparation;
2. Permitting and fees;
3. Land, easements, and materials acquisition, including any cost of acquisition or condemnation, including financing, legal and other costs;
4. Construction of capital improvements;
5. Design and construction of new utility facilities required by the construction of capital improvements and structures;
6. Relocating utilities required by the construction of improvements;
7. Landscaping;
8. Construction management and inspection;
9. Surveys, soils, and materials testing;
10. Acquisition of capital equipment;
11. Repayment of monies transferred or borrowed from any budgetary fund of the City which were used to fund any of the capital improvements as herein provided; and
12. Payment of principal and interest, necessary reserves and cost of issuance under bonds or other indebtedness issued by the City to fund capital improvements.

4.20.140 Refunds

A. Refunds shall be given by the City Manager upon finding that there was a clerical error in the calculation of a system development charge.

B. Refunds shall not be allowed for failure to timely claim a credit under Section 4.20.110 of this ordinance, or for failure to seek an alternative system development charge rate calculation at the time of submission of an application for a building permit.

C. Refunds may be given on application of a permittee if the development did not occur and all permits for the development have been withdrawn.

4.20.150 Appeal Procedures

A. As used in this Section "working day" means a day when the general offices of the City are open to transact business with the public.

B. A person aggrieved by a decision required or permitted to be made by the City Manager or designee under Sections 4.20.010 through 4.20.130 or a person challenging the propriety of an expenditure of systems development charge revenues may appeal the decision or expenditure by filing a written request with the City Recorder for consideration by the City Council. Such appeal shall describe with particularity the decision or the expenditure from which the person appeals and shall comply with subsection D of this section.

C. An appeal of an expenditure must be filed within two years of the date of alleged improper expenditure. An appeal petition challenging the adopted methodology shall be filed not later than sixty (60) days from the date of the adoption of the methodology. Appeals of any other decision must be filed within 10 working days of the date of the decision.

D. The appeal shall state:

1. The name and address of the appellant;
2. The nature of the determination being appealed;
3. The reason the determination is incorrect; and
4. What the correct determination should be.

An appellant who fails to file such a statement within the time permitted waives any objections, and the appeal shall be dismissed.

E. Unless the appellant and the City agree to a longer period, an appeal shall be heard within 30 days of the receipt of the written appeal. At least 10 working days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.

F. The City Council shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the appellant deems appropriate. At the hearing, the

appellant may present testimony and oral argument personally or by counsel. The City may present written or oral testimony at this same hearing. The rules of evidence as used by courts of law do not apply.

G. The appellant shall carry the burden of proving that the determination being appealed is incorrect and what the correct determination should be.

H. The City Council shall render its decision within 15 days after the hearing date and the decision of the Council shall be final. The decision shall be in writing but written findings shall not be made or required unless the Council in its discretion, elects to make findings for precedential purposes.

Any legal action contesting the Council's decision on the appeal shall be filed within 60 days of the Council's decision. (Ord. 2791 § 10, amended, 1997)

4.20.160 Prohibited Connection

After the effective date of this chapter, no person may connect any premises for service, or cause the same to be connected, to any sanitary sewer, water system, or storm sewer system of the City unless the appropriate systems development charge has been paid or payment has been secured as provided in this chapter.

4.20.170 Enforcement - Violation

Any service connected to the City water, sewer or storm sewer system after the effective date of this chapter for which the fee due hereunder has not been paid as required or an adequate secured arrangement for its payment has been made, is subject to termination of service under the City's utility disconnect policy. In addition to any other remedy or penalty provided herein, any connection to the City water, sewer or storm system made without payment as specified in this Chapter shall be considered a Class I violation. (Ord. 3023, amended, 08/03/2010)

4.20.180 Classification of the Fee

System development charges as set forth in Chapter 4.20 of the Ashland Municipal Code are classified as not subject to the limits of Section 11b of Article XI of the Oregon Constitution (Ballot Measure No. 5) (Ord. 2791 § 11, amended, 1997)

SECTION 2. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 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 _____, ~~2019~~ **2022**, and duly PASSED and ADOPTED this ____ day of _____, ~~2019~~ **2022**.

_____

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ____ day of _____, ~~2019~~ **2022**.

_____

~~John Stromberg~~ **Julie Akins**, Mayor

Reviewed as to form:

_____

~~David H. Lohman~~ **Doug McGeary, Interim** City Attorney

Exhibit E

A Study of Driver Noncompliance with Traffic Signals

STEWART R. GORDON AND H. DOUGLAS ROBERTSON

There is a perception among traffic engineers that driver noncompliance with traffic control devices is a significant problem. Summarized in this paper are the results of a study of driver noncompliance at 12 signalized intersections in the Washington, D.C., metropolitan area to determine whether driver noncompliance is a problem and to define its relationship to intersection operational characteristics and roadway features. The results indicated that driver noncompliance is a problem that requires attention. It was found that higher violation rates occurred at intersections with low annual average daily traffic volume levels. These high violation rates were predominant on one-lane approaches during the off-peak hours. A correlation analysis indicated moderately high associations between high traffic signal violation rates and low traffic volumes. This research study recommends that drivers, local police, and local traffic engineers be informed that driver noncompliance with traffic signals is a problem with potential safety consequences and should be addressed through education, increased enforcement, and the application of sound engineering principles.

Traffic engineers have expressed a growing concern over the lack of driver compliance with traffic control devices in recent years. Driver noncompliance with traffic control devices, especially regulatory control devices, has been increasing significantly over the years. Drivers' apparent disregard for and perhaps lack of confidence in traffic control devices has been recognized by the American Association of State Highway and Transportation Officials' (AASHTO) Highway Subcommittee on Traffic Engineering. The AASHTO Standing Committee on Highways conducted a nationwide survey in October 1985 to determine if a driver noncompliance problem exists and, if so, what can be done to correct it. Surveys were sent to each state and the District of Columbia traffic engineer. They were asked to comment on motorist noncompliance with traffic control devices. To the question "Is traffic control device noncompliance a significant problem?" 34 of the 46 respondents said "yes" while 12 states answered "no" (*1*).

Other research studies in recent years have indicated that specific traffic control devices are being violated more than others. For example, studies have found that the violation rate with stop signs has been increasing linearly since 1935 (*2*). In another study it was found that the violation rate (i.e., not stopping when required) increased from 0.1 percent to 0.6 percent when the signal configuration changed from regular operation to flashing red (*3*). In another instance, the violation rate increased by a factor of five when sign configurations (a symbol only, instead of a symbol and message) were changed (*4*).

The traffic control device violations may result from the combined effects of human behavior characteristics and related traffic operational characteristics. Such human factors might include the driver age, vision, and perceived travel time. Highway geometrics and such traffic operation characteristics as volume, type of regulatory control, and speed may also affect driver noncompliance.

In order to develop solutions, however, the problem of driver noncompliance must be defined in terms of where, when, how, how much, how serious, and why. The objective of this study was to determine the magnitude of driver noncompliance with traffic signals at intersections as it related to roadway features and traffic operational characteristics.

Driver noncompliance with traffic signals was studied at 12 intersections in Virginia, Maryland, and the District of Columbia during June and July of 1986. Drivers were observed under various operational conditions at signalized intersections during the peak and off-peak day and nighttime hours. Violation frequencies, operational characteristics, and roadway features were recorded and analyzed. The results of this study, which was sponsored by the Federal Highway Administration's Graduate Research Fellowship Grant program, are documented fully elsewhere (*5*).

METHODOLOGY

The experimental plan for determining the magnitude of driver noncompliance with traffic signals was made up of five parts:

1. Measures of effectiveness (MOEs),
2. Sample size,
3. Site selection criteria,
4. Data collection procedures, and
5. An analysis plan.

Measures of Effectiveness

The principal MOEs were the four driver violation types defined as follows. Each type was expressed in terms of hourly frequency and rate—violations per 100 vehicles.

- Running the red signal (RUNRED)—the number of through and left-turning vehicles entering the intersection past the near curb line after the onset of the red signal indication.
- Right-turn-on-red (NOSTOP)—the number of right turning vehicles not coming to a complete stop during the red signal indication.

S. R. Gordon, Edwards and Kelcey, Inc., 70 South Orange Avenue, Livingston, N.J. 07039. Current affiliation: Garmen Associates, 150 River Road, Building E, Montville, N.J. 07045. H. D. Robertson, University of North Carolina at Charlotte, Civil Engineering Department, Charlotte, N.C. 28223.

Oregon
Kate Brown, Governor

Department of Transportation
Region 3 Planning and Programming
100 Antelope Drive
White City, Oregon 97503
Phone: (541) 774-6299

December 6, 2022

Mr. Derek Severson
City of Ashland – Community Development
51 Winburn Way
Ashland, OR 97529

RE: PA-T3-2022-00004, 1511 Highway 99 North

Dear Mr. Severson,

Thank you for providing the Oregon Department of Transportation ("ODOT") with the opportunity to provide comments associated with the proposed annexation and zone change of approximately 16.86 acres at 1511 Highway 99 North ("Subject Property").

When evaluating development proposals adjacent to ODOT managed transportation facilities, we assess the existing and proposed conditions of the site. This evaluation includes review of the proposed use in relation to the local jurisdiction Transportation System Plan ("TSP"). Standards defining pedestrian and bicycle improvements are identified in the City's TSP and in ODOT's Highway Design Manual.

In review of proposals for development within Urban Growth Boundaries ODOT typically recommends that the local jurisdiction require curb, sidewalk and bikeway frontage improvements consistent with the local transportation system plan along the site's highway frontage.

In this instance, bicycle facilities were installed along the Highway 99 corridor during the roadway reconfiguration which restriped the 4 lane Highway cross section to a 3 lane configuration with buffered bike lanes and striped shoulder facilities a few years ago. Pedestrian sidewalk facilities currently do not exist along the parcel frontage and ODOT has recommended the City require installation of frontage improvements consistent with the City code and the TSP, a southbound transit stop and a RRFB and striped crossing to connect with a northbound transit stop south of the Subject Property.

Please feel free to contact me at Micah.HOROWITZ@odot.state.or.us or 541-774-6331 should you have any questions or concerns.

Sincerely,

Micah Horowitz

Micah Horowitz, AICP
Senior Transportation Planner

Michael Sullivan

From: Alex Knecht <alex@pacificwallsystems.com>
Sent: Tuesday, December 06, 2022 7:21 PM
To: Public Testimony
Subject: Annexation

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL SENDER]

We have been ashland residents for over 40 years and apreciate the need for good solid safe affordable housing. The project proposed should be approved as we hope you will do so again.

Thank You,
Alex Knecht
WWW.Pacificwallsystems.com
541-664-1214

CITY OF ASHLAND
Better Together

LEGAL DEPARTMENT

Douglas M. McGeary, Acting City Attorney
Carmel Stout Zahran, Assistant City Attorney
Dana Smith, Administrative Analyst

August 30, 2023

Re: Council Meeting Minutes from 2021 and 2022 not signed

Minutes from council meetings during 2021 and all of 2022 were not signed by former Mayor Akins and therefore could not be signed by the Recorder as required by ordinance. All minutes listed below were approved by council, although the original minutes for 2021 are not available. The city attorney determined a cover letter with a list of the meeting dates missing signatures could be signed by the present mayor and recorder to meet the signature requirements in AMC 2.04.040(B.).

2021 Meetings

04/05/2021	07/06/2021	11/16/2021
04/06/2021	07/19/2021	11/23/2021
04/19/2021	07/20/2021	12/10/2021
04/20/2021	08/02/2021	12/21/2021
05/03/2021	08/03/2021	
05/04/2021	08/16/2021	
05/13/2021	08/17/2021	
05/17/2021	09/07/2021	
05/18/2021	09/20/2021	
06/01/2021	11/01/2021	
06/14/2021	11/02/2021	
06/15/2021	11/11/2021	
06/29/2021	11/15/2021	

2022 Meetings

01/03/2022	04/05/2022	08/01/2022	12/05/2022
01/04/2022	04/19/2022	08/15/2022	12/06/2022
01/18/2022	05/02/2022	09/06/2022	12/19/2022
01/31/2022	05/03/2022	09/19.2022	12/20/2022
02/01/2022	05/16/2022	10/03/2022	
02/14/2022	05-17-2022	10/04/2022	
02/15/2022	06-06-2022	10/17/2022	
02/28/2022	06/07/2022	10/18/2022	
03/01/2022	06/21/2022	10/31/2022	
03/14/2022	07/05/2022	11/01/2022	
03/15/2022	07/18/2022	11/14/2022	

City Recorder Melissa Huhtala

Mayor Tonya Graham

LEGAL DEPARTMENT
20 East Main Street
Ashland, Oregon 97520
ashland.or.us

Tel: 541.488.5350
Fax: 541.552.2092
TTY: 800.735.2900

doug.mcgeary@ashland.or.us
carmel.zahran@ashland.or.us
dana.smith@ashland.or.us

Better Together



Emergency Shelter

A Brief Discussion

February 17, 2023

Why Does the City Provide Emergency Weather Sheltering

Resolution 2022-33

- Establishes the need for City involvement as a protective Health & Public safety measure
- Sets parameters for when the City will call a shelter

The City of Ashland Experiences severe weather conditions throughout the year

- Summer - excessive heat & air quality
  (98° or above temperature and unhealthy air quality)
- Winter - freezing & severe weather conditions
  (32° or below temperature)



What Does the City Provide to support Emergency Weather Sheltering

Funding

- The City has provided funding to support emergency weather shelter in prior years
  - 2021 - $317,716
    - CDBG / CDBG CARES / Housing Trust Fund
    - Activities: Winter Sheltering, Covid Safe Meals, and Emergency Shelter, etc.
  - 2022 - $805,040
    - CDBG / CDBG CARES / ESG-CV / Housing Trust Fund
    - Activities: Winter Sheltering, Covid Safe Meals, rent assistance, remodeling at OHRA shelter, etc.
  - 2023 - $344,613
    - CDBG / CDBG CARES / Housing Trust Fund
    - Activities: winter shelter operations, case mgt. of homeless youth, and an ADA elevator.
- City recently allocated $100K from the General Fund for emergency shelter services this Winter

What Does the City Provide to support Emergency Weather Sheltering

City Coordination

- Planning, coordination, and implementation
- Communication and coordination with the public and other agencies
- Access to resources coordination/facilitation as needed basis

Location

- Often provides City facility to host the shelter

Lack of City Facilities

City facilities used for emergency sheltering have become inadequate

Pioneer Hall and The Community Center

- Neither building was designed for providing shelter overnight
  - Configuration hinders oversight, limits congregate separations
  - Aging and in need of repair/updating
  - Scheduled for extensive repairs in Spring 2023 - unavailable for much of year

The Grove

- Not suitable for ongoing overnight sheltering
  - Lacks kitchen & laundry, limits congregate separations, City operation offices
- Sheltering disrupts community use scheduling and programming
  - Currently only recreational facility available for general community use
- Income generating for the City

Other City Owned Properties

- Other City facilities not viable options for overnight shelter

In the Short Term

The City needs to find a location that:

- Serves the city as an emergency event shelter resource, and
- Fills the need for an overnight severe weather shelter for next winter.



Criteria for a potential Emergency Shelter Location

There are several criteria an emergency event shelter site/location should have:

- Accommodate priority use
  - Emergency shelter/event congregate
  - Supply distribution/management
- Near transit – within walking distance to a bus stop (1/4 mile)
- Near existing retail – within walking distance (groceries & personal items)
- Access to City utilities (water, sewer, electric)
- Located outside of natural hazard areas
  (floodplain, steeps slopes, vulnerable to wildfire, inaccessible in severe weather)
- Allow flexible/multiple functional use (pallet houses, temp. car camping)

Criteria for a potential Emergency Shelter Location

HB 2006 allows the use of property for the homeless within the Urban Growth Boundary (UGB; zoning exemption) with the following provisions:

- Applies to any land use zone in City or UGB
- Has adequate transportation to commercial & medical services
- Does not pose reasonable risk to public health or safety
- Includes sleeping and restroom facilities
- Complies with applicable building codes
- HB 2006 sunsets on June 30, 2023, if not extended by legislature

Next Step

Direct Staff to search for and return list of suitable sites for Council consideration

CITY OF ASHLAND
Better Together

QUESTIONS?

Council Business Meeting

January 17, 2023

Agenda Item	Approval of Liquor License Request for Mas Southern Oregon LLC	
From	Melissa Huhtala	City Recorder
Contact	Melissa.huhtala@ashland.or.us; (541) 552-2084	

SUMMARY

This is a request for approval of a liquor license application for Mas Southern Oregon LLC, 140 Lithia Way, Ashland, OR 97520.

POLICIES, PLANS & GOALS SUPPORTED

AMC Chapter 6.32 Liquor License Review

PREVIOUS COUNCIL ACTION

N/A

BACKGROUND AND ADDITIONAL INFORMATION

This is an application for a Full-On Premises 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 Mas Southern Oregon LLC.

REFERENCES & ATTACHMENTS

Attachment 1: Application

CITY OF ASHLAND

LIQUOR LICENSE APPLICATION

Check the appropriate license request option:

☐ New Outlet | ☐ Change of Ownership | ☑ Greater Privilege | ☐ Lesser 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: ☐2nd ☐3rd ☐4th ☐5th ☐6th

☐ **Limited On-Premises**

☐ **Off Premises**

☐ **Warehouse**

☐ **Wholesale Malt Beverage and Wine**

INTERNAL USE ONLY

Application received:

10/24/2022

Minimum documents acquired:

10/24/2022

LOCAL GOVERNING BODY USE ONLY

City/County name:

Date application received:

Optional: Date Stamp

☐ Recommend this license be granted

☐ Recommend this license be denied

Printed Name _____ Date _____

Return this form to:

Investigator name:

Leah Gessel

Email:

leah.gessel@oregon.gov

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:
Mas Southern Oregon LLC	
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):
Nama

Business phone number:	Business email:
541 6259476	josh@masashland.com

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

City:	Zip Code:	County:
Ashland	97520	Jackson

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

APPLICATION CONTACT INFORMATION

Contact Name:
Joshua Dorcak

Phone number:	Email:
541 625 9476	josh@masashland.com

Mailing address:
[redacted]

City:	Zip Code:	County:
[redacted]		

Please note: liquor license applications are public records.

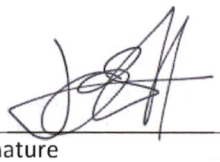
LIQUOR LICENSE APPLICATION

ATTESTATIONS

By signing this form, you attest that each of the following statements are true. I understand the Commission may require a licensee to provide proof of any of the below or below referenced documents at any time.

I understand that marijuana is **prohibited** on the licensed premises. This includes marijuana use, consumption, ingestion, inhalation, samples, give-away, sale, etc. 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.

I affirm that I have read OAR 845-005-0311 and all individuals (sole proprietors) or entities with an ownership interest (other than waivable ownership interest per OAR 845-005-0311[6]) are listed as license applicants in #2 above. I understand that failure to list an individual or entity who has an un-waivable ownership interest in the business may result in denial of my license or the OLCC taking action against my license in the event that an undisclosed ownership interest is discovered after license issuance.

Print name	Signature	Date	Atty. Bar Info (if applicable)
Joshua Dorcak		10/22/22	
Print name	Signature	Date	Atty. Bar Info (if applicable)
Print name	Signature	Date	Atty. Bar Info (if applicable)
Print name	Signature	Date	Atty. Bar Info (if applicable)
Print name	Signature	Date	Atty. Bar Info (if applicable)

PRINT FORM

RESET FORM

OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY FORM

1. Name (Print):	Dorcak Last	Joshua First	Mark 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 [X] 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] 7. State [redacted]

8. Contact Phone: [redacted]

9. E-mail Address [redacted]

10. Mailing Address:	[redacted]			
	(Number and Street)	(City)	(State)	(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 [X] 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.

No CCH or DMV since 2021 application 12.21.2022. LG

OREGON LIQUOR CONTROL 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):	Dorcak Last	Joshua First	Mark Middle
Signature:			**Date:** 10/22/22

This box for OLCC use ONLY

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

OREGON LIQUOR CONTROL COMMISSION

BUSINESS INFORMATION

Please Print or Type

Applicant Name: Mas Southern Oregon LLC Phone: 5416259476

Trade Name (dba): Nama

Business Location Address: 140 Lithia Way

City: Ashland ZIP Code: 97520

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	5pm	to	10pm	
Monday		to		
Tuesday		to		
Wednesday		to		
Thursday	5pm	to	10pm	
Friday	5pm	to	10pm	
Saturday	5pm	to	10pm	

Outdoor Area Hours:

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

The outdoor area is used for:

❑ Food service Hours: _____ to _____

❑ Alcohol service Hours: _____ to _____

❑ 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 Entertainers
- ☐ Karaoke
- ☐ Coin-operated Games
- ☐ Video Lottery Machines
- ☐ Social Gaming
- ☐ Pool Tables
- ☐ Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

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

SEATING COUNT

Restaurant: 30 Outdoor: _____

Lounge: _____ Other (explain): _____

Banquet: _____ Total Seating: 30

OLCC USE ONLY

Investigator Verified Seating: ____(Y) X (N)

Investigator Initials: LG

Date: 12/21/2022

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

Applicant Signature: _____ **Date:** 10/22/22

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 12/07)

Council Business Meeting

January 17, 2023

Agenda Item	First Reading of Ordinance 3217 - Middle Housing Land Division Ordinance	
From	Brandon Goldman Derek Severson	Interim Director of Community Development Senior Planner
Contact	Brandon.goldman@ashland.or.us Derek.severson@ashland.or.us	(541) 552-2076 (541) 552-2040

SUMMARY

The proposed ordinance would amend the Ashland Land Use Ordinance to implement the requirements of Oregon Senate Bill 458 by adding section 18.5.1.075 "Middle Housing Land Divisions" and section 18.5.3.140 "Middle Housing Land Divisions." Senate Bill 458 became effective on June 30, 2022, and under the Senate Bill cities are required to implement directly from the bill until local code modifications are put in place.

POLICIES, PLANS & GOALS SUPPORTED

Comprehensive Plan, Housing Element (6.10.01.1 & .3, and 6.10.02)
Climate Energy Action Plan (CEAP ULT-4-2)
City Council Biennial Goals 2019-2021

PREVIOUS COUNCIL ACTION

This item was previously scheduled for review on January 3rd, 2023, but due to insufficient time for the public hearing, deliberation, and decision by council, was postponed to this meeting on January 17, 2023. House Bill 2001 took effect on August 8, 2019 and required cities of Ashland's size to allow duplexes on residentially-zoned lots that allow development of detached single-family dwellings, and to have approval processes and standards for duplexes that are no more restrictive than those applied to detached single-family dwellings.

The Council adopted these required code changes as Ordinance #3199 on June 15, 2021. With these code changes adopted in response to House Bill 2001, duplexes are defined as two units on one lot in any configuration, two off-street parking spaces are required, and the required parking cannot be addressed through on-street parking credits. Duplexes satisfying these requirements are approved with a building permit and do not require a separate land use action.

BACKGROUND AND ADDITIONAL INFORMATION

Oregon Senate Bill 458 provides a process for lot divisions to allow home ownership opportunities for middle housing units built under the middle housing allowances of House Bill 2001 which for cities of Ashland's size were limited to duplexes. Senate Bill 458 does not apply to accessory residential units, and the ordinance here is limited to duplexes.

A Middle Housing Land Division (MHLD) allows a lot with a duplex in place or proposed to be split so that there would be one duplex unit per lot, except that common areas may be located on a separate lot or a shared tract. Separate utilities are required for each unit, and easements are required to be provided for pedestrian access; any common areas; driveways and parking areas, if shared; and utilities. An MHLD proposal must demonstrate that it meets the requirements of the Oregon Residential Specialty Code. For example, if an

CITY OF ASHLAND

attached duplex is being divided, there must be firewall construction between the two units. In a typical land division, the land division is approved, infrastructure installed and plat signed prior to building permits being reviewed and issued for construction. A Middle Housing Land Division may occur prior to submission of an application for building permits, after a middle housing development is approved for development, or after it is constructed. Senate Bill 458 gives cities the option of allowing concurrent review of building permits and the land division, but in any case, Middle Housing Land Division applications must include a middle housing development (*either proposed or already built*) that complies with the building code and the City's middle housing development code.

Under Senate Bill 458, cities may require the submittal of tentative & final plats for approval, review for Oregon Residential Specialty Code compliance, and require right-of-way dedications and city-standard street frontage improvements. Cities may not apply *any* approval criteria other than the approval criteria specified in Senate Bill 458 to applications for an MHLD — i.e. the allowable criteria include the City's standards for middle housing development, separate utilities, easements, one dwelling on each lot, and building code compliance.

Senate Bill 458 provides for these Middle Housing Land Divisions to be processed through the Expedited Land Divisions (ELD) procedure established in the Oregon Revised Statutes. Expedited Land Divisions are not considered to be land use actions and as such cannot be appealed to the Planning Commission. Instead, an initial administrative decision by the Staff Advisor (Community Development Director or their designee) could be appealed to a referee/hearings officer, and would not be subject to appeal to the Oregon Land Use Board of Appeals (LUBA).

The Planning Commission has previously discussed these code amendments in response to Senate Bill 458 at two public meetings on May 10, 2022 and June 14, 2022, and conducted a public hearing on November 22, 2022. The Planning Commission recommended approval of the attached ordinance.

FISCAL IMPACTS

The Senate Bill requires appeals to be handled by a referee or hearings officer who cannot be a city staff person or member of the Planning Commission. As such, the city will need to keep a hearings officer on retainer. The actual per appeal cost of a hearing officer will not be known until the City solicits for this support but a cost of approximately $150-$200 per hour is normal for the region. Assuming hearing plus document preparation time will be between 4-5 hours, a hearing may cost the city between $600-$1000. Community Development staff believes that the number of applications under the Senate Bill is likely be limited, and that there will be few appeals, because approval equates to the division of units that are already built or which could be built without notice to neighbors, independent of the approval of the middle housing land division. Staff estimate the City would not exceed three (3) appeals in FY 2023-2024 for an estimated annual hearing expense of $1,800-$3,000 for the hearing officer costs.

The hearings officer will assess costs of the appeal, up to a maximum of $500, against appellants who do not materially improve their position through the appeal hearing, and the city will be responsible for remaining costs of each hearing. Appeal application fees will be established based on hearing officer and corresponding administration support costs. The application fees will be reviewed annually.

STAFF RECOMMENDATION

Staff concurs with the Planning Commission and recommends that the Council approve the proposed ordinance.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

The Council can choose to conduct the first reading and to approve the proposed ordinance as recommended by the Planning Commission or with modifications and move the ordinance to second reading, or choose not to adopt the ordinance. However, Senate Bill requires the city to implement directly from the bill until local code modifications are in place. Adopting the proposed City ordinance will enable a smoother implementation for Ashland citizens and City staff of SB 458's requirments. The Council will also need to adopt written findings formalizing tonight's decision. Recommended motion:

- ❑ I move approval of first reading of Ordinance 3217 and scheduling of its second reading and adoption of written findings for February 21, 2023.

REFERENCES & ATTACHMENTS

Attachment 1: Draft Ordinance 3217- An Ordinance Amending The Ashland Land Use Ordinance to Implement The Requirements of Oregon Senate Bill 458 By Adding Section 18.5.1.075 "Middle Housing Land Divisions" And Section 18.5.3.140 "Middle Housing Land Divisions."
Attachment 2: November 22, 2022 Planning Commission minutes
Attachment 3: Staff Report to the Planning Commission
Attachment 4: Senate Bill 458

ORDINANCE NO. 3217

AN ORDINANCE AMENDING THE ASHLAND LAND USE ORDIANCE TO IMPLEMENT THE REQUIREMENTS OF OREGON SENATE BILL 458 BY ADDING SECTION 18.5.1.075 "MIDDLE HOUSING LAND DIVISIONS" AND SECTIONS 18.5.3.140 "MIDDLE HOUSING LAND DIVISIONS."

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, Senate Bill (SB) 458 "relating to land division for residential development; creating new provisions; and amending ORS 93.277, 94.775, 94.776, 197.365, 197.370, 197.375 and 197.380" was passed at the 81st Oregon Legislative Assembly, 2021 Regular Session, and became effective on June 30, 2022. SB 458 requires cities to approve a tentative plan for a middle housing land division if the application includes a proposal for the development of middle housing in compliance with the Oregon residential specialty code and with the land use regulations applicable to the original lot or parcel allowed under ORS 197.758(5); separate utilities for each dwelling unit; proposed easements necessary for each dwelling in the plan for utilities, pedestrian access, common use areas or shared building elements, driveways or parking, and dedicated common areas; exactly one dwelling unit per lot except for lots, parcels or tracts used as common areas; and evidence demonstrating how buildings will comply with applicable building code provisions relating to new property lines, and notwithstanding the creation of new lots or parcels, how buildings on new lots will comply with the Oregon residential specialty code.

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 22, 2022, and following deliberations, unanimously recommended approval of the amendments; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on January 3, 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 meet the requirements of state law and protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Land Use Ordinance in the manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the Ashland 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 Land Use is hereby amended as follows.

SECTION 2. Section 18.5.1.0750 [Middle Housing Land Divisions] is hereby added to the Ashland Land Use Ordinance to read as follows:

Section 18.5.1.075 Middle Housing Land Divisions (MHLD)

Middle Housing Land Division decisions are made by the Staff Advisor using the Expedited Land Division procedure detailed below. Middle Housing Land Divisions may be appealed to a referee/hearings officer. Middle Housing Land Divisions are not a land use or limited land use decision.

A. **Procedural Handling.** Unless the applicant requests to use the land partition procedures in ALUO 18.5.3.030, Middle Housing Land Divisions shall be processed under the Expedited Land Divisions procedure from ORS 197.360 to 197.380 as detailed below:

1. **Pre-Application Conference.** A pre-application conference is voluntary for a Middle Housing Land Division.
2. **Application Requirements**. Applications for development permits shall be submitted upon forms established by the Staff Advisor. Applications will not be accepted in partial submittals, and all of the following items must be submitted to initiate completeness review:

    a. Application Form and Fee. Applications for Middle Housing Land Divisions shall be made on forms provided by the Staff Advisor. One or more property owners of the property for which the planning action is requested, and their authorized agent, as applicable, must sign the application. The application shall not be considered complete unless the appropriate application fee accompanies it.
    b. Submittal Information. The application shall include all of the following information.

        i. The information requested on the application form.
        ii. Drawings and supplementary materials for Preliminary Plat as required in ALUO 18.5.3.040.B.
        iii. A narrative explanation of how the application satisfies each and all of the relevant criteria and standards in ALUO 18.5.3.140.C.1.
        iv. Additional materials necessary to demonstrate compliance with the Oregon residential specialty code.
        v. Information demonstrating compliance with all prior approvals and conditions of approval for the parent lot or parcel, as applicable.

3. **Completeness review.** The Staff Advisor shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within twenty-one (21) calendar days after the city receives the application submittal.

    a. Incompleteness shall be based solely on failure to pay required fees, failure of the applicant's narrative to address the relevant criteria or development standards, or failure to supply the required submittal information and shall not be based on differences of opinion as to the quality or accuracy of the information provided. Determination that an application is complete indicates only that the application contains the information necessary for a qualitative review of compliance with the applicable criteria and standards.
    b. If the application was complete when first submitted or the applicant submits the additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the applicable criteria and standards that were in effect at the time the application was first submitted.
    c. If an application is incomplete, the completeness notice shall list what information is missing and allow the applicant to submit the missing information. The completeness notice shall include a form, designed to be returned to the Staff Advisor by the applicant, indicating whether or not the applicant intends to amend or supplement the application. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.

4. **Notification.**

a. Mailing of Notice of Complete Application. The Staff Advisor shall provide written notice of the receipt of the completed application for a Middle Housing Land division to:

i. The applicant and/or authorized representative.
ii. The owner(s) of record of the subject property.
iii. Neighborhood group(s) or community organization(s) officially recognized by the City whose boundaries include or are within one hundred (100) feet of the subject property.
iv. Owners of record for properties located within one hundred (100) feet of the perimeter of the subject property.
v. Affected city departments, governmental agencies or special districts responsible for providing public facilities or services which is entitled to notice under an intergovernmental agreement with the City which includes provision for such notice or is otherwise entitled to such notice.

b. Content of Notice of Complete Application. The notice of the receipt of the completed application shall include all of the following:

i. The street address or other easily understood geographical reference to the subject property.
ii. A summary of the proposal.
iii. The time and place where copies of all evidence submitted by the applicant will be available for review.
iv. The applicable criteria for the decision, listed by commonly used citation.
v. The name and telephone number of a local government contact person.
vi. A brief summary of the local decision-making process for the Middle Housing Land Division.
vii. A statement that issues that may provide the basis for an appeal to the hearings officer must be raised in writing prior to the expiration of the comment period;
viii. A statement that issues must be raised with sufficient specificity to enable the local government to respond to the issue.
ix. The place, date and time that comments are due.

c. Certification of Notices. The City shall prepare an affidavit or other certification stating the date(s) the notices were mailed and posted, which shall be made a part of the file.
d. Comment Period. After notification according to the procedure set out above, the Staff Advisor shall provide a 14-day period for submission of written comments prior to the decision.

5. **Decision:** The Staff Advisor shall make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether the application satisfies the substantive requirements of ALUO 18.5.3.140.C.

a. Approval may include conditions to ensure that the application complies with the applicable criteria and standards for Middle Housing Land Divisions.
b. For Middle Housing Land Divisions, the Staff Advisor:

i. Shall not hold a hearing on the application; and

ii. Shall issue a written determination of compliance or noncompliance with applicable criteria and standards for Middle Housing Land Divisions that includes a summary statement explaining the determination.

c. The decision shall include a statement of the facts the Staff Advisor relied upon to determine whether the application satisfied or failed to satisfy each applicable approval criteria.

d. Notice of the decision shall be provided to the applicant and to those who received notice under subsection (4) of this section within sixty-three (63) days of the date of a completed application. The notice of decision shall include:

i. The summary statement described in (5)(b) of this subsection; and
ii. An explanation of appeal rights under ORS 197.375 ('Appeal of decision on application for expedited land division').

6. **Appeals:** An appeal of the Staff Advisor's decision made under this section shall be made as follows:

a. An appeal must be filed within fourteen (14) days of mailing of the notice of the decision and be accompanied by a $300 deposit toward the cost of an appeal hearing. This deposit shall be refunded if the appellant materially improves his or her position from the Staff Advisor's decision. The referee shall assess the cost of the appeal in excess of the deposit for costs, up to a maximum of $500, against an appellant who does not materially improve his or her position from the decision of the Staff Advisor.

b. A decision may be appealed by:

i. The applicant.
ii. Any person or organization who filed written comments within the 14-day comment period.

c. An appeal shall be based solely on allegations:

i. Of violation of the substantive provisions of the applicable criteria and standards;
ii. Of the unconstitutionality of the decision;
iii. That the application is not eligible for review as a Middle Housing Land Division under ALUO 18.5.3.140 or as an Expedited Land Division under ORS 197.360 to 197.380 and should instead be reviewed as a land use decision or limited land use decision; or
iv. That the parties' substantive rights have been substantially prejudiced by an error in procedure.

d. The City of Ashland's hearings officer is designated as the referee for appeals of a decision made under this section and ORS 197.360 and 197.365.

e. Within seven days of receiving the appeal, the City, on behalf of the hearings officer, shall notify the applicant, the appellant if other than the applicant, any person or organization entitled to notice under ALUO 18.5.1.075.D.4.a that provided written comments to the local government and all providers of public facilities and services entitled to notice under ALUO 18.5.1.075.D.4.a and advise them of the manner in which they may participate in the appeal. A person or organization that provided written comments to the local government but did not file an appeal under subsection

(6) of this section may participate only with respect to the issues raised in the written comments submitted by that person or organization. The hearings officer may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and argument. The hearings officer shall provide the local government an opportunity to explain its decision but is not limited to reviewing the local government decision and may consider information not presented to the local government.

f. The hearings officer shall apply the substantive requirements of ALUO 18.5.3.140.C and ORS 197.360. If the hearings officer determines that the application does not qualify as an Expedited Land Division under ORS 197.360 or a Middle Housing Land Division under ALUO 18.5.3.140, the hearings officer shall remand the application for consideration as a land use decision or limited land use decision. In all other cases, the hearings officer shall seek to identify means by which the application can satisfy the applicable requirements.

g. The hearings officer shall not reduce the density of the land division application.

h. The hearings officer shall make a written decision approving or denying the application or approving it with conditions designed to ensure that the application satisfies the applicable criteria and standards, within 42 days of the filing of an appeal. The hearings officer shall not remand the application to the local government for any reason other than as set forth in this subsection.

i. Unless the City Council finds exigent circumstances, a hearings officer who fails to issue a written decision within 42 days of the filing of an appeal shall receive no compensation for service as hearings officer in the appeal.

j. Notwithstanding any other provision of law, the hearings officer shall order the local government to refund the deposit for costs to an appellant who materially improves his or her position from the decision of the local government. The hearings officer shall assess the cost of the appeal, up to a maximum of $500, against an appellant who does not materially improve his or her position from the decision of the local government. The local government shall pay the portion of the costs of the appeal not assessed against the appellant. The costs of the appeal include the compensation paid the hearings officer and costs incurred by the local government, but not the costs of other parties.

k. The Land Use Board of Appeals (LUBA) does not have jurisdiction to consider any decisions, aspects of decisions or actions made for Middle Housing Land Divisions under ALUO 18.5.3.140 or Expedited Land Divisions under ORS 197.360 to 197.380.

l. Any party to a proceeding before a hearings officer under this section may seek judicial review of the hearings officer's decision in the manner provided for review of final orders of the Land Use Board of Appeals (LUBA) under ORS 197.850 and 197.855. The Court of Appeals shall review decisions of the hearings officer in the same manner as provided for review of final orders of the Land Use Board of Appeals (LUBA) in those statutes. However, notwithstanding ORS 197.850(9) or any other provision of law, the court shall reverse or remand the decision only if the court finds:

    i. That the decision does not concern Middle Housing Land Divisions under ALUO 18.5.3.140 or Expedited Land Divisions under ORS 197.360 and the appellant raised this issue in proceedings before the hearings officer;

    ii. That there is a basis to vacate the decision as described in ORS 36.705(1)(a) to (d), or a basis for modification or correction of an award as described in ORS 36.710; or

iii. That the decision is unconstitutional.

SECTION 3. Section 18.5.3.140 [Middle Housing Land Divisions] is hereby added to the Ashland Land Use Ordinance to read as follows:

Section 18.5.3.140 Middle Housing Land Divisions (MHLD)

A. **Purpose.** The Middle Housing Land Divisions (MHLD) process seeks to provide home ownership opportunities by allowing lots with middle housing to be divided so that each middle housing dwelling unit is on its own lot. As used in this section, a "Middle Housing Land Division" is the division of a lot or parcel on which the development of middle housing has been is allowed under ORS 197.758(3). For cities with populations of between 10,000 and 25,000 such as Ashland, the middle housing types allowed under ORS 197.758(3) is limited to duplexes. A Middle Housing Land Division includes both a preliminary plat approval and a final plat and is not considered a land use decision or a limited land use decision under ORS 197.015.

B. Applicability and General Requirements.

1. Lots in residential zones including R-1, R-1-3.5, RR, WR, R-2, R-3, NN, and NM zones containing duplexes permitted on or after July 1, 2022 may be divided using the Middle Housing Land Divisions process outlined in this section.
2. The Middle Housing Land Divisions process in ALUO 18.5.3.140 shall be used unless the applicant requests to use the standard partition procedures in ALUO 18.5.3.030.
3. The Middle Housing Land Divisions process in ALUO 18.5.3.140 may not be used to create separate lots for Accessory Residential Units.

C. Middle Housing Land Divisions Preliminary Plat Approval Process

1. **Approval Criteria.** The Staff Advisor shall approve a Middle Housing Land Division preliminary plat upon finding:

   a. The parent parcel is developed with middle housing allowed under ORS 197.758(3) or the application for a Middle Housing Land Division is being made concurrently with a building permit application for construction of middle housing under ORS 197.758(3) on the parcel.
   b. Each resulting middle housing lot or parcel shall contain no more than one middle housing dwelling unit except for lots, parcels, or tracts proposed as common area.
   c. Accessory Residential Units (ARU) are not permitted on middle housing lots or parcels created under this section.
   d. Each lot is served with its own separate utilities.
   e. All easements necessary for each middle housing dwelling unit shall be identified on the plat. Easements shall be provided to ensure:

      i. Provision of and access for maintenance and replacement of all utilities;
      ii. Pedestrian access from each dwelling unit to a public or private street;
      iii. All dedicated driveways, parking, common use areas or shared building elements and dedicated common areas can be accessed and used.

   f. Evidence submitted by the applicant demonstrates how buildings or structures on the resulting lots or parcels will comply with applicable building codes provisions relating

to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon Residential Specialty Code.

2. The Staff Advisor shall apply additional conditions to the approval of a tentative plat for a Middle Housing Land Division to:

    a. Prohibit the further division of the resulting middle housing lots or parcels.
    b. Require that a notation appear on the final plat indicating that approval was given under ALUO 18.5.3.140 Middle Housing Land Divisions.

3. The type of middle housing developed on the original parent parcel is not altered by a Middle Housing Land Division. The newly created middle housing lots are created within a legal parent lot solely for the purpose of providing ownership opportunities, and these new middle housing lots are not granted additional development rights and must be maintained to meet the criteria applicable to the "parent lot" (height, lot coverage, open space, etc.). A duplex divided into two middle housing lots is still considered part of the original duplex and subject to all conditions of the original duplex approval.
4. Where the parent lot or parcel abuts a public street and dedication or frontage improvements consistent with ALUO 18.4.6.040.F were not provided when the lot or parcel was created, necessary right-of-way and street frontage improvements shall be provided to meet the Street Design Standards.
5. The access and minimum street frontage standards in ALUO 18.2.4.010 shall not apply to Middle Housing Land Divisions.
6. There shall be no minimum area or dimensional requirements for lots resulting from a MHLD.
7. The Staff Advisor shall not require a final plat before building permits are issued.

D. Middle Housing Land Divisions Final Plat

1. The final plat shall comply with the Middle Housing Land Division preliminary plat conditions of approval.
2. The following data requirements, if applicable, shall also be shown on the final plat.

    a. All tracts of land intended to be deeded or dedicated for public use;
    b. Street names as approved by the Public Works Director in accordance with the 'Criteria for Naming or Renaming a Street' in AMC 13.24.010.
    c. Any non-access strips.
    d. A notation indicating that approval was given under ALUO 18.5.3.140 Middle Housing Land Divisions.

3. **Approval Criteria.** The Staff Advisor shall approve or deny the final plat for the Middle housing land division based upon the following criteria:

    a. All conditions of the Middle Housing Land Division preliminary plat approval have been satisfied and the final plat substantially conforms to the approved Middle Housing Land Division preliminary plat approval.
    b. Approved construction drawings for required public improvements have been provided, including grading and drainage plans as applicable, and the applicant has

provided verification by the City that electric, water and sanitary sewer services are available to every lot depicted on the plat.

c. An approved security instrument is provided to guarantee completion of any required public improvements that have not been completed and accepted by the City.
d. The plat contains a dedication to the public of all required public improvements, including but not limited to public streets and any public utility easements, and all required streets, accessways, easements, and other dedications or reservations are shown on the plat.
e. The applicant has furnished acceptable copies of any applicable Covenants, Conditions and Restrictions (CC&R's), easements, maintenance agreements (e.g., landscaping, utilities, tree preservation, common areas, access, parking, etc.), and other documents pertaining to common improvements recorded and referenced on the plat.
f. The format of the plat shall conform to ORS 92, and shall incorporate the preliminary plat information in ALUO 18.5.3.040.B.
g. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner approved by the Jackson County Surveyor for purposes of identifying its location.
h. A copy of any deed restrictions applicable to the partition or subdivision or the title report.

E. Filing and Records

1. **Recordation.** Following review and the Staff Advisor's approval of a Middle Housing Land Division Final Plat, the applicant shall take the following actions:

    a. Obtain the approval signature on the Middle Housing Land Division final plat by the Jackson County Surveyor certifying that the final plat complies with all applicable survey laws. Before certifying, the County Surveyor may make any necessary field investigations to verify that the plat survey is sufficiently accurate. If the County Surveyor determines that the plat does not comply, the applicant shall make corrections. When the County Surveyor determines that the plat conforms, the County Surveyor shall sign and date the final plat.
    b. A Notice of Middle Housing Land Division for each middle housing lot shall be recorded with the County Recorder that states:

        i. The middle housing lot may not be further divided.
        ii. No more than one unit of middle housing may be developed on each middle housing lot.
        iii. The dwelling developed on the middle housing lot is a unit of middle housing and is not a single attached or detached dwelling, or any other housing type.

    c. File a statement of water right and, if a water right is appurtenant, a copy of the acknowledgment from the Water Resources Department.
    d. Deliver the approved final plat and accompanying documents to the County Recorder for recording.
    e. Return a copy of the recorded final plat and Notices of Middle Housing Land Division to the City for filing.

F. **Expiration and Extensions.** The final plat for a Middle Housing Land Division shall be approved within three years of the approval of the preliminary plat, except when extension of the preliminary plat approval is granted pursuant to ALUO 18.1.6.040

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:

_____

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ____ day of _____, 2023.

_____

Julie Akins, Mayor

Reviewed as to form:

_____

Douglas M. McGeary, Acting City Attorney

CITY OF
ASHLAND

ASHLAND PLANNING COMMISSION
REGULAR MEETING
Minutes
November 22, 2022

I. CALL TO ORDER: 7:00 PM

Chair Haywood Norton called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:
Michael Dawkins
Haywood Norton
Lynn Thompson
Eric Herron
Doug Knauer

Staff Present:
Brandon Goldman, Acting Community Development Director
Derek Severson, Senior Planner
Aaron Anderson, Senior Planner
Michael Sullivan, Executive Assistant

Absent Members:
Kerry KenCairn
Lisa Verner

Council Liaison:
Paula Hyatt

II. ANNOUNCEMENTS

Acting Community Development Director Brandon Goldman made the following announcements:

- The November 15, 2022 City Council meeting was cancelled. The discussion regarding PA-T3-2022,00004, the annexation of 1511 Highway 99 N, was rescheduled for December 6, 2022.
- The Planning Commission annual update to Council, and the first reading of PA-L-2021-00013 regarding housing in E-1 and C-1 zones, have both been rescheduled for January 3, 2023.
- An appeal of the Commission's decision to deny PA-T2-2022-00159, 165 Water Street will be heard by the Council on January 17, 2023. The applicant submitted the appeal on May 20, 2022, but subsequently requested a postponement. The Council is required to render a decision by February 10, 2023. Commissioner Thompson asked who would be representing the Commission during the appeal process. Senior Planner Derek Severson responded that it will be incumbent on the appellant to successfully contest the Commission's decision to deny the project, and that staff will be present to provide clarification and defend the decision. Chair Norton inquired if the minutes of the relevant meetings would be sent to the Council, to which Mr. Severson said that they would.

III. PUBLIC FORUM – None

IV. LEGISLATIVE HEARING:

A. PLANNING ACTION: #PA-L-2022-00014
APPLICANT: City of Ashland
ORDINANCE REFERENCES:

AMC 18.5.1	General Review Procedures
AMC 18.5.3	Land Divisions and Property Line Adjustments
AMC 18.5.9	Comprehensive Plan, Zoning and Land Use Ordinance Amendments

REQUEST: The proposal would amend the Ashland Land Use Ordinance to implement the requirements of Oregon Senate Bill 458 by adding section 18.5.1.075 "Middle Housing Land Divisions" and section 18.5.3.140 "Middle Housing Land Divisions."

Staff Presentation

Mr. Goldman noted that staff felt that it was important to import the state's language into the City's ordinance to provide clarity for citizens reviewing the code.

Mr. Severson stated that there had been no significant changes to the ordinance since it was first presented at the June 14, 2022 Commission meeting. He gave a brief presentation on Senate Bill 458, which include changes to Middle Housing Lot Divisions (MHLD) and Expedited Land Division codes, and also provided a timeline for the changes to be implemented. Under SB 458 Expedited Land Divisions would not be considered land use actions, and any appeals of staff decisions would be decided by a hearings officer or referee instead of being brought to the Commission. The noticing area for Expedited Land Divisions will also be reduced to 100ft from 200ft, and the City would be required to make a final determination within 63 days of submittal.

House Bill 2001 will also institute code changes to the duplex and Accessory Residential Unit (ARU) approval criteria. Mr. Severson outlined how duplexes would constitute two units on one lot, as attached or detached structures, and that two on-site parking spaces would be required. ARUs would need to meet size guidelines, but that no on-site parking would be required. Both duplexes and ARUs would be permitted with approval of a building permit.

Mr. Severson described previously noted issues with the draft ordinance, the first being whether the MHLD procedure would apply to duplexes permitted prior to HB 2001. The state has indicated that any middle housing lot division proposal would need to demonstrate compliance with both applicable state building code and local middle housing code in order to be eligible under SB 458, and that it is unlikely but not impossible that a pre-HB 2001 housing type would meet those criteria. The second issue was whether MHLD procedure should apply to ARUs in addition to duplexes. Mr. Severson noted that SB 458 itself does not directly address its applicability to ARUs, but that the Department of Land Conservation and Development (DLCD) has explicitly stated that the MHLD procedure would not apply to ARUs.

Mr. Severson concluded by briefly detailing two staff-recommended additions to the ordinance (see attachment #1).

Questions of Staff

Commissioner Verner inquired if the City had a hearings officer or referee, and Mr. Severson responded that one would need to be hired specifically for this role. Chair Norton asked if they would be a fulltime staffer of the City, and Mr. Severson responded that they would be contracted. He added that the appellant would be required to pay $300 of the officer's contract fee, with the possibility of levying an additional $500. Any further funding would be paid by the City. Mr. Severson stated that he is in contact with other communities in the Rogue Valley to see who they are hiring for this position and to review copies of their contracts.

Commissioner Thompson asked how the division of a lot would be determined and if it would be at the discretion of the property owner. Mr. Severson responded that it would be up to the property owner, likely with a surveyor's assistance. They would have great latitude to divide the property as there would no longer be setback, street-frontage, or lot size zone requirements. It would be based on what worked best for the building configuration on the property, but would largely be limited to one dwelling per lot.

Commissioner Dawkins inquired if the new state guidelines would conflict with the current code. Mr. Severson responded that the Commission would be required to approve a MHLD proposal if it came before them, but that if it was a land use action under the flag drive partition regulations then the review process would not change. Mr. Goldman clarified that MHLD proposals are not land use decisions, and would not go before the Commission except under rare circumstances.

Commissioner Thompson asked whether the first of staff's recommended additions to the guidelines would supplant cottage housing codes. Mr. Severson commented that cottage housing is exempt from these rules. Mr. Goldman added that it would be more expedient for an applicant to go through the performance standards review process to create a cottage housing development, rather than dividing up a property in an incremental fashion. Commissioner Thompson inquired if her property in an

R-2 zone with two dwelling units would be able to be subdivided and sold separately under the new guidelines. Mr. Goldman responded that she could, but that the secondary unit would need to meet building and setback requirements in relation to the parent lot. He noted that both buildings would still be considered a duplex, and that the owners would not be permitted to develop an ARU in either property. Commissioner Thompson asked if both properties would be fully transferable. Mr. Severson responded that neither property would have full development rights, but that they could both be sold and resold.

Commissioner Herron asked whether ARUs need separate utilities from the parent property, and Mr. Severson responded that they would only require separate electrical service. Commissioner Herron commented that the parent property would then be required to provide all other utilities in order to be legally divided, and asked if that was explicitly stated in the Ashland Municipal Code. Mr. Severson responded that it is part of the building code requirements, and that separate utilities are required by state law.

Chair Norton noted that divided duplexes could now develop their own Covenants, Conditions, and Restrictions (CC&Rs) under the new guidelines. Mr. Severson stated that the duplex would still be subject to the original division approval, which would include building design and placement of a landscape plan. Commissioner Thompson noted that the state bill contains a clause regarding planned communities, and that the properties within such a division would be subject to the governing documents of the planned community, and would be allocated assessments and voting rights on the same basis as existing units. Commissioner Verner requested clarification on when this situation would apply. Mr. Goldman responded that a duplex in an existing planned community that went through a middle housing land division would have voting rights under the existing CC&Rs. The other scenario would be if a single-family home, outside of an existing planned community, added a second unit to their property and then went through the MHLD process. These two properties could then develop their own CC&Rs for maintenance of any common areas. Chair Norton expressed concern that the conditions for the division could become confused after the properties are sold and resold, which could result in conflicts arising between two future property owners. Commissioner Thompson pointed out that the City would not get involved in such a civil matter.

Commissioner Knauer inquired if the City actively observed mandates coming from the state, and whether the City had an advocate at the state level. Councilor Hyatt detailed how the League of Oregon Cities (LOC) will annually send out a list of priority issues to a variety of committees, which are then placed into relevant categories. One of those categories are land actions, and the City votes on which it deems to be the top six highest priority items. The LOC then leverages lobbyists at the league on behalf of those cities. However, those lower priority items are not overlooked, as environments and circumstances change rapidly. Land use, affordability, and infrastructure are currently a high priority for the LOC and are being advocated for on behalf of Oregon cities. A lobbyist within the LOC can also be approached if there is an issue that would be counter to the interests of a city.

Commissioner Thompson commented that there was a consortium of Oregon cities that is currently suing the DLCD over the removal of parking mandates within the state's new Climate Friendly and Equitable Communities guidelines. Chair Norton inquired if the City was approached about joining the lawsuit. Councilor Hyatt responded that Medford and Grants Pass had joined the lawsuit, but to her knowledge the City had not entertained the notion of joining.

Commissioners Thompson/Dawkins m/s to recommend that the City Council adopt the draft ordinance with staff's additional recommendations. Voice Vote: All AYES. Motion Passed. 6-0.

V. OPEN DISCUSSION

Mr. Goldman stated that the open discussion item had been added in order to address topics not on the agenda that Commissioners would like to discuss, as well provide an opportunity for Commissioners to put forth topics for discussion at future Study Sessions. He noted that no new items could be added to the current agenda during an Open Discussion, nor could a decision be made on such an item.

Chair Norton inquired if the Midtown Lofts project at 188 Garfield was progressing. Mr. Goldman responded that a site visit had recently been conducted to look for tree protection fencing in advance of the permit being issued, and the developers would soon begin work on the common areas. The Commission discussed a variety of projects that have yet to begin development. Mr. Severson announced that the Columbia Care facility and Plaza North on First Street both recently obtained their occupancy

permits.

Chair Norton informed the Commission that Governor-Elect Tina Kotek had expressed the belief that the Urban Growth Boundary (UGB) was having a detrimental effect on affordable housing in the state, and had shown interest in modifying State Bill 100 to address this issue. Commissioner Dawkins commented that one of the incoming City Councilors appeared open to expanding the UGB.

Councilor Hyatt expressed her gratitude to the Commissioners for their dedication and willingness to delve into difficult issues, and that she always appreciated recommendations that come from them. She also expressed her appreciation to staff.

VI. ADJOURNMENT

Meeting adjourned at 7:52 p.m.

Submitted by,
Michael Sullivan, Executive Assistant

ASHLAND PLANNING DIVISION

STAFF REPORT

November 22, 2022

PLANNING ACTION: PA-L-2022-00014

APPLICANT: City of Ashland

ORDINANCE REFERENCES:

AMC 18.5.1	General Review Procedures
AMC 18.5.3	Land Divisions and Property Line Adjustments
AMC 18.5.9	Comprehensive Plan, Zoning and Land Use Ordinance Amendments

REQUEST: The proposal would amend the Ashland Land Use Ordinance to implement the requirements of Oregon Senate Bill 458 by adding section 18.5.1.075 "Middle Housing Land Divisions" and section 18.5.3.140 "Middle Housing Land Divisions."

I. Ordinance Amendments

A. Project Background

Oregon Senate Bill 458 provides a process for lot divisions to allow home ownership opportunities for middle housing units built under the middle housing allowances of House Bill 2001. For cities with populations between 10,000 and 25,000 such as Ashland, the middle housing required to be allowed under House Bill 2001 was limited to duplexes, and Senate Bill 458 intentionally does not apply to accessory residential units. As such, the draft code language proposed is limited to duplexes.

House Bill 2001 took effect on August 8, 2019 and required cities to allow duplexes on residentially-zoned lots that allow development of detached single-family dwellings, and to have approval processes and standards for duplexes that are no more restrictive than those applied to detached single-family dwellings. With the code changes adopted in response to House Bill 2001, duplexes are defined as two units on one lot in attached or detached structures. Two off-street parking spaces are required, and the required parking cannot be addressed through on-street parking credits. Duplexes satisfying these requirements are approved with a building permit and do not require a separate land use action.

Senate Bill 458 provides for these Middle Housing Land Divisions to be processed through the Expedited Land Divisions (ELD) procedure established in the Oregon Revised Statutes. Expedited Land Divisions are not considered to be land use actions and as such cannot be appealed to the Planning Commission. Instead, an initial administrative decision by the Staff

Advisor could be appealed to a referee/hearings officer, and would not be subject to appeal to the Oregon Land Use Board of Appeals (LUBA).

The Planning Commission has previously discussed code amendments to respond to Senate Bill 458 at two public meetings on May 10, 2022 and June 14, 2022. Senate Bill 458 became effective on June 30, 2022, and cities are required under the Senate Bill to implement directly from the bill until local code modifications are implemented.

B. Summary of Proposed Amendments

The proposal includes the addition of two new sections to the Ashland Land Use Ordinance (ALUO) to implement the requirements of Senate Bill 458, which include:

- House Bill 458 applies to any lot that allows Middle Housing under House Bill 2001 (i.e. ORS 197.758).
- A Middle Housing Land Division (MHLD) must result in exactly one dwelling per lot, except that common areas may be located on a separate lot or a shared tract.
- Separate utilities are required for each dwelling unit.
- Easements are required to be provided for:
    - **Pedestrian access**
    - **Common areas**
    - **Driveways and parking areas**, *if shared*
    - **Utilities**
- An MHLD proposal must demonstrate that it meets the requirements of the Oregon Residential Specialty Code. For example, if an attached duplex is being divided, there must be firewall construction between the two units.
- In a typical land division, the land division is approved, infrastructure installed and plat signed prior to building permits being reviewed and issued for construction. A Middle Housing Land Division may occur prior to submission of an application for building permits, after a middle housing development is approved for development, or after it is constructed.
- Senate Bill 458 gives cities the option of allowing concurrent review of building permits and the land division, but in any case, Middle Housing Land Division applications must include a middle housing development (*either proposed or already built*) that complies with the building code and the City's middle housing development code.

Under Senate Bill 458, cities may require the submittal of tentative & final plats for approval, review for Oregon Residential Specialty Code compliance, and right-of-way dedications and city-standard street frontage improvements. Cities may not apply *any* approval criteria other than the approval criteria specified in Senate Bill 458 to applications for an MHLD — i.e. the allowable criteria include the City's standards for middle housing development, separate utilities, easements, one dwelling on each lot, and building code compliance.

Cities are required to process Middle Housing Land Divisions under the Expedited Land Division (ELD) process from ORS 197.360 to 197.380 in order to streamline review. The ELD process is outlined below:

- Submittal requirements are to be consistent with typical land divisions.
- Completeness review must occur by the City within **21 days** of application submittal.

- Notice is given to properties **within 100 feet of the site**, to utility providers and to applicable neighborhood association(s).
- There is a 14-day comment period.
- A decision must be made by the city within **63 days** after a complete application is submitted, unless extended by the Council under limited circumstances. *This is in contrast to the 120 days typically allowed for land use actions.*
- An ELD is not considered to be a land use decision, and would never be heard by the Planning Commission.
- The Staff Advisor makes the initial administrative decision, and any appeals go to a referee who cannot be a city employee or city official, but could be a hearings officer.
- Only the applicant and any person or organization who files written comments in the time period specified in the bill may appeal. An appeal must be filed within 14 days of mailing the Notice of Decision. A $300 deposit to cover costs must be paid with the appeal submittal, and the referee may levy additional fees to cover hearing costs up to $500.
- The city-appointed "*referee*" decides any appeal decision—often this is a city's Hearings Officer - who must issue a decision within **42 days of the appeal being filed**. The decision of the referee is the final local decision on the MHLD application. Any appeals of the referee's decision go to the Oregon Court of Appeals rather than to the Land Use Board of Appeals (LUBA).

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.

III. Conclusions and Recommendations

If the Planning Commission recommends approval of the attached ordinances, staff will forward the Commission's recommendation to the City Council to proceed with a public hearing before the Council.

Attachments

Senate Bill 458
Draft Ordinance

Enrolled
Senate Bill 458

Sponsored by Senators FREDERICK, KNOPP; Senators GOLDEN, HANSELL, KENNEMER, PATTERSON, Representatives DEXTER, FAHEY, HUDSON, KROPF, LEIF, MEEK, MOORE-GREEN, NOBLE, SMITH DB, WRIGHT, ZIKA (at the request of Habitat for Humanity)
(Presession filed.)

CHAPTER .....

AN ACT

Relating to land division for residential development; creating new provisions; and amending ORS 93.277, 94.775, 94.776, 197.365, 197.370, 197.375 and 197.380.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 92.010 to 92.192.

SECTION 2. (1) As used in this section, "middle housing land division" means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197.758 (2) or (3).

(2) A city or county shall approve a tentative plan for a middle housing land division if the application includes:

(a) A proposal for development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758 (5);

(b) Separate utilities for each dwelling unit;

(c) Proposed easements necessary for each dwelling unit on the plan for:

(A) Locating, accessing, replacing and servicing all utilities;

(B) Pedestrian access from each dwelling unit to a private or public road;

(C) Any common use areas or shared building elements;

(D) Any dedicated driveways or parking; and

(E) Any dedicated common area;

(d) Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas; and

(e) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code.

(3) A city or county may add conditions to the approval of a tentative plan for a middle housing land division to:

(a) Prohibit the further division of the resulting lots or parcels.

(b) Require that a notation appear on the final plat indicating that the approval was given under this section.

(4) In reviewing an application for a middle housing land division, a city or county:

(a) Shall apply the procedures under ORS 197.360 to 197.380.

(b) May require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197.758.

(c) May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.

(d) May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.

(e) May allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.

(f) May require the dedication of right of way if the original parcel did not previously provide a dedication.

(5) The type of middle housing developed on the original parcel is not altered by a middle housing land division.

(6) Notwithstanding ORS 197.312 (5), a city or county is not required to allow an accessory dwelling unit on a lot or parcel resulting from a middle housing land division.

(7) The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval. Nothing in this section or ORS 197.360 to 197.380 prohibits a city or county from requiring a final plat before issuing building permits.

SECTION 2a. Section 2 of this 2021 Act applies only to a middle housing land division permitted on or after July 1, 2022.

SECTION 3. ORS 93.277 is amended to read:

93.277. A provision in a recorded instrument affecting real property is not enforceable if:

(1) The provision would allow the development of a single-family dwelling on the real property but would prohibit the development of**, or the partitioning or subdividing of lands under section 2 of this 2021 Act for**:

(a) Middle housing, as defined in ORS 197.758; or

(b) An accessory dwelling unit allowed under ORS 197.312 (5); and

(2) The instrument was executed on or after [*August 8, 2019*] **January 1, 2021**.

SECTION 4. ORS 94.776 is amended to read:

94.776. **(1)** A provision in a governing document that is adopted or amended on or after [*August 8, 2019*] **January 1, 2020**, is void and unenforceable to the extent that the provision would prohibit or have the effect of unreasonably restricting the development of**, or the dividing of lands under section 2 of this 2021 Act for,** housing that is otherwise allowable under the maximum density of the zoning for the land.

(2) Lots or parcels resulting from the division of land in a planned community are subject to the governing documents of the planned community and are allocated assessments and voting right on the same basis as existing units.

SECTION 5. ORS 94.775 is amended to read:

94.775. (1) [*Unless the declaration expressly allows the division of lots in a planned community,*] Judicial partition by division of a lot in a planned community is not allowed under ORS 105.205[.]**, unless:**

(a) The declaration expressly allows the division of lots in a planned community; or

(b) The lot may be divided under ORS 94.776.

(2) The lot may be partitioned by sale and division of the proceeds under ORS 105.245.

[*(2)*] **(3)** The restriction specified in subsection (1) of this section does not apply if the homeowners association has removed the property from the provisions of the declaration.

SECTION 6. ORS 197.365 is amended to read:

197.365. Unless the applicant requests to use the procedure set forth in a comprehensive plan and land use regulations, a local government shall use the following procedure for an expedited land

division, as described in ORS 197.360**, or a middle housing land division under section 2 of this 2021 Act**:

(1)(a) If the application for [*expedited*] **a** land division is incomplete, the local government shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.

(b) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(2) The local government shall provide written notice of the receipt of the completed application for [*an expedited*] **a** land division to any state agency, local government or special district responsible for providing public facilities or services to the development and to owners of property within 100 feet of the entire contiguous site for which the application is made. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under ORS 197.375, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community planning organization recognized by the governing body and whose boundaries include the site.

(3) The notice required under subsection (2) of this section shall:

(a) State:

(A) The deadline for submitting written comments;

(B) That issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period; and

(C) That issues must be raised with sufficient specificity to enable the local government to respond to the issue.

(b) Set forth, by commonly used citation, the applicable criteria for the decision.

(c) Set forth the street address or other easily understood geographical reference to the subject property.

(d) State the place, date and time that comments are due.

(e) State a time and place where copies of all evidence submitted by the applicant will be available for review.

(f) Include the name and telephone number of a local government contact person.

(g) Briefly summarize the local decision-making process for the [*expedited*] land division decision being made.

(4) After notice under subsections (2) and (3) of this section, the local government shall:

(a) Provide a 14-day period for submission of written comments prior to the decision.

(b) Make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the substantive requirements of the [*local government's*] **applicable** land use regulations. An approval may include conditions to ensure that the application meets the applicable land use regulations. For applications subject to this section, the local government:

(A) Shall not hold a hearing on the application; and

(B) Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the local government's basis for the determination.

(c) Provide notice of the decision to the applicant and to those who received notice under subsection (2) of this section within 63 days of the date of a completed application. The notice of decision shall include:

(A) The summary statement described in paragraph (b)(B) of this subsection; and

(B) An explanation of appeal rights under ORS 197.375.

SECTION 7. ORS 197.370 is amended to read:

197.370. (1) Except as provided in subsection (2) of this section, if the local government does not make a decision on an expedited land division **or a middle housing land division, as defined in section 2 of this 2021 Act,** within 63 days after the application is deemed complete, the applicant may apply in the circuit court for the county in which the application was filed for a writ of mandamus to compel the local government to issue the approval. The writ shall be issued unless the local government shows that the approval would violate a substantive provision of the applicable land use regulations or the requirements of ORS 197.360 **or section 2 of this 2021 Act**. A decision of the circuit court under this section may be appealed only to the Court of Appeals.

(2) After seven days' notice to the applicant, the governing body of the local government may, at a regularly scheduled public meeting, take action to extend the 63-day time period to a date certain for one or more applications for an expedited land division **or a middle housing land division** prior to the expiration of the 63-day period, based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall an extension be to a date more than 120 days after the application was deemed complete. Upon approval of an extension, the provisions of ORS 197.360 to 197.380 **and section 2 of this 2021 Act**, including the mandamus remedy provided by subsection (1) of this section, shall remain applicable to the [*expedited*] land division, except that the extended period shall be substituted for the 63-day period wherever applicable.

(3) The decision to approve or not approve an extension under subsection (2) of this section is not a land use decision or limited land use decision.

SECTION 8. ORS 197.375 is amended to read:

197.375. (1) An appeal of a decision made under ORS 197.360 and 197.365 **or under ORS 197.365 and section 2 of this 2021 Act** shall be made as follows:

(a) An appeal must be filed with the local government within 14 days of mailing of the notice of the decision under ORS 197.365 (4)[,] and shall be accompanied by a $300 deposit for costs.

(b) A decision may be appealed by:

(A) The applicant; or

(B) Any person or organization who files written comments in the time period established under ORS 197.365.

(c) An appeal shall be based solely on allegations:

(A) Of violation of the substantive provisions of the applicable land use regulations;

(B) Of unconstitutionality of the decision;

(C) That the application is not eligible for review under ORS 197.360 to 197.380 **or section 2 of this 2021 Act** and should be reviewed as a land use decision or limited land use decision; or

(D) That the parties' substantive rights have been substantially prejudiced by an error in procedure by the local government.

(2) The local government shall appoint a referee to decide the appeal of a decision made under [*ORS 197.360 and 197.365*] **this section**. The referee [*shall*] **may** not be an employee or official of the local government. However, a local government that has designated a hearings officer under ORS 215.406 or 227.165 may designate the hearings officer as the referee for appeals of a decision made under ORS 197.360 and 197.365.

(3) Within seven days of being appointed to decide the appeal, the referee shall notify the applicant, the local government, the appellant if other than the applicant, any person or organization entitled to notice under ORS 197.365 (2) that provided written comments to the local government and all providers of public facilities and services entitled to notice under ORS 197.365 (2) and advise them of the manner in which they may participate in the appeal. A person or organization that provided written comments to the local government but did not file an appeal under subsection (1) of this section may participate only with respect to the issues raised in the written comments submitted by that person or organization. The referee may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and

argument. The referee shall provide the local government an opportunity to explain its decision, but is not limited to reviewing the local government decision and may consider information not presented to the local government.

(4)(a) The referee shall apply the substantive requirements of the [*local government's*] **applicable** land use regulations and ORS 197.360 **or section 2 of this 2021 Act**. If the referee determines that the application does not qualify as an expedited land division [*as described in ORS 197.360*] **or a middle housing land division, as defined in section 2 of this 2021 Act**, the referee shall remand the application for consideration as a land use decision or limited land use decision. In all other cases, the referee shall seek to identify means by which the application can satisfy the applicable requirements.

(b) **For an expedited land use division,** the referee may not reduce the density of the land division application.

(c) The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure that the application satisfies the land use regulations, within 42 days of the filing of an appeal. The referee may not remand the application to the local government for any reason other than as set forth in this subsection.

(5) Unless the governing body of the local government finds exigent circumstances, a referee who fails to issue a written decision within 42 days of the filing of an appeal shall receive no compensation for service as referee in the appeal.

(6) Notwithstanding any other provision of law, the referee shall order the local government to refund the deposit for costs to an appellant who materially improves his or her position from the decision of the local government. The referee shall assess the cost of the appeal in excess of the deposit for costs, up to a maximum of $500, including the deposit paid under subsection (1) of this section, against an appellant who does not materially improve his or her position from the decision of the local government. The local government shall pay the portion of the costs of the appeal not assessed against the appellant. The costs of the appeal include the compensation paid the referee and costs incurred by the local government, but not the costs of other parties.

(7) The Land Use Board of Appeals does not have jurisdiction to consider any decisions, aspects of decisions or actions made under ORS 197.360 to 197.380 **or section 2 of this 2021 Act**.

(8) Any party to a proceeding before a referee under this section may seek judicial review of the referee's decision in the manner provided for review of final orders of the Land Use Board of Appeals under ORS 197.850 and 197.855. The Court of Appeals shall review decisions of the referee in the same manner as provided for review of final orders of the Land Use Board of Appeals in those statutes. However, notwithstanding ORS 197.850 (9) or any other provision of law, the court shall reverse or remand the decision only if the court finds:

(a) That the decision does not concern an expedited land division as described in ORS 197.360 **or middle housing land division as defined in section 2 of this 2021 Act** and the appellant raised this issue in proceedings before the referee;

(b) That there is a basis to vacate the decision as described in ORS 36.705 (1)(a) to (d), or a basis for modification or correction of an award as described in ORS 36.710; or

(c) That the decision is unconstitutional.

SECTION 9. ORS 197.380 is amended to read:

197.380. Each city and county shall establish [*an application fee*] **application fees** for an expedited land division **and a middle housing land division, as defined in section 2 of this 2021 Act**. The [*fee shall*] **fees must** be set at a level calculated to recover the estimated full cost of processing an application, including the cost of appeals to the referee under ORS 197.375, based on the estimated average cost of such applications. Within one year of establishing [*the fee required*] **a fee** under this section, the city or county shall review and revise the fee, if necessary, to reflect actual experience in processing applications under ORS 197.360 to 197.380 **and section 2 of this 2021 Act**.

Passed by Senate April 15, 2021

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House May 17, 2021

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

.....
Shemia Fagan, Secretary of State

Council Business Meeting

January 17, 2023

Agenda Item	Public Hearing and First Reading of Ordinance 3205 - Housing in Employment Lands Code Amendments	
From	Brandon Goldman	Planning Manager, Interim Community Development Director
Contact	Brandon.goldman@ashland.or.us , 541-552-2076	

SUMMARY

The City Council is being asked to review draft Ordinance 3205 which presents land use code amendments to the residential standards for mixed-use development in the Commercial (C-1) and Employment (E-1) zones.

The proposed ordinance includes a series of amendments to AMC Title 18 Land Use relating to the residential standards for mixed-use development located in the Commercial (C-1) and Employment (E-1) zones. Specifically, the proposed code amendments increase the allowance for residential uses from 35 to 65 percent of the ground floor in multi-story, mixed-use buildings and developments located in the C-1 and E-1 zones and outside of the Downtown Design Standards overlay. Additionally, the development of flexible Commercial Ready Residential Space would allow residential uses within the 35% commercially designated floor area provided an agreement is executed with the City, or deed restriction is recorded on the property, demonstrating that the residential use will be in conformance with the Ashland Affordable Housing Program as affordable rental housing for households earning 80% AMI or less.

POLICIES, PLANS & GOALS SUPPORTED

The *Ashland Comprehensive Plan* includes a goal in the Housing Element to "ensure a range of different dwelling types that provide living opportunities for the total cross section of Ashland's population (6.10.01)." Included with this goal are the following applicable policies:

> *Policy 1: Provide for a mix of housing types that are attractive and affordable to a diversity of ages, incomes, household sizes, and household types.*
>
> *Policy 3: Integrate housing with other compatible land uses through flexible zoning provisions.*

The *Ashland Comprehensive Plan* includes a goal in the Economy Element "to ensure that the local economy increases in its health, and diversifies in the number, type, and size of businesses consistent with the local social needs, public service capabilities, and the retention of a high-quality environment (7.07.03)." Included with this goal is the following applicable policy:

> *Policy 1: The City shall zone and designate within the Plan Map sufficient quantity of lands for commercial and industrial uses to provide for the employment needs of its residents and a portion of rural residents consistent with the population projection for the urban area.*

The 2021-2041 Housing Capacity Analysis (HCA) is a technical study required by state law and was adopted by the City Council on August 17, 2021 as a technical report and supporting document to the *Ashland Comprehensive Plan*. The HCA provides a number of recommended policy changes to address Ashland's unmet housing needs that are related to the proposed code amendments. The HCA's recommended policy changes or strategies are presented as guidance for the upcoming Housing Production Strategy.

CITY OF ASHLAND

Strategy 1: Ensure an adequate supply of land is available and serviced

- *Strategy 1.3: Identify opportunities to increase allowances for residential uses on the ground floor of buildings within commercial and employment zones.*
- *Strategy 1.4: Evaluate decreasing multifamily parking requirements.*

Strategy 2: Provide opportunities for housing development to meet the City's identified housing needs

- *Strategy 2.2: Evaluate opportunities incentivize smaller units through amendments to allowable densities.*
- *Strategy 2.4: Evaluate increasing allowances for residential dwellings in commercial and employment zones, such as allowing an increased amount of residential uses in ground floor commercial spaces.*

Strategy 5: Align housing planning with the Climate and Energy Action Plan

Strategy 5.4: Evaluate opportunities to develop new housing closer to downtown and commercial centers to reduce dependence on automobiles for transportation.

The *Climate and Energy Action Plan* (CEAP) includes an action to "Revise community development plans to favor walkable neighborhoods and infill density. Ashland has a series of long-range planning documents that guide development across Ashland districts, neighborhoods, and natural areas. Revisiting these plans to ensure that they support climate-ready development needs, such as walking, biking, transit, parking management, and climate adaptation features, will ensure that Ashland development is consistent with the City's climate goals and commitments. It will be important to ensure that these activities do not come at the expense of higher housing costs, which could disadvantage low-income populations (CEAP ULT-4-2)."

PREVIOUS COUNCIL ACTION

The City Council reviewed the proposed land use code amendments at a public hearing on February 1, 2022 and did not approve first reading of the ordinance at that time. The City Council remanded the draft ordinance to the Planning Commission with a request that amendments be considered which would allow the entirety of the first floor of developments on E-1 and C-1 lands to be residential provided certain housing affordability conditions were met.

The Council provided two separate motions relating to this item on February 1, 2022 as follows:

Graham/DuQuenne moved that we postpone this item until the end of May 2022 to give staff time to analyze the economic information that comes forward from the Chamber Study. Motion passed unanimously.

Hyatt/Jensen moved that revert this item back to the Planning Commission to specifically have a conditional use permit on the 35% that would be commercial to be used as residential rental only between 80-100% AMI revertible upon expiration of lease between 5–10-year period. Motion passed unanimously.

BACKGROUND AND ADDITIONAL INFORMATION

The primary goal of this ordinance amendment process has been to provide more flexibility in the employment zones to respond to fluctuations and changes in the economy and demand for housing. The project objectives are to:

1) maintain an inventory of employment parcels in a variety of sizes and locations to encourage new business development.
2) increase the supply of moderately-priced rental and for-purchase housing; and

3) jumpstart redevelopment in areas that have trouble attracting projects and/or are in proximity to public transit and walking distance to daily service needs, such as groceries, shops, parks, etc.
4) provide opportunities to utilize vacant commercial floor area as regulated affordable rental housing restricted to households earning 80% AMI or less.

The draft amendments to the residential standards for mixed-use development are attached and summarized below.

- 18.2.3.130.B.1.a – limits new provisions for residential uses (i.e., up to 65 percent of the ground floor) in the C-1 and E-1 zones to locations outside of the Downtown Design Standards overlay. In addition, to be eligible for the new provisions, the lot size must be less than 10 acres in size and the mixed-use building must be multi-story (i.e., two or more stories in height).
- 18.2.3.B.1.b - increases the allowance for residential uses in multi-story, mixed-use buildings and developments from 35 to 65 percent of the ground floor. Again, this allowance is for locations outside of the Downtown Design Standards overlay. Additionally, the provision is limited to multi-story mixed-use buildings and lots that are less than 10 acres in size.
- 18.2.3.B.1.c.i-iii – Creates a designation for Commercial Ready Residential Space which is developed to accommodate commercial occupancies but may be used flexibly as either a commercial use or as regulated affordable rental housing for households earning 80%AMI or less.
- 18.2.3.130.B.2.a – retains existing standard which allows up to 35 percent of the ground floor to be used for residential uses. The existing standard applies to three situations – properties located inside of the Downtown Design Standards overlay, for lots 10 acres and greater in size and for single-story buildings.
- 18.2.3.130.B.2.b.i – this is the exiting standard allowing up to 35 percent of the ground floor in residential uses, it is simply moved from the existing code section 18.2.3.130. B.1.
- 18.2.3.130.B.1.b.ii – revises the code for situations where a mixed-use development includes more than one building. It requires the equivalent of 65 percent of the ground floor of all the buildings to be provided in permitted or special permitted non-residential uses. This retains the ability in mixed-use developments with more than one building to construct a building that is entirely residential uses as long as the equivalent square footage of 65 percent of the ground floor of the residential building is transferred to another building in the development and is used for permitted and special permitted non-residential uses.
- Table 18.2.6.030 – deletes residential densities in the C-1, C-1-D and E-1 zones.
- 18.3.13.010.C – removes existing language that duplicates the standards in 18.2.3.130 Dwellings in Non-Residential Zones and instead references the requirements in 18.2.3.130 for the Residential overlay or in 18.3.14.040 for the Transit Triangle (TT) overlay. The Residential overlay applies to a portion but not all of the E-1 zone.
- 18.6.1.030 [Definition] - amended to include definition of Commercial Ready Residential Space.

To address the City Council's February 1, 2022 motion to amend the ordinance draft to accommodate opportunities for affordable rental housing, the attached Ordinance 3205 newly incorporates a designation of Commercial Ready Residential Space. The Planning Commission considered evaluation of proposals to incorporate affordable rental housing on the ground floor and determined it could be incorporated into the ordinance as an allowed use, without the need for a discretionary Conditional Use Permit process, provided the parameters for its inclusion were clearly articulated in the ordinance. As proposed in the draft ordinance,

at least 35% of the ground floor must be used as a permitted or special permitted (commercial) uses, or alternatively as Commercial Ready Residential Space that could be used as income restricted affordable rental housing. In 2021 the Oregon Legislature approved Senate Bill 8 which restricts local governments from denying or limiting the approval of affordable housing applications in a number of circumstances including when affordable housing is to be developed on property which is zoned for commercial uses. By providing an option for the development of Commercial Ready Residential Space on the ground floor of mixed-use buildings, that can be used as affordable rental housing restricted to households with incomes at 80%AMI, the amendments proposed create a path for the city to approve of the use of vacant commercial floor area as needed affordable housing within the C-1 and E-1 zones.

In order to ensure that Ashland's inventory of commercial and employment lands could accommodate future business development, the city contracted with Fregonese and Associates to assist in analyzing the buildable lands data, building permits issued, and Ashland's employment data over the last 10 years. This analysis found there is sufficient C-1 and E-1 land for future employment needs. The findings of this analysis were outlined in the Staff Report dated December 14, 2021 which was initially presented to the City Council on February 2, 2022 and are attached to this communication. The Ashland Chamber of Commerce and ECONorthwest Economic Diversification Study presented to the City Council on October 3,2 022 does not contain an employment land inventory or needs assessment, and as such does not address whether Ashland's inventory of commercial and employment lands can accommodate future business development.

The residential densities established in 1992 for E-1 and C-1 zones, 15 and 30 dwelling units per acre respectively, were recently evaluated as part of the Transit Triangle planning effort. These density limitations were found to discourage the development of studios, one-bedroom, and two-bedroom rental units as the relatively low-density allowance effectively promoted the development of large residential units. Removing this density cap in the E-1, C-1, and C-1-D zones would enable the development of a greater number of dwelling units within the same sized building. In the ordinance amendments proposed, the Planning Commission and Staff have recommend removing these density caps to support the development of a greater variety of housing types and promote creation of rental housing in the E-1, C-1, and C-1-D zones. Additionally, the recent Climate Friendly and Equitable Communities rulemaking efforts by the State of Oregon established that for designated Climate Friendly Areas (CFA) the removal of density caps would address the rule requirements intended to promote transit supportive housing densities within urban areas. Ashland has not yet gone through the process to designate the CFAs for our community, however the adoption of the ordinance amendment currently proposed may preemptively address this future requirement in E-1 and C-1 zones. Community Development staff will prepare a future presentation on CFAs.

The Planning Commission reviewed and discussed the proposed code amendment project at the June 22, 2021, August 24, 2021, October 26, 2021 and November 23, 2021 study session meetings. The Planning Commission held a public hearing on December 14, 2021, and recommended approval of the prior draft of the ordinance amending AMC Title 18 Land Use. The Planning Commission discussed options for amending the proposed ordinance to allow for flexible use of the ground floor commercial area on June 14, 2022, and on September 27, 2022 The Planning Commission held a public hearing to review the revisions to the proposed Ordinance and have forwarded a recommendation to the City Council for approval.

1. Public Meetings

The City Council initiated the legislative amendment to amend the standards housing mixed-use developments on March 16, 2021. The Ashland Municipal Code (AMC) allows the Council to initiate a Type III legislative action (see code excerpt below).

> **18.5.1.070 Type III (Legislative Decision)**
> Type III actions are reviewed by the Planning Commission, which makes a recommendation to City Council. The Council makes final decisions on legislative proposals through enactment of an ordinance.

A. **Initiation of Requests.** The City Council, Planning Commission, or any property owner or resident of the city may initiate an application for a legislative decision under this ordinance. Legislative requests are not subject to the 120-day review period under subsection 18.5.1.090.B (ORS 227.178).

The City Council is scheduled to review a draft findings document at second reading of the ordinance, scheduled for the December 20, 2022 Council meeting. The findings document will reflect the decision of the City Council at First Reading, and will addresses the City's approval criteria for a legislative amendment as well as the Statewide Planning Goals, and applicable Oregon Administrative Rules.

2. Proposed Amendments

The proposed ordinance amends Chapters 18.2.3, 18.2.6, 18.3.13 and 18.6.1 of the Ashland Land Use Ordinance regarding allowances for residential uses in mixed-use buildings and developments in the commercial and employment zones. The amendments specifically apply to allowances for residential dwellings within multi-story mixed-use buildings developed within C-1 (Commercial) and E-1 (Employment) zoned properties with a Residential Overlay. Properties zoned C-1 within the Downtown Overlay, and E-1 zoned properties that are not within the Residential Overlay, are excluded from the code amendments as proposed.

3. Review Procedure

AMC 18.5.9.020.B permits legislative amendments to meet changes in circumstances and conditions.

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.

FISCAL IMPACTS

Adoption of the proposed ordinance will not have a direct fiscal impact upon the City's general fund. The review of development proposals and building permits for mixed use projects containing housing on the ground floor of multi-story commercial buildings is currently part of the work-flow for Community Development Department staff. The amendments to the percentage of the floor area which can be used as residential, and amendments to the density allowance for residential units, are not expected to impact existing workload.

STAFF RECOMMENDATION

Staff recommends adoption of the amendments to Chapters 18.2.3, 18.2.6, 18.3.13, and 18.6 of the Ashland Land Use Ordinance regarding allowances for residential uses in mixed-use buildings and developments in

the commercial and employment zones as recommended by the Planning Commission. The attached ordinance reflects the Planning Commission recommendation.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

A motion for approval of first reading of the ordinances is included below should the Council decide to approve first reading as presented.

1. **Motion for Approval**
    - I move to approve first reading of Ordinance 3205, which is titled, "Chapters 18.2.3, 18.2.6 18.3.13, and 18.61 of the Ashland Land Use Ordinance regarding allowances for residential uses in mixed-use buildings and developments in the commercial and employment zones, and schedule second reading for December 20, 2022.

REFERENCES & ATTACHMENTS

1. **Ordinance 3205**: An Ordinance Amending Chapters 18.2.3, 18.2.6 18.3.13 of the Ashland Land Use Ordinance regarding allowances for residential uses in mixed-use buildings and developments in the commercial and employment zones
2. Planning Staff Report Addendum PA-L-2021-00013 dated 9/27/2022
3. Planning Staff Report PA-L-2021-00013 dated 12/14/2021
3. Written Public Comments (previously presented to Council on February 1, 2022)
    - Eric Navickus letter dated 1/30/2022
    - Amy Gunter letter dated 12/14/2021
    - Mark Knox letter dated 12-16-2020
    - Laz Ayala letter dated 12-10-2020

Draft 01/03/2023

ORDINANCE NO. 3205

AN ORDINANCE AMENDING CHAPTERS 18.2.3, 18.2.6, 18.3.13 AND 18.6.1 OF THE ASHLAND LAND USE ORDINANCE REGARDING ALLOWANCES FOR RESIDENTIAL USES IN MIXED-USE BUILDINGS AND DEVELOPMENTS IN THE COMMERCIAL AND EMPLOYMENT ZONES.

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.; and

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, beginning in early 2020, the COVID-19 pandemic resulted in the closure of businesses throughout the United States and a shift to conducting operations remotely and electronically, thereby temporarily resulting in a decreased need for office and commercial space; and

WHEREAS, less demand for office space is expected to continue as some companies move to smaller offices and use work from home and hybrid arrangements.; and

WHEREAS, prior to 2020, there was a decline in construction of large retail buildings in the U.S. and the e-commerce share of the retail market was increasing nationally. The COVID-19 pandemic resulted in an even greater shift to online retail purchases.; and

WHEREAS, the City of Ashland is required to perform a housing capacity analysis every eight years as required by ORS 197.296 and OAR 660-0008-0045. House Bill 2003 passed in the 2019 Oregon legislative session and amended the previously mentioned state laws and rules to require cities in Oregon to perform the housing capacity analysis and housing production strategy.; and

WHEREAS, the Ashland City Council adopted the 2021-2041 Housing Capacity Analysis (HCA) on August 17, 2021 as a technical report and supporting document to the Ashland Comprehensive Plan. The HCA provides a number of recommended policy changes to address Ashland's unmet housing needs including increasing the allowance for residential dwellings in commercial and employment zones and developing new housing closer to downtown and commercial centers to reduce dependency on automobiles for transportation.; and

WHEREAS, the Almeda wildfire increased the regional need for affordable housing by destroying about 2,549 dwellings in September 2020. The Almeda fire burned from north Ashland to just south of Medford, with the cities of Phoenix and Talent losing the majority of housing. The HCA recognized that the losses due to the Almeda fire increased regional need for affordable housing and overall pressure on the Ashland housing market.; and

WHEREAS, amendments to the allowances for housing in the commercial and employment zones are needed to provide more flexibility in the commercial and employment zones to respond to fluctuations and changes in the economy and demand for housing.; and

WHEREAS, the City of Ashland Planning Commission conducted on December 14, 2021 and September 27, 2022, duly advertised public hearings on amendments to the Ashland Land Use Ordinance concerning the standards relating to annexations, and following deliberations recommended approval of the amendments.; and

WHEREAS, the City Council of the City of Ashland conducted duly advertised public hearings on the above-referenced amendments February 1, 2021 and November 15, 2022.; 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. The above recitations are true and correct and are incorporated herein by this reference.

SECTION 2. Section 18.2.3.130 [Dwellings in Non-Residential Zones – Special Use Standards] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.3.130 Dwellings in Non-Residential Zones

Where dwellings are allowed in non-residential zones, they are subject to all of the following requirements.

A. Dwellings in the E-1 zone are limited to the R-overlay zone. See chapter 18.3.13 Residential Overlay.

B. Dwellings in the E-1 and C-1 zones shall meet all of the following standards, except that dwellings developed under the Transit Triangle (TT) overlay option are not subject to subsection 18.2.3.130.B, below. See section 18.3.14.040 for the allowed uses in the TT overlay.

1. **Mixed-Use Developments Outside of the Downtown Design Standards Overlay.** ~~**If there is one building on a site, ground floor residential uses shall occupy not more than 35 percent of the gross floor area of the ground floor. Where more than one building is located on a site, not more than 50 percent of the total lot area shall be designated for residential uses. At least 65 percent of the gross floor area of the ground floor shall be designated for permitted uses and uses permitted with special use standards, not including residential uses.**~~

   a. *Applicability.* This subsection, 18.2.3.130.B.1, applies to mixed-use buildings or developments that meet all of the following requirements.

      i. Location. The mixed-use building or development shall be located outside of the Downtown Design Standards overlay.

      ii. Lot Size. The mixed-use building or development shall be located on a lot that is less than 10 acres in size. Mixed-use developments located on lots 10 acres in size and greater shall be subject to the requirements of subsection 18.2.3.130.B.2, below.

      ii. Building Height. The mixed-use building shall be two or more stories in height. Mixed-use buildings that are one story in height are subject to the requirements of subsection 18.2.3.130.B.2, below.

   b. *Gross Floor Area.*

      i. One Building. When a planning application is limited to one building, residential uses may occupy up to 65 percent of the gross floor area of the ground floor. At least 35 percent of the gross floor area of the ground floor shall be designated for permitted uses and uses permitted with special use standards not including residential uses, or as Commercial Ready Residential Space consistent with 18.2.3.130.B.1.c below.

      ii. More Than One Building. When a planning application includes more than one building, the equivalent of at least 35 percent of the gross floor area of the ground floor shall be designated for permitted uses and uses permitted with special use standards not including residential uses, or as Commercial Ready Residential Space consistent with 18.2.3.130.B.1.c below.

   c. Commercial Ready Residential Space. Gross floor area designated as commercial ready residential space shall be in compliance with the following:

      i. Residential uses provided within the designated commercial ready residential space shall be limited to rental units affordable to households earning 80% Area Median Income consistent with the requirements of the Ashland Affordable Housing Program including household income verification and maximum rental amounts.

ii. An Agreement shall be executed with the City, or a deed restriction shall be recorded on the property, which stipulates that the Commercial Ready Residential Space shall not be used as market rate rental housing or sold as a residential unit.

iii. If residential uses are provided immediately above the ground floor level (i.e., second floor residential), horizontal occupancy separation must be provided to accommodate future commercial occupancies as required by the building code at the time of construction.

d. Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the underlying zone.

2. Mixed Use Developments Inside the Downtown Design Standards Overlay, Large Lots and One-Story Mixed-Use Buildings. ~~Residential densities shall not exceed 15 dwelling units per acre in the E-1 zone, 30 dwelling units per acre in the C-1 zone, and 60 dwelling units per acre in the C-1-D zone. For the purpose of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.~~

a. *Applicability.* This subsection, 18.2.3.130.B.2, applies to mixed-use buildings and developments located in the Downtown Design Standards Overlay. In addition, this subsection applies to mixed-use buildings and developments located on lots that are 10 acres and greater in size and to one-story mixed-use buildings, whether the lot or building is located inside or outside the Downtown Design Standards overlay.

i. Location. Mixed-use buildings and developments located in the Downtown Design Standard overlay shall be subject to the requirements of this subsection.

ii. Lot Size. Mixed-use buildings and developments located on lots 10 acres and greater in size shall be subject to the requirements of this subsection.

iii. Building Height. Mixed-use buildings that are one story in height shall be subject to this subsection.

b. *Gross Floor Area.*

i. One Building. When a planning application is limited to one building, residential uses may occupy up to 35 percent of the gross floor area of the ground floor. At least 65 percent of the gross floor area of the ground floor shall be designated for permitted uses and uses permitted with special use standards, not including residential uses.

ii. More Than One Building. When a planning application includes more than one building, the equivalent of at least 65 percent of the gross floor area of the ground floor for all buildings shall be designated for permitted uses and uses permitted with special use standards, not including residential uses.

3. Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the underlying zone.

4. Off-street parking is not required for residential uses in the C-1-D zone.

5. For the purpose of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.

SECTION 3. Section 18.2.6.030 [Unified Standards for Non-Residential Zones – Standards for Non-Residential Zones] of the Ashland Land Use Ordinance is hereby amended to read as follows:

Table 18.2.6.030 – Standards for Non-Residential Zones
(Except as modified under chapter 18.5.5 Variances.)

Standard	*C-1*	*C-1-D*	*E-1*	*M-1*
Residential Density[1] (dwelling units/acre)	~~30 du/ac~~ **No Density Maximum**	~~60 du/ac~~ **No Density Maximum**	~~15 du/ac~~ **No Density Maximum**	**NA**
[1]where allowed per section 18.2.3.130; within E-1 zone, per R-Overlay (see chapter 18.3.13 Residential Overlay). **For calculation of the affordable housing requirements provided in 18.5.8.050 the base residential density of C-1 shall be considered 30du/ac, and E-1 shall be considered 15 du/acre.**				
Lot Area, Width, Depth Lot Coverage	There is no minimum lot area, width or depth, or maximum lot coverage; or minimum front, side or rear yard, except as required to comply with the special district and overlay zone provisions of part 18.3 or the site development and design standards of part 18.4.			
Setback Yards (feet)	There is no minimum front, side, or rear yard required, except where buildings on the subject site abut a residential zone, in which case a side of not less than 10 ft and a rear yard of not less than 10 ft per story is required. The solar setback standards of chapter 18.4.8 do not apply to structures in the C-1-D zone. Except for buildings within 100 feet of a residential zone, the solar setback standards of chapter 18.4.8 do not apply to structures in the C-1 zone. See also section18.2.4.030 Arterial Street Setback.			There is no minimum front, side, or rear yard, except 20 ft where adjoining a residential zone.
Building Height~~2&3~~[1 & 2] – Maximum (feet)	40 ft, except: - Buildings greater than 40 ft and less than 55 ft are permitted in C-1-D zone with approval of a Conditional Use Permit. -Where located more than 100 feet from a residential zone, buildings greater than 40 ft and less than 55 ft are permitted in C-1 zone with approval of a Conditional Use Permit.			40 ft

Table 18.2.6.030 – Standards for Non-Residential Zones
(Except as modified under chapter 18.5.5 Variances.)

Standard	*C-1*	*C-1-D*	*E-1*	*M-1*
[21]See definition of "height of building" in section 18.6.1.030. [32]Parapets may be erected up to five feet above the maximum building height; see also, 18.4.4.030.G.4 for mechanical equipment screening requirements, and 18.5.2.020 for Site Design Review for mechanical equipment review process.				
Landscape Area – Minimum (% of developed lot area)	15%	None, except parking areas and service stations shall meet the standards of chapters 18.4.3 Parking, Access, and Circulation, and 18.4.4 Landscaping, Lighting, and Screening.	15%	10%

SECTION 4. Section 18.3.13.010 [Residential Overlay Regulations – Residential Overlay] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.13.010 Residential Overlay Regulations

A. **Purpose.** The Residential overlay is intended to encourage a concentration and mix of businesses and housing that provides a variety of housing types, supports resource and energy conservation, and promotes walking, bicycling, and transit use.

B. **Applicability.** The Residential overlay applies to all property where 'Residential Overlay' (R) is indicated on the Zoning map.

C. **Requirements.** ~~**The**~~ **Dwellings in the** Residential overlay ~~**requirements are as follows**~~**shall meet the applicable standards in section 18.2.3.130, ~~except that dwellings developed under the Transit Triangle (TT) overlay option are not subject to subsection 18.3.13.010 C, below. See section 18.3.14.040 for the allowed uses in the TT overlay~~ or 18.3.14.040 for the TT overlay**.

~~1. Mixed-Use Developments. If there is one building on a site, ground floor residential uses shall occupy not more than 35 percent of the gross floor area of the ground floor. Where more than one building is located on a site, not more than 50 percent of the total lot area shall be designated for residential uses. At least 65 percent of the gross floor area of the ground floor shall be designated for permitted uses and uses permitted with special use standards, not including residential uses.~~

~~2. Residential densities shall not exceed 15 dwelling units per acre. For the purpose of density calculations, units of less than 500 square feet of gross habitable floor~~

~~area shall count as 0.75 of a unit.~~

~~3. Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the E-1 District.~~

SECTION 5. Section 18.6.1 [Definitions] of the Ashland Land Use Ordinance is hereby amended to include the following definition which reads as follows:

18.6.1.030 - Definitions

Commercial Ready Residential Space. Ground floor area within a mixed-use building that is designed to accommodate commercial uses in compliance with applicable design and building code standards. Commercial Ready Residential Space provides the flexibility of occupying a space with commercial uses and allowing the use in such space to change to affordable rental housing in accordance with the Ashland Affordable Housing Program.

SECTION6. 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 7. 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 read by title only in accordance with Article X, Section 2(C) of the City Charter on the ___th day of _____, 2022,

and duly PASSED and ADOPTED this ___th day of _____, 2022,

_____

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ___ day of _____, 2022.

_____

Julie Akins, Mayor

Reviewed as to form:

_____

Douglas McGeary, Acting City Attorney

ASHLAND PLANNING DIVISION
STAFF REPORT
ADDENDUM
September 27, 2022

PLANNING ACTION: PA-L-2021-00013

APPLICANT: City of Ashland

ORDINANCE REFERENCES:

AMC 18.2.3 Special Use Standards
AMC 18.2.6 Standards for Non-Residential Zones
AMC 18.3.13 Residential Overlay
AMC 18.6.1 Definitions

REQUEST: The proposal includes a series of amendments to the Ashland Municipal Code (AMC) Title 18 Land Use to the residential standards for mixed-use development in the Commercial (C-1) and Employment (E-1) zones. The draft code amendments are attached.

LEGISLATIVE HISTORY:

The Planning Commission held a public hearing on December 14, 2021, and recommended approval of the prior draft of the ordinance amending AMC Title 18 Land Use. The City Council reviewed the proposed land use code amendments at a public hearing on February 1, 2022 and did not approve first reading of the ordinance at that time. The Council requested potential amendments be considered to allow the entirety of the first floor of developments on E-1 and C-1 lands to be residential provided certain housing affordability conditions were met.

The amended draft ordinance presented for consideration newly incorporates allowances for affordable rental housing within *Commercial Ready Space* within the ground floor area. Commercial Ready Space could be utilized in a flexible manner as either permitted and special permitted commercial uses, or as affordable rental housing restricted to households earning 80% the Area Median Income (AMI) consistent with the Ashland Affordable Housing Program.

The ordinance amendments originally presented to the Planning Commission on December 14, 2021, and to the Council on February 1, 2022, are provided as bold underlined black text or as black strikeouts in draft Ordinance 3205 as attached. The amendments made subsequent to the Commission's prior review are presented as bold red underlined text.

I. Ordinance Amendments

A. Summary of Proposed Code Amendments

The proposal includes a series of amendments to AMC Title 18 Land Use to the residential standards for mixed-use development located in the Commercial (C-1) and Employment (E-1) zones. Specifically, the proposed code amendments increase the allowance for residential uses from 35 to 65 percent of the ground floor in multi-story, mixed-use buildings and developments located in the C-1 and E-1 zones and outside of the Downtown Design Standards overlay. Additionally, the development of flexible Commercial Ready Space would allow residential uses within the 35% commercially designated floor area provided an agreement is executed with the City, or deed restriction is recorded on the property, demonstrating that the residential use will be in conformance with eh Ashland Affordable Housing Program as affordable rental housing for households earning 80% AMI or less.

Buildings located within the Downtown Designs Standards overlay, buildings that are one story in height, and properties that are 10 acres in size are larger would be subject to the current code requirement of 35 percent of the ground floor is permitted in residential uses.

Residential development in the E-1 zone is limited to E-1 properties in the Residential overlay (R-overlay). Approximately 42 percent of the E-1 zoned land in the city limits is in the Residential overlay and 58 percent is not in the Residential overlay. Areas such as Washington Street, Jefferson Avenue, Benson Way and Clover Lane are not located in the Residential overlay. Additionally, the Croman Mill District has its own unique zones based on the master plan and does not include any C-1 or E-1 zoned land.

The amendments are intended to provide more flexibility in the employment zones to respond to fluctuations and changes in the economy and demand for housing. The project objectives are to:

1) maintain an inventory of employment parcels in a variety of sizes and locations to encourage new business development.
2) increase the supply of moderately-priced rental and for-purchase housing; and
3) jumpstart redevelopment in areas that have trouble attracting projects and/or are in proximity to public transit and walking distance to daily service needs, such as groceries, shops, parks, etc.
4) provide opportunities to utilize vacant commercial floor area as regulated affordable rental housing restricted to households earning 80% AMI or less.

The draft amendments to the residential standards for mixed-use development are attached and summarized below.

- 18.2.3.130.B.1.a – limits new provisions for residential uses (i.e., up to 65 percent of the ground floor) in the C-1 and E-1 zones to locations outside of the Downtown Design Standards overlay. In addition, to be eligible for the new provisions, the lot size must be less than 10 acres in size and the mixed-use building must be multi-story (i.e., two or more stories in height).

- 18.2.3.B.1.b - increases the allowance for residential uses in multi-story, mixed-use buildings and developments from 35 to 65 percent of the ground floor. Again, this allowance is for locations outside of the Downtown Design Standards overlay. Additionally, the provision is limited to multi-story mixed-use buildings and lots that are less than 10 acres in size.
- 18.2.3.B.1.c.i-iii – Creates a designation for Commercial Ready Space which is developed to accommodate commercial occupancies but may be used flexibly as either a commercial use or as regulated affordable rental housing for households earning 80%AMI or less.
- 18.2.3.130.B.2.a – retains existing standard which allows up to 35 percent of the ground floor to be used for residential uses. The existing standard applies to three situations – properties located inside of the Downtown Design Standards overlay, for lots 10 acres and greater in size and for single-story buildings.
- 18.2.3.130.B.2.b.i – this is the exiting standard allowing up to 35 percent of the ground floor in residential uses, it is simply moved from the existing code section 18.2.3.130. B.1.
- 18.2.3.130.B.1.b.ii – revises the code for situations where a mixed-use development includes more than one building. It requires the equivalent of 65 percent of the ground floor of all the buildings to be provided in permitted or special permitted non-residential uses. This retains the ability in mixed-use developments with more than one building to construct a building that is entirely residential uses as long as the equivalent square footage of 65 percent of the ground floor of the residential building is transferred to another building in the development and is used for permitted and special permitted non-residential uses.
- Table 18.2.6.030 – deletes residential densities in the C-1, C-1-D and E-1 zones.
- 18.3.13.010.C – removes existing language that duplicates the standards in 18.2.3.130 Dwellings in Non-Residential Zones and instead references the requirements in 18.2.3.130 for the Residential overlay or in 18.3.14.040 for the Transit Triangle (TT) overlay. The Residential overlay applies to a portion but not all of the E-1 zone.
- 18.6.1.030 [Definition] - amended to include definition of Commercial Ready Space.

B. Discussion

The 2021-2041 Housing Capacity Analysis (HCA) is a technical study required by state law and was adopted by the City Council on August 17, 2021 as a technical report and supporting document to the *Ashland Comprehensive Plan*. The HCA provides a number of recommended policy changes to address Ashland's unmet housing needs that are related to the proposed code amendments. The HCA's recommended policy changes or strategies are presented as guidance for the upcoming Housing Production Strategy.

Strategy 1: Ensure an adequate supply of land is available and serviced

- Strategy 1.3: Identify opportunities to increase allowances for residential uses on the ground floor of buildings within commercial and employment zones.
- Strategy 1.4: Evaluate decreasing multifamily parking requirements.

Strategy 2: Provide opportunities for housing development to meet the City's identified housing needs

- Strategy 2.2: Evaluate opportunities incentivize smaller units through amendments to allowable densities.

- Strategy 2.4: Evaluate increasing allowances for residential dwellings in commercial and employment zones, such as allowing an increased amount of residential uses in ground floor commercial spaces.

Strategy 5: Align housing planning with the Climate and Energy Action Plan
Strategy 5.4: Evaluate opportunities to develop new housing closer to downtown and commercial centers to reduce dependence on automobiles for transportation.

The Oregon Statewide Planning System requires all cities and counties in Oregon to address Statewide Planning Goal 9 Economic Development. Goal 9 requires cities and counties to provide an adequate land supply for economic development and employment growth. Chapter VII Economy of the *Ashland Comprehensive Plan* and the 2007 Economic Opportunity Analysis (EOA) address the Goal 9 requirements.

Oregon Administrative Rule (OAR) 660 Division 9 implements Goal 9 and provides two options for land use code and comprehensive plan amendments. The first option in OAR 660-009-0010(3) allows local jurisdictions to make amendments by relying on existing plans if findings can be made that there are no significant changes in economic development opportunities based on new information about national, state, regional, count and local trends.

The second option in OAR 660-009-0010(4) requires changes to the designation of land in excess of two acres from an employment use designation to any other use designation. Under this provision, a city or county must show the amendment is consistent with the comprehensive plan and existing EOA. If the proposed amendment can't be supported by the adopted comprehensive plan and EOA, OAR 660-009-0010(4) requires an update the comprehensive plan and/or EOA.

After researching the Goal 9 requirements and speaking to the Oregon Department of Land Conservation (DLCD), staff believes the analysis performed by Fregonese Associates can be used to address OAR 660-009-0010(3) for the proposed code amendments to increase the allowance for residential uses from 35 to 65 percent of the ground floor in multi-story, mixed-use buildings and developments located in the C-1 and E-1 zones and outside of the Downtown Design Standards overlay.

With assistance from Fregonese Associates, staff researched and assessed the rate of employment land consumption and the growth rate in number of jobs in Ashland since the adoption of the 2007 EOA. Fregonese and Associates analyzed the buildable lands data, building permits issued, and Ashland's employment data in the last 10 years and found there is sufficient C-1 and E-1 land for future employment needs. Specific items in the data analysis include the following.

- The land consumption rate in the C-1 and E-1 zones is relatively low with an average of 2 acres per year used for the last 8 years.
- Of the 50 building permits that were issued for commercial development in the last 10 years, 26 permits were in located in the C-1 and E-1 zones and the other 24 permits were located in the C-1-D zone (Downtown) or were public projects such as SOU and Ashland School District projects.

- The 2007 Economic Opportunity Analysis (EOA) forecasted more employment growth than has occurred over the last 14 years. The EOA projected 15,220 jobs by 2027, including 10,654 jobs in retail and services. State employment data shows a total of 10,237 jobs in the Ashland Urban Growth Boundary in 2019.
- The EOA determined that 30% of the employment growth would not require consumption of vacant land.
- Currently, approximately 20% of the jobs are in residential zones.

As proposed in the ordinance amendments, at least 35% of the ground floor must be uses as a permitted or special permitted (commercial) use, or alternatively as Commercial Ready Space that could be used as income restricted affordable rental housing. In 2021 the Oregon Legislature approved Senate Bill 8 which restricts local governments from denying or limiting the approval of affordable housing applications in a number of circumstances including when the property is zoned for commercial uses. By providing an option for the development of Commercial Ready Space on the ground floor of mixed-use buildings, that can be used as affordable rental housing restricted to households with incomes at 80%AMI, the amendments proposed create a path for the city to approve of the use of vacant commercial floor area as needed affordable housing within the C-1 and E-1 zones.

C. Project Background

The Planning Commission, at the study session meeting on December 22, 2020 evaluated a proposal from members of the private development community that suggested that there is a surplus of commercial space that could be used to provide housing units. The concerns raised included the decreased demand for commercial space due to ecommerce and the pandemic while housing demand continues to increase, particularly after the Almeda fire. The private development representatives suggested amending the land use code to allow the temporary use of ground floor commercial space to be used for housing units and requiring the buildings to be constructed to commercial building code standards so the space could be converted in the future should demand for commercial space return.

The City Council initiated the project at the March 16, 2021 business meeting. Specifically, the Council directed staff to work with the Planning Commission to evaluate the draft code language prepared by private development representatives (KDA Homes), and propose amendments to the land use ordinance which would provide the flexibility to temporarily use the ground floor of commercial buildings for housing.

The Planning Commission reviewed and discussed the proposed code amendment project at the June 22, 2021, August 24, 2021, October 26, 2021 and November 23, 2021 study session meetings. The Planning Commission held a public hearing on December 14, 2021, and recommended approval of the prior draft of the ordinance amending AMC Title 18 Land Use. The City Council reviewed the proposed land use code amendments at a public hearing on February 1, 2022 and did not approve first reading of the ordinance at that time.

Currently, at least 65 percent of the ground floor of buildings in the commercial (C-1) and employment (E-1) zones is required to be commercial and light industrial uses. The remaining 35 percent of the ground floor can be used for residential dwellings as well 100 percent of the upper stories in multi-story buildings. The exceptions are:

1) in the Transit Triangle (TT) overlay, a minimum of 35 percent of the ground floor is required to be used for commercial and light industrial uses and
2) in the commercial area of the North Mountain Neighborhood District, the ground floor can be used entirely for housing but must be built to commercial building code standards so that the space can be converted to commercial uses in the future.

In 1992, the land use code was amended to eliminate entirely residential buildings as an allowed use in the C-1 and E-1 zones (Ord. 2688). The current standard of requiring 65 percent of the ground floor in commercial or light industrial uses was put in place at that time, as well as residential densities for each of the zones. Prior to 1992, residential buildings comprised entirely of housing units could be built in the C-1 and E-1 zones with the approval of a conditional use permit. The 1992 code update was in part due to concern about construction of residential buildings near the downtown and loss of future commercial space.

II. Procedural

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.

III. Conclusions and Recommendations

Staff recommends the Planning Commission recommend approval of the proposed amendments to the City Council.

The proposed amendments are scheduled for a public hearing and first reading at the City Council on November 15th, and for second reading on December 6, 2022.

ASHLAND PLANNING DIVISION

STAFF REPORT

December 14, 2021

PLANNING ACTION: PA-L-2021-00013

APPLICANT: City of Ashland

ORDINANCE REFERENCES:
AMC 18.2.3 Special Use Standards
AMC 18.2.6 Standards for Non-Residential Zones
AMC 18.3.13 Residential Overlay

REQUEST: The proposal includes a series of amendments to the Ashland Municipal Code (AMC) Title 18 Land Use to the residential standards for mixed-use development in the Commercial (C-1) and Employment (E-1) zones. The draft code amendments are attached.

I. Ordinance Amendments

A. Summary of Proposed Code Amendments

The proposal includes a series of amendments to AMC Title 18 Land Use to the residential standards for mixed-use development located in the Commercial (C-1) and Employment (E-1) zones. Specifically, the proposed code amendments increase the allowance for residential uses from 35 to 65 percent of the ground floor in multi-story, mixed-use buildings and developments located in the C-1 and E-1 zones and outside of the Downtown Design Standards overlay. Buildings located within the Downtown Designs Standards overlay, buildings that are one story in height, and properties that are 10 acres in size are larger would be subject to the current code requirement of 35 percent of the ground floor is permitted in residential uses.

Residential development in the E-1 zone is limited to E-1 properties in the Residential overlay (R-overlay). Approximately 42 percent of the E-1 zoned land in the city limits is in the Residential overlay and 58 percent is not in the Residential overlay. Areas such as Washington Street, Jefferson Avenue, Benson Way and Clover Lane are not located in the Residential overlay. Additionally, the Croman Mill District has its own unique zones based on the master plan and does not include any C-1 or E-1 zoned land.

The amendments are intended to provide more flexibility in the employment zones to respond to fluctuations and changes in the economy and demand for housing. The project objectives are to: 1) maintain an inventory of employment parcels in a variety of sizes and locations to encourage new business development; 2) increase the supply of moderately-priced rental and for-purchase housing; and 3) jumpstart redevelopment in areas that have trouble attracting projects and/or are in proximity to public transit and walking distance to daily service needs, such as groceries, shops, parks, etc.

The draft amendments to the residential standards for mixed-use development are attached and summarized below.

- 18.2.3.130.B.1.a – limits new provisions for residential uses (i.e., up to 65 percent of the ground floor) in the C-1 and E-1 zones to locations outside of the Downtown Design Standards overlay. In addition, to be eligible for the new provisions, the lot size must be less than 10 acres in size and the mixed-use building must be multi-story (i.e., two or more stories in height).
- 18.2.3.B.1.b - increases the allowance for residential uses in multi-story, mixed-use buildings and developments from 35 to 65 percent of the ground floor. Again, this allowance is for locations outside of the Downtown Design Standards overlay. Additionally, the provision is limited to multi-story mixed-use buildings and lots that are less than 10 acres in size.
- 18.2.3.130.B.2.a – retains existing standard which allows up to 35 percent of the ground floor to be used for residential uses. The existing standard applies to three situations – properties located inside of the Downtown Design Standards overlay, for lots 10 acres and greater in size and for single-story buildings.
- 18.2.3.130.B.2.b.i – this is the exiting standard allowing up to 35 percent of the ground floor in residential uses, it is simply moved from the existing code section 18.2.3.130. B.1.
- 18.2.3.130.B.1.b.ii – revises the code for situations where a mixed-use development includes more than one building. It requires the equivalent of 65 percent of the ground floor of all the buildings to be provided in permitted or special permitted non-residential uses. This retains the ability in mixed-use developments with more than one building to construct a building that is entirely residential uses as long as the equivalent square footage of 65 percent of the ground floor of the residential building is transferred to another building in the development and is used for permitted and special permitted non-residential uses.
- Table 18.2.6.030 – deletes residential densities in the C-1, C-1-D and E-1 zones and adds a minimum floor area ratio (FAR) of .50.
- 18.3.13.010.C – removes existing language that duplicates the standards in 18.2.3.130 Dwellings in Non-Residential Zones and instead references the requirements in 18.2.3.130 for the Residential overlay or in 18.3.14.040 for the Transit Triangle (TT) overlay. The Residential overlay applies to a portion but not all of the E-1 zone.

B. Discussion

The 2021-2041 Housing Capacity Analysis (HCA) is a technical study required by state law and was adopted by the City Council on August 17, 2021 as a technical report and supporting document to the *Ashland Comprehensive Plan*. The HCA provides a number of recommended policy changes to address Ashland's unmet housing needs that are related to the proposed code amendments. The HCA's recommended policy changes or strategies are presented as guidance for the upcoming Housing Production Strategy.

Strategy 1: Ensure an adequate supply of land is available and serviced

- Strategy 1.3: Identify opportunities to increase allowances for residential uses on the ground floor of buildings within commercial and employment zones.
- Strategy 1.4: Evaluate decreasing multifamily parking requirements.

Strategy 2: Provide opportunities for housing development to meet the City's identified housing needs

- Strategy 2.2: Evaluate opportunities incentivize smaller units through amendments to allowable densities.
- Strategy 2.4: Evaluate increasing allowances for residential dwellings in commercial and employment zones, such as allowing an increased amount of residential uses in ground floor commercial spaces.

Strategy 5: Align housing planning with the Climate and Energy Action Plan

Strategy 5.4: Evaluate opportunities to develop new housing closer to downtown and commercial centers to reduce dependence on automobiles for transportation.

The Oregon Statewide Planning System requires all cities and counties in Oregon to address Statewide Planning Goal 9 Economic Development. Goal 9 requires cities and counties to provide an adequate land supply for economic development and employment growth. Chapter VII Economy of the *Ashland Comprehensive Plan* and the 2007 Economic Opportunity Analysis (EOA) address the Goal 9 requirements.

Oregon Administrative Rule (OAR) 660 Division 9 implements Goal 9 and provides two options for land use code and comprehensive plan amendments. The first option in OAR 660-009-0010(3) allows local jurisdictions to make amendments by relying on existing plans if findings can be made that there are no significant changes in economic development opportunities based on new information about national, state, regional, count and local trends.

The second option in OAR 660-009-0010(4) requires changes to the designation of land in excess of two acres from an employment use designation to any other use designation. Under this provision, a city or county must show the amendment is consistent with the comprehensive plan and existing EOA. If the proposed amendment can't be supported by the adopted comprehensive plan and EOA, OAR 660-009-0010(4) requires an update the comprehensive plan and/or EOA.

After researching the Goal 9 requirements and speaking to the Oregon Department of Land Conservation (DLCD), staff believes the analysis performed by Fregonese Associates can be used to address OAR 660-009-0010(3) for the proposed code amendments to increase the allowance for residential uses from 35 to 65 percent of the ground floor in multi-story, mixed-use buildings and developments located in the C-1 and E-1 zones and outside of the Downtown Design Standards overlay.

With assistance from Fregonese Associates, staff researched and assessed the rate of employment land consumption and the growth rate in number of jobs in Ashland since the adoption of the 2007 EOA. Fregonese and Associates analyzed the buildable lands data, building permits issued, and Ashland's employment data in the last 10 years and found there is sufficient C-1 and E-1 land for future employment needs. Specific items in the data analysis include the following.

- The land consumption rate in the C-1 and E-1 zones is relatively low with an average of 2 acres per year used for the last 8 years.
- Of the 50 building permits that were issued for commercial development in the last 10 years, 26 permits were in located in the C-1 and E-1 zones and the other 24 permits

were located in the C-1-D zone (Downtown) or were public projects such as SOU and Ashland School District projects.

- The 2007 Economic Opportunity Analysis (EOA) forecasted more employment growth than has occurred over the last 14 years. The EOA projected 15, 220 project jobs by 2027, including 10,654 jobs in retail and services. State employment data shows a total of 10,237 jobs in the Ashland Urban Growth Boundary in 2019.
- The EOA determined that 30% of the employment growth would not require consumption of vacant land.
- Currently, approximately 20% of the jobs are in residential zones.

As originally suggested by KDA, one of the options that the Planning Commission discussed included revising the land use code to allow 100 percent of the ground floor of newly constructed buildings in the C-1 and E-1 zones to be used for residential uses.

According to staff's research, an amendment allowing 100 percent of the ground floor of mixed-use buildings in the C-1 and E-1 zones to be used for housing will likely be considered a significant change and possibly a change from an employment land use designation under OAR 660-009-0010(4). As a result, it is staff's understanding that the 2007 EOA would need to be updated to show that there will be an adequate supply of employment lands to address Ashland's future economic and job needs.

In staff's opinion, the options are to move forward with the attached amendments, consider the 100 percent residential ground floor as one of the options in the housing production strategy, or both amend the code as proposed and identify the 100 percent residential ground floor amendment in the housing production strategy. Potential future actions could involve rezoning employment lands for residential purposes, creating a mixed-use zone with greater flexibility and residential allowances similar to the North Mountain Neighborhood Commercial Zone, or simply retaining existing C-1 and E-1 zoning with the options to build 100 percent residential projects.

C. Project Background

Laz Ayala and Mark Knox from KDA Homes introduced the issue to the Planning Commission at the study session meeting on December 22, 2020 . The KDA representatives suggested that there is a surplus of commercial space that could be used to provide housing units. The concerns raised included the decreased demand for commercial space due to ecommerce and the pandemic while housing demand continues to increase, particularly after the Almeda fire. The KDA representatives suggested amending the land use code to allow the temporary use of ground floor commercial space to be used for housing units and requiring the buildings to be constructed to commercial building code standards so the space could be converted in the future should demand for commercial space return.

The City Council initiated the project at the March 16, 2021 business meeting. Specifically, the Council directed staff to work with the Planning Commission to evaluate the draft code language prepared by representatives of KDA Homes and propose amendments to the land use ordinance which would provide the flexibility to temporarily use the ground floor of commercial buildings for housing.

The Planning Commission reviewed and discussed the proposed code amendment project at the June 22, 2021, August 24, 2021, October 26, 2021 and November 23, 2021 study session meetings.

Currently, at least 65 percent of the ground floor of buildings in the commercial (C-1) and employment (E-1) zones is required to be commercial and light industrial uses. The remaining 35 percent of the ground floor can be used for residential dwellings as well 100 percent of the upper stories in multi-story buildings. The exceptions are: 1) in the Transit Triangle (TT) overlay, a minimum of 35 percent of the ground floor is required to be used for commercial and light industrial uses and 2) in the commercial area of the North Mountain Neighborhood District, the ground floor can be used entirely for housing but must be built to commercial building code standards so that the space can be converted to commercial uses in the future.

In 1992, the land use code was amended to eliminate entirely residential buildings as an allowed use in the C-1 and E-1 zones (Ord. 2688). The current standard of requiring 65 percent of the ground floor in commercial or light industrial uses was put in place at that time, as well as residential densities for each of the zones. Prior to 1992, residential buildings comprised entirely of housing units could be built in the C-1 and E-1 zones with the approval of a conditional use permit. The 1992 code update was in part due to concern about construction of residential buildings near the downtown and loss of future commercial space.

II. Procedural

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.

III. Conclusions and Recommendations

Staff recommends the Planning Commission recommend approval of the proposed amendments to the City Council. The proposed amendments are scheduled for a public hearing and first reading at the City Council on January 4 and for second reading on January 18.

Ashland Economic Sustainability Assessment

Laz Ayala, KDA Homes, LLC

12/11/2020

Ashland Planning Commission,

For many years, our community has been experiencing a housing supply problem involving market rate and subsidized housing, particularly 1- and 2-bedroom units often referred to as workforce housing. Workforce housing is essential in attracting businesses to our community as we look to diversify our local economy. Forrest fires, Covid-19 and E-commerce have caused serious short- and long-term damage to Ashland's economy. These phenomenons are not likely to disappear and in fact, experts warn to expect more in the years ahead. While these phenomenons have created economic devastation and accelerated shifts in how we live, work, shop, and play they also bring opportunities we must embrace if Ashland is to remain the thriving community it still is today. We have two choices: embrace these opportunities or become collateral dammage.

We have time to assess what may or may not work in Ashland's future economy and make the necessary changes to adapt to the fast-changing world we live in. If we agree that our tourist economy is in peril, we must respond withh the changes needed to adapt to a more diverse and sustainable economy. As earlier mentioned, an adequate supply of workforce housing is fundamental in this effort and as such we must explore ways, we can provide much needed workforce housing that will not only address our housing needs, but provide revenue to fund City services such as fire, police, water, sewer, roads, parks, schools, affordable housing and other public funded programs.

If we agree that demand for office and retail commercial space is in decline and recognize the need for more workforce housing, council should consider a minor amendment to the commercial and employment zones (C-1/ E-1) allowing for 100% residential uses at ground level (with conditions for future commercial conversion) such as in the Transit Triangle and North Mountain neighborhoods. Except for these two neighborhoods, 100% residential is not permitted at ground level in other commercial zone districts in Ashland. We believe Downtown should not be part of this amendment, but rather commercial properties located within the fringe of Downtown, such as the commercial and employment district between "A" and Hersey extending west to Laurel and east to Mountain. Why 100% residential at ground level? There is no demand for retail or office space amd

banks will not finance these projects nor will developers take a risk building commercial space for which there is no market.

Amending the commercial code to allow for 100% residential use makes projects like Meadowbrook Apartments along Fair Oaks Avenue within the North Mountain Master Plan area feasible. Below is a summary of the economic benefit to the City in terms of revenue in addition to the workforce housing opportunities provided:

> The Meadowbrook Apartments project which is currently under construction has contributed approximately $148,575.75 in permit fees and $206,253.19 system development fees (CDCs) for a total of $358,000. Upon completion it is estimated to provide $72,333.57 in annual tax revenue, $52,000 of which will go directly to the City of Ashland.

It is conceivable that amending the commercial zone requirements to allow for 100% residential would generate enough interest in similar projects and it is conceivable to see several of these projects get built every year thereby providing revenue for the City and its agencies and much needed workforce housing to attract investment and businesses to diversify our economy.

Sincerely,

Laz Ayala

[**Submitted by Amy Gunter**]

Good evening planning commissioners,

I would like to add to the discussion on changes to the housing and employment zones codes.
Now is the opportunity for the city to make a meaningful, substantive impact on the present restrictions regarding provision of housing in the commercial and employment zones and parking requirements.

This discussion shouldn't be relegated to the existing residential overlay. This discussion should be regarding all commercial and employment zone lands. There are areas that do not have residential overlay but directly abut residential lands. The industrial zone does not allow for residential use. I would wager a bet that there are a number of 'residences' in the Employment zone.

Additionally, the existing uses of a site shouldn't determine that residential isn't allowed for example properties that have a conditional use permit such as a hotel cannot be converted to the 65/35 ratio as the code prevents residential development when the commercial property is occupied by a conditional use. The irony of this is that hotels have similar if not more fire life safety protections for their guests as an apartment complex requires. Additionally, generally the parking for a hotel is similar to the parking for a studio or small one bedroom so the physical changes to the property to accommodate the change of use are limited.

The code appears to eliminate the allowance for multiple buildings that would allow for a building that was entirely residential in conjunction with a commercial development. This should be allowed so that there can be stand-alone apartments. Possibly require the commercial building to be fronting upon the street like the projects we are doing in Talent on North Pacific Highway.

I suggest that it be considered that commercial property is allowed to develop at 100% residential when developed to the high-density multi-family residential standards. Medford has had successful residential development adjacent to large scale commercial developments in their commercial zones and the numbers of pedestrians and foot traffic to the businesses is increased due to the increase in housing on directly adjacent properties. For all intents and purposes, multi-family residential functions like and has similar traffic impacts as many permitted commercial uses. The traffic impacts are similar except that there is the ability to functionally reduce trips because people can walk to the nearby businesses. You'll find projects like this on West Main/Ross in Medford.

Parking:
The parking is not part of the discussion this evening I would like to comment that in all of the Rogue Valley jurisdictions where I have done planning and development projects Ashland has the highest parking requirements. This includes not only the number of parking spaces, the sizes of the parking spaces, the required buffering for said parking, most communities allow for stacking of residential parking. So in the event that a garage has a 20 foot front yard setback that garage space provides one parking space and the space behind that provides a second this way acknowledging that is how much of the historic area, the area around Harmony Lane, Ross Lane, Linda Ave., Ray lane, Parker St, Garfield St, you get my drift, there's a lot of single width driveways around town that only count as one parking space regardless of the how many vehicles can stack in the same driveway.

In conclusion,

Nobody wants to build vacant commercial structures but there is a lot of interest in building, expanding residential structures. I did suggest that my clients that own commercial and employment zoned property participate in this discussion because there are many that feel stuck. The folks on A Street and Hersey Street in the houses that are nearly impossible to convert to commercial are stuck in non-conforming developments.

I thank you for looking into making changes. I suggest you look deeper and consider broader, more impactful changes some of the suggestions include.

- Allow for 100 percent residential in the C-1 zones when developed to high density, multi-family residential standards.
- Retain the mix in the employment zones
- Retain the mixed-use component that allows for 50 percent of the site area (or some other number) to be residential in conjunction with commercial development when in separate structures.
- Allow for residential use when there is a conditional use on the property and do not restrict to permitted or special permitted uses.
- Allow for single story, mixed use construction of buildings
- Consider taller buildings (3 and 4 story buildings in the E-1)
- Revise the Economic Opportunity Analysis due to substantial changes to Ashland's economy that may not have been captured in 2007. This would provide avenue to allow more E-1 with R overlay in the areas that I note above.
- By all means reduce the parking requirements.

Thank you for your time.

KDAHomes

plan. develop. build

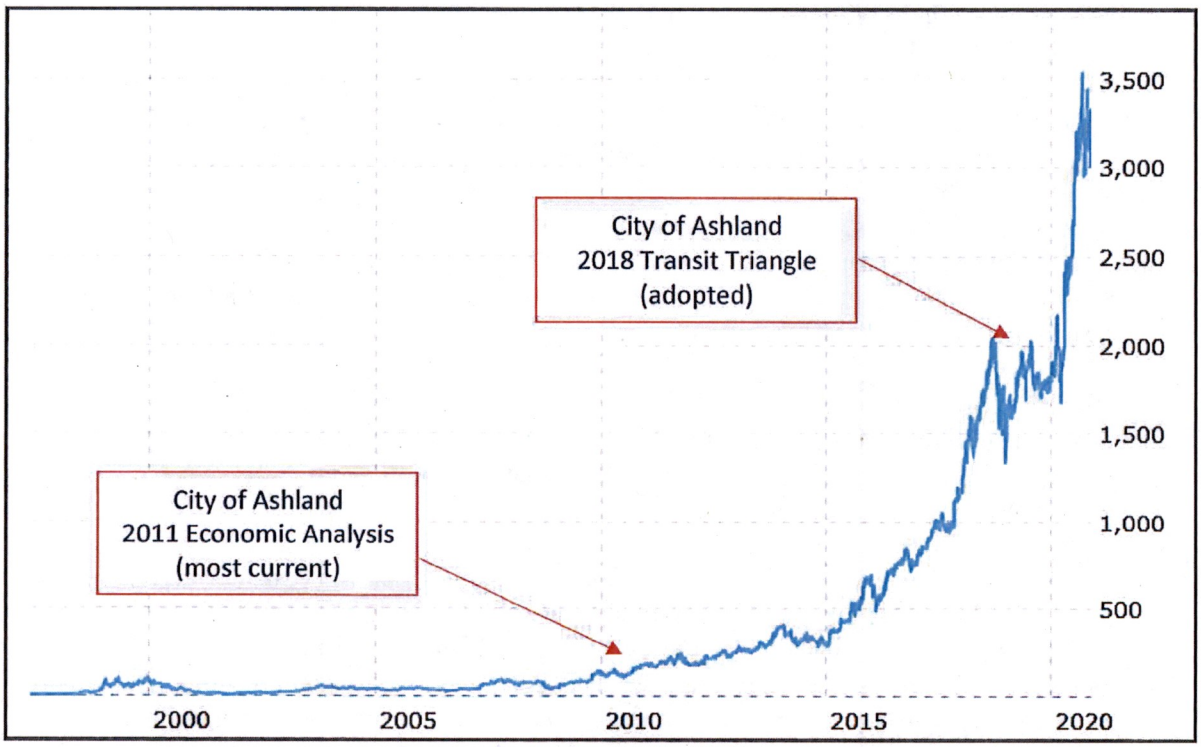
December 16th, 2020

TO: Ashland Planning Commission & Planning Staff

FROM: Mark Knox, KDA Homes, LLC

SUBJECT: Ashland Economic Sustainability

Background: As the Planning Commission and Planning Staff are aware, over the last few years I have spoken publically about concerns relating to e-commerce and how quickly technology is effecting Main Street's across the country. Main Streets have always been under attack with the innovation of the automobile, invention of malls or most recently big box retailers. But, today's rapid technological advancements relating to e-commerce, automation and overnight shipping, compounded by low-cost goods sourced from other countries is far different and likely to have the most devastating impact.



Amazon's stock over past 23 years

After experiencing the phenomenon first hand in the summer of 2017 while visiting the Main Street section in Tiburon California, reading multiple articles on the subject and closely monitoring our own Downtown Main Street, the problem is real. I've also talked with numerous professionals

Planning Commission's hearings and discussion of the Transit Triangle Infill Strategy, I submitted testimony relating to this issue and suggested the Planning Commission consider "swapping" the ground floor commercial code "requirement" from a minimum 65% required ground floor commercial use and maximum 35% ground floor residential use and the Planning Commission unanimously concurred, as did the City Council. The general idea being commercial space demand is in decline whereas residential demand continues to remain strong.

Unfortunately, since 2018, the issue has only worsened for a variety of reasons and so I'm again speaking out, talking with the Chamber of Commerce, City Council, Planning Staff, Southern Oregon University, Planning Staff, colleagues and anyone else who will listen.

Problem: The problems facing Ashland's Main Street are not just tied to e-commerce, big box or auto centric competition, but now it's facing the impacts and/or implications of forest fires, fear of travel from the pandemic, declining lease projections for professional office space due to the pandemic and a decline in Shakespeare or theatre enthusiasts. Further, in what should be considered a warning alarm, lending institutions have either stopped or significantly increased their lending demands for commercial developments, including mixed-use developments.

Unlike many other small towns across the country, Ashland has numerous attributes and livability components that draw visitors and locals to its fine dining establishments, pubs and bookstores, but it is not immune to real world issues and a slow erosion can quickly occur if we do not try to address it. And, because of the speed at which it is occurring, it needs immediate attention.

Solution: As most people know, I was a City Planner for the City of Ashland in what seems like yesterday but is now "years ago". I'm now a local Developer who does land use planning for a small development company. Over the last eight years, I've had the opportunity to work on various land use projects from small subdivisions (Garden Cottages – Ashland's first Cottage Housing Development) to large scale commercial developments (First Place along Lithia Way). I've also had the opportunity to work with a variety of professionals and obtain a better understanding of complex financial matters and market trends.

To this point, I've reached out to the Ashland Planning Department to discuss a possible amendment to the Ashland Municipal Code that could not only help stabilize the issues noted above, but also provide additional housing opportunities that have realistically never been resolved since I moved to Ashland 28 years ago.

In simple terms, the request is for the Planning Commission and Staff to consider a relatively simple code amendment that looks similar to the ground floor code amendments recently adopted in 2018 for the Transit Triangle Overlay or code language within the adopted 1995 North Mountain Neighborhood Plan that allows 100% ground floor residential until there is commercial demand. The suggested code language would apply in certain employment and commercial zones (not Downtown, Croman, or Airport areas) with code stipulations that ground floor spaces are to be: 1) Designed and built following Commercial Building Codes, 2) Designed to comply with all commercial Site Design & Use Standards 3) Permitted to be converted to commercial use at any time and 4) Only applicable to qualifying buildings that are at least two stories measured from adjacent street grade.

Benefits: The suggested amendment should be beneficial for a number of reasons, including the following:

1) It provides much needed small unit affordable rental housing in areas that are generally close to essential services;
2) It provides much needed housing that hopefully creates a surplus and thus helps stabilizes market rental housing prices;
3) It provides the financial incentive for property owners to invest and construct mixed-use buildings;
4) It encourages financial institutions to finance mixed-use buildings. This is critical as without the financing, the building does not get built nor do "any" permissible residential units;
5) It helps maintain the City's tax base and related construction impact fees for streets, roads, schools, etc. A perfect example is the now under construction Meadowbrook Square Apartment Building (see picture insert below) that would NOT have been possible without the suggested exception language built into the North Mountain Master Plan in 1995. In this case, the related construction fees are approximately $148,575 and SDC fees $206,253. Upon completion, the annual tax revenue will be roughly $72,333 of which $52,000 will go to the City of Ashland and Ashland School District. *Note:* The Meadowbrook Square Condominiums (across the street) are currently contributing $30,229.06 in tax revenue annually of which approximately $22,000 goes directly to the City of Ashland and Ashland School District. Permit and SDC's paid to City of Ashland totaled $95,751.26. This building's ground floor unit is also "interim" and used as a residence;



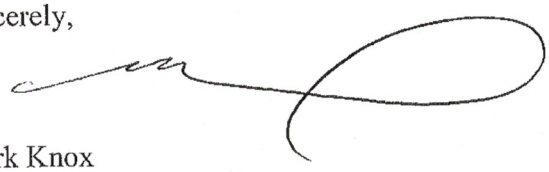
<u>Meadowbrook Apartments</u> (12.16.2020) Three-story Mixed-Use Building with "24" 500 sq. ft. apartments on 2nd and 3rd floors and "5" *interim* residential apartments on ground floor to eventually be converted to commercial office/retail use pending market demand.

6) It still requires the appearance of typical commercial mixed-use facades as envisioned in the City's Site Design & Use Standards;
7) It provides an opportunity for an expeditious conversion from residential to commercial when the market demands. In the vast majority of cases, commercial business cannot "wait" the typical 1 to 2 year timeframe for land use planning and construction and thus under the suggested code provision, the commercial spaces are already in existence and only have to "wait" 6 to 9 months to complete tenant improvements;
8) It helps stimulate construction employment and any related employment;
9) It can help provide for an added customer base for local businesses during what appears to be a long slow trend of declining tourism due to a variety of real or perceived factors related to climate change conditions, tourism preferences, etc.

Negative Implications: At the present time, I do not believe there are any negative implications with this proposal, but also understand the idea needs to be vetted with the public, staff, Planning Commission and City Council. Further, I do not believe there are any State land use limitations as the proposal does not eliminate or reduce available commercial or employment lands, it simply provides for a more efficient use of those lands until the market demand exists.

Overall, I appreciate the opportunity to voice my opinion on this important matter and look forward to discussing it with the Planning Commission. As mentioned, I've discussed the suggested amendment proposal with a number of City leaders and local business owners and all agree the idea is sound and timing appropriate. In that regard, the starting point for official consideration is the Ashland Planning Commission via a public Study Session.

Sincerely,



Mark Knox
276 W. Nevada Street
Ashland, OR 97520

Related Articles:

1) *Mounting commercial real estate losses threaten banks, recovery* (The Washington Post, 11/11/20)
https://www.washingtonpost.com/business/2020/11/11/commercial-real-estate-economy/

2) *Amazon is now a drug store.* (CNN Business, 11/17/20)
https://www.cnn.com/2020/11/17/business/amazon-pharmacy-launch/index.html

3) *Can Governments Save Main Street?* (The Salem News, 11/30/20).
https://www.salemnews.com/opinion/columns/column-can-governments-help-save-main-street/article_000a1e23-cadd-54ca-b9f1-651b11cbdb3a.html

4) *Small Town Kept Walmart Out. Now It Faces Amazon.* (The Atlantic, 3/3/18)
https://www.theatlantic.com/business/archive/2018/03/amazon-local-retail/554681/

5) *Downtowns Matter* (State of Main, Edward T. McMahon Fall 2016)
https://www.mainstreet.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=32bde503-eeb9-3bd4-0ff5-0a525562b1b8&forceDialog=0

From: Melissa Huhtala
To: Brandon Goldman
Subject: FW: Ashland City Council Public Testimony
Date: Tuesday, February 01, 2022 11:45:14 AM

FYI

From: Eric Navickas <navickasdesign@gmail.com>
Sent: Sunday, January 30, 2022 3:20 PM
To: Public Testimony <public-testimony@ashland.or.us>
Subject: Ashland City Council Public Testimony

[EXTERNAL SENDER]
Agenda Item X.1. **Public Hearing and First Reading of Housing in Employment Lands Code Amendments**

Council,

The proposal before you is a land use decision subject to appeal to LUBA pursuant to ORS 197.825(1), stating, "the Land Use Board of Appeals shall have exclusive jurisdiction to review any land use decision or limited land use decision of a local government".

The ordinance changes propose to shift the use of employment zones and commercial zones to allow more residential uses. Under OAR 600-009-0010(4) a plan amendment "that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements, and; (a)Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division".

OAR 600-090-0010(1) states that cities "subject to this division must adopt plan and ordinance amendments necessary to comply with this division." The outdated 2007 Economic Opportunities Analysis and related Comprehensive Plan need to be amended to meet this requisite demand.

The staff report relies on exceptions allowed under OAR 600-009-0010(5), stating, "[a] jurisdiction's planning effort is adequate if it uses the best available or readily collectable information to respond to the requirements of this division." To fulfill this exception the staff offers a limited study by Fergonese's and Associates, stating, "[i]n order to ensure that Ashland's inventory of commercial and employment lands could accommodate future business development, the city contracted with Fregonese and Associates to assist in

analyzing the buildable lands data, building permits issued, and Ashland's employment data over the last 10 years."

The inadequacy of the Fergonese and Associates study is obvious when compared with the requirement of the Economic Opportunity Analysis as defined under OAR 600-009-0015(1), stating, "[t]he economic opportunities analysis must identify the major categories of industrial or other employment uses that could reasonably be expected to locate or expand in the planning area based on information about national, state, regional, county or local trends." A specifically local analysis fails to meet this requirement especially as the national trend of "onshoring" or "reshoring" manufacturing as a result of supply chain disruptions continues to make headline news.

OAR 600-009-0015(2) requires consideration of site characteristics, stating, "[t]he economic opportunities analysis must identify the number of sites by type reasonably expected to be needed to accommodate the expected employment growth based on the site characteristics typical of expected uses." With the subsequent proposal to convert much of the Croman Mill Site to residential uses, the prerequisite of an Economic Opportunities Analysis that considers existing land in relation to site characteristics is imperative to maintaining the types of land where employment activities can realistically be realized. This concept is continued in OAR 600-009-0015(4)(a)-(h), stating that the estimate of employment growth "must consider the planning area's economic advantages and disadvantages" with a long list of factors to consider. The Fergonese and Associates study fails to address these important elements.

Finally, ORS 600-900-0015(5) states, "[c]ities and counties are strongly encouraged to assess community economic development potential through a visioning or some other public input based process in conjunction with state agencies." It is discouraging to see this effort to move forward in changing employment zones that are intended to maintain the economic health of our city through avoiding the requirement of updating the Economic Opportunities Analysis that encourages a visioning process that includes public input. In this case, the city staff has been very transparent about the fact that these proposed changes were initiated by a private development firm with obvious special interests. A proposal from KDA Homes cannot meet the need for "public input based process in conjunction with state agencies".

In conclusion, the State of Oregon has developed a land use regulatory program that establishes requisite procedures that demand statewide compliance. The City of Ashland is attempting to circumvent these procedures through failing to update the Economic Opportunities Analysis prior to making changes to lands zoned for employment uses. Further, the proposed changes are significant enough to bring into question whether or not they continue to fulfill the desired use as defined within the Comprehensive Plan.

Respectfully,
Eric Navickas
27 1/2 N. Main St.
Ashland OR.

Council Business Meeting

January 17, 2023

Agenda Item	Award of a Professional Services Contract; Talent-Ashland-Phoenix (TAP) Intertie System Improvements	
From	Scott Fleury PE	Public Works Director
Contact	Scott.fleury@ashland.or.us	

SUMMARY

Before the Council is a request to award of a professional services contract to RH2 Engineering Inc. for the design of TAP Intertie system improvements defined in the TAP Master Plan. Ashland, Talent and Phoenix were awarded three million dollars in grant funding via American Rescue Plan Act (ARPA) to fund defined projects within the TAP Master Plan. Per the grant agreement the ARPA funds must be expended by 2026.

POLICIES, PLANS & GOALS SUPPORTED

City Council Goals:

Essential Services

- Drinking Water System

Enhance Value Services:

- Water Conservation
- Address Climate Change

CEAP Goals:

Natural Systems: Air, water, and ecosystem health, including opportunities to reduce emissions and prepare for climate change through improved resource conservation and ecosystem management.

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

The City Council has taken numerous actions over the past three decades in relation to the TAP system with the most recent being adoption of the TAP System Master Plan as the guiding planning document for TAP (Staff Report).

The Council also approved the supplemental budget resolution accepting the three million dollars in grant funding at the January 4, 2022 Council Business Meeting (Staff Report).

BACKGROUND AND ADDITIONAL INFORMATION

The **purpose** of this project is to develop the engineering plans, specifications and estimates for improvements to the TAP system as defined in the TAP Master Plan and covered by the ARPA grant. Talent, Ashland and Phoenix have entered into an Intergovernmental Agreement (IGA) for Ashland to manage the projects and ARPA funding.

CITY OF ASHLAND

The project was formally solicited on the OregonBuys on May 13, 2022 and responses were received on June 1, 2022. A single proposal was submitted by RH2 Engineering Inc. for the project. The proposal was graded by Kevin Caldwell, Senior Engineering Project Manager, Bret Marshall, City of Talent Public Works Director and Matias Mendez, City of Phoenix Public Works Superintendent.

The results of the scoring are as follows:

CONSULTANT	TOTAL SCORE	RANK
RH2 Engineering Inc.	276	1

After scoring was completed, RH2 Engineering Inc. was notified of the City's intent to begin scope and fee negotiations for the project. Through several formal discussions a final scope and fee was agreed upon in concept by Talent, Ashland, Phoenix and RH2 Engineering Inc. The scope and fee is part of the professional services contract, reference attachment #1.

This contract supports the development of plans, specifications and estimates for the following improvements:

1. Backup power generator – Talent booster pump station
    a. Upsized generator for the Talent booster station to provide backup power needs to meet fire flow and max day demand for Talent and Ashland
2. Backup power generator – Ashland booster pump station
    a. New generator to provide backup power to the Ashland station
3. Booster pump upgrades to the regional pump station
    a. Upsize existing pumps to meet fire and max day demand needs into the future
4. Booster pump upgrades to the Talent booster pump station
    a. Upsize existing pumps to meet fire and max day demand needs for Talent and Ashland
5. Seismic retrofit of the Talent booster pump station
    a. Seismic resilience improvements to the facility to protect delivery of potable water to Talent and Ashland
6. Booster pump station programming improvements (Telemetry)
    a. Coordinate SCADA improvements in the TAP system to ensure that booster stations and reservoirs are property coordinated

Staff expects to issue another RFP document that will cover two other TAP System Improvements outlined in the ARPA grant at a future date to be determined.

FISCAL IMPACTS

The proposed fee for the engineering and construction administration for the project is $299,684 and is funded 100% from the ARPA grant received. Construction cost estimates will be updated during the design process and staff will bring forward future construction contracts for award by the City Council. If the grant amount is exceeded in the construction phase then each community will pay their appropriate share based on the TAP Master Plan cost allocation basis.

STAFF RECOMMENDATION

Staff recommends approval of the professional services contract with RH2 Engineering Inc. for TAP system improvements.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

1. I move to approve a Legal Department approved professional services contract with RH2 Engineering Inc. for TAP system improvements in the amount of $295,172

REFERENCES & ATTACHMENTS

Attachment #1: Professional Services Contract with RH2 Engineering
Attachment #2: ARPA Award Letter Notification
Attachment #3: Request for Proposal Solicitation

PERSONAL SERVICES AGREEMENT (greater than $35,000.00)

CITY OF ASHLAND 20 East Main Street Ashland, Oregon 97520 Telephone: 541/488-5587 Fax: 541/488-6006	CONSULTANT: RH2 ENGINEERING, INC. CONSULTANT'S CONTACT: Jeff Ballard ADDRESS: 3553 Arrowhead Dr, STE 200 Medford, OR 97504 EMAIL: jballard@rh2.com

This Personal Services Agreement (hereinafter "Agreement") is entered into by and between the City of Ashland, an Oregon municipal corporation (hereinafter "City") and RH2 Engineering, Inc., a foreign business corporation ("hereinafter "Consultant"), for development of TAP Water System Improvements.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the City and Consultant hereby agree as follows:

1. **Effective Date and Duration:** This Agreement shall become effective on the date of execution on behalf of the City, as set forth below (the "Effective Date"), and unless sooner terminated as specifically provided herein, shall terminate upon the City's affirmative acceptance of Consultant's Work as complete and Consultant's acceptance of the City's final payment therefore, but not later than June 30, 2024.
2. **Scope of Work:** Consultant will provide development of TAP Water System Improvements as more fully set forth in the Consultant's Scope of Work dated September 2022, which is attached hereto as "Exhibit A" and incorporated herein by this reference. Consultant's services are collectively referred to herein as the "Work."
3. **Supporting Documents/Conflicting Provisions:** This Agreement and any exhibits or other supporting documents shall be construed to be mutually complimentary and supplementary wherever possible. In the event of a conflict which cannot be so resolved, the provisions of this Agreement itself shall control over any conflicting provisions in any of the exhibits or supporting documents.
4. **All Costs Borne By Consultant:** Consultant shall, perform the Work described above and, unless otherwise specified in this Agreement, furnish all labor, equipment, and materials required for the proper performance of such Work.
5. **Qualified Work:** Consultant has represented, and by entering into this Agreement now represents, that all personnel assigned to the Work to be performed under this Agreement are fully qualified to perform the service to which they will be assigned in a skilled and worker-like manner and, if required to be registered, licensed or bonded by the State of Oregon, are so registered, licensed and bonded.
6. **Compensation:** City shall pay Consultant at the hourly rates and for the amounts actually incurred for

any subcontracting activities as set forth in Consultant's fee schedule entitled "RH2 Engineering, Inc. 2020 Schedule of Rates and Charges" which is attached hereto as "Exhibit "B" and incorporated herein by this reference, as full compensation for Consultant's performance of all Work under this Agreement. In no event shall Consultant's total of all compensation and reimbursement under this Agreement exceed the sum of **$295,172.00 (two hundred ninety-five thousand and one hundred seventy-two U. S. dollars)** without the express, written approval from the City official whose signature appears below, or such official's successor in office. Payments shall be made within 30 days of the date of receipt by the City of Consultant's invoice. Should this Agreement be terminated prior to completion of all Work, payments will be made for any phase of the Work completed and accepted as of the date of termination.

7. **Ownership of Work/Documents:** All Work product or documents produced in furtherance of this Agreement belong to the City, and any copyright, patent, trademark proprietary or any other protected intellectual property right shall vest in and is hereby assigned to the City. All reuse not occurring as part of this Work shall be without liability to the Consultant.

8. **Statutory Requirements:** The following laws of the State of Oregon are hereby incorporated by reference into this Agreement: ORS 279B.220, 279B.230 and 279B.235.

9. **Living Wage Requirements:** If the amount of this Agreement is $21,507.75 or more, Consultant is required to comply with Chapter 3.12 of the Ashland Municipal Code by paying a living wage, as defined in that chapter, to all employees performing Work under this Agreement and to any Subcontractor who performs 50% or more of the Work under this Agreement. Consultant is also required to post the notice attached hereto as "Exhibit D" predominantly in areas where it will be seen by all employees.

10. **Indemnification:** Consultant hereby agrees to defend, indemnify, save, and hold City, its officers, employees, and agents harmless from any and all losses, claims, actions, costs, expenses, judgments, subrogations, or other damages resulting from injury to any person (including injury resulting in death), or damage (including loss or destruction) to property, of whatsoever nature to the extent caused by or arising out of the intentional or negligent acts, errors, or omission in the performance of this Agreement by Consultant (including but not limited to, Consultant's employees, agents, and others designated by Consultant to perform Work or services attendant to this Agreement). However, Consultant shall not be held responsible for any losses, expenses, claims, subrogations, actions, costs, judgments, or other damages, caused solely by the negligence of City.

11. **Termination:**
    a. Mutual Consent. This Agreement may be terminated at any time by the mutual consent of both parties.
    b. City's Convenience. This Agreement may be terminated by City at any time upon not less than 30 days' prior written notice delivered by certified mail or in person.
    c. For Cause. City may terminate or modify this Agreement, in whole or in part, effective upon delivery of written notice to Consultant, or at such later date as may be established by City under any of the following conditions:
        i. If City funding from federal, state, county or other sources is not obtained and continued at levels sufficient to allow for the purchase of the indicated quantity of services;

ii. If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Agreement or are no longer eligible for the funding proposed for payments authorized by this Agreement; oriii. If any license or certificate required by law or regulation to be held by Consultant to provide the services required by this Agreement is for any reason denied, revoked, suspended, or not renewed.

d. For Default or Breach.
   i. Either City or Consultant may terminate this Agreement in the event of a breach of the Agreement by the other. Prior to such termination the party seeking termination shall give to the other party written notice of the breach and its intent to terminate. If the party committing the breach has not entirely cured the breach within fifteen (15) days of the date of the notice, or within such other period as the party giving the notice may authorize in writing, then the Agreement may be terminated at any time thereafter by a written notice of termination by the party giving notice.
   ii. Time is of the essence for Consultant's performance of each and every obligation and duty under this Agreement. City by written notice to Consultant of default or breach may at any time terminate the whole or any part of this Agreement if Consultant fails to provide services called for by this Agreement within the time specified herein or within any extension thereof.
   iii. The rights and remedies of City provided in this subsection (d) are not exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

e. Obligation/Liability of Parties. Termination or modification of this Agreement pursuant to subsections a, b, or c above shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination or modification. However, upon receiving a notice of termination (regardless whether such notice is given pursuant to Subsection a, b, c, or d of this section, Consultant shall immediately cease all activities under this Agreement, unless expressly directed otherwise by City in the notice of termination. Further, upon termination, Consultant shall deliver to City all Agreement documents, information, works-in-progress and other property that are or would be deliverables had the Agreement been completed. City shall pay Consultant for Work performed prior to the termination date if such Work was performed in accordance with this Agreement.

12. **Independent Contractor Status:** Consultant is an independent contractor and not an employee of the City for any purpose. Consultant shall have the complete responsibility for the performance of this Agreement. Consultant shall provide workers' compensation coverage as required in ORS Chapter 656 for all persons employed to perform Work pursuant to this Agreement. Consultant is a subject employer that will comply with ORS 656.017.

13. **Assignment:** Consultant shall not assign this Agreement or subcontract any portion of the Work without the written consent of City. Any attempted assignment or subcontract without written consent of City shall be void. Consultant shall be fully responsible for the acts or omissions of any assigns or subcontractors and of all persons employed by them, and the approval by City of any assignment or

subcontract of the Work shall not create any contractual relation between the assignee or subcontractor and City.

14. **Default.** The Consultant shall be in default of this Agreement if Consultant: commits any material breach or default of any covenant, warranty, certification, or obligation under the Agreement; institutes an action for relief in bankruptcy or has instituted against it an action for insolvency; makes a general assignment for the benefit of creditors; or ceases doing business on a regular basis of the type identified in its obligations under the Agreement; or attempts to assign rights in, or delegate duties under, this Agreement.

15. **Insurance.** Consultant shall, at its own expense, maintain the following insurance:
    a. Worker's Compensation insurance in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers
    b. Professional Liability insurance with a combined single limit, or the equivalent, of not less than $2,000,000 (two million dollars) per claim. This is to cover any damages caused by error, omission or negligent acts related to the professional services to be provided under this Agreement. "Tail" coverage will be required at the completion of the Work under this Agreement for the remaining Term, and for not less than twenty-four (24) months after completion of all Work. Consultant shall be responsible for furnishing certification of the "tail" coverage as described herein or continuous "claims made" liability coverage for not less than twenty-four (24) months following completion of all Work, provided that the continuous "claims made" coverage has a retroactive date on or before the Effective Date of this Agreement.
    c. General Liability insurance with a combined single limit, or the equivalent, of not less than $2,000,000 (two million dollars) per occurrence for Bodily Injury, Death, and Property Damage.
    d. Automobile Liability insurance with a combined single limit, or the equivalent, of not less than $1,000,000 (one million dollars) for each accident for Bodily Injury and Property Damage, including coverage for owned, hired or non-owned vehicles, as applicable.
    e. Notice of cancellation or change. There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without 30 days' prior written notice from the Consultant or its insurer(s) to the City.
    f. Additional Insured/Certificates of Insurance. Consultant shall name the City of Ashland, Oregon, and its elected officials, officers and employees as Additional Insureds on any insurance policies, excluding Professional Liability and Workers' Compensation, required herein, but only with respect to Consultant's services to be provided under this Agreement. The consultant's insurance is primary and non-contributory. As evidence of the insurance coverages required by this Agreement, the Consultant shall furnish acceptable insurance certificates prior to commencing the Work under this Agreement. The certificate will specify all of the parties who are Additional Insureds. Insuring companies or entities are subject to the City's acceptance. If requested, complete copies of insurance policies; trust agreements, etc. shall be provided to the City. The Consultant shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

16. **Nondiscrimination:** Consultant agrees that no person shall, on the grounds of race, color, religion, creed, sex, marital status, familial status or domestic partnership, national origin, age, mental or physical

disability, sexual orientation, gender identity or source of income, suffer discrimination in the performance of any Work under this Agreement when employed by Consultant. Consultant agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations. Further, Consultant agrees not to discriminate against a disadvantaged business enterprise, minority-owned business, woman-owned business, a business that a service-disabled veteran owns or an emerging small business enterprise certified under ORS 200.055, in awarding subcontracts as required by ORS 279A.110.

17. Consultant's Compliance With Tax Laws:

17.1 Consultant represents and warrants to the City that:

17.1.1 Consultant shall, throughout the term of this Agreement, including any extensions hereof, comply with:

(i) All tax laws of the State of Oregon, including but not limited to ORS 305.620 and ORS Chapters 316, 317, and 318;

(ii) Any tax provisions imposed by a political subdivision of the State of Oregon applicable to Consultant; and

(iii) Any rules, regulations, charter provisions, or ordinances that implement or enforce any of the foregoing tax laws or provisions.

17.1.2 Consultant, for a period of no fewer than six (6) calendar years preceding the Effective Date of this Agreement, has faithfully complied with:

(i) All tax laws of the State of Oregon, including but not limited to ORS 305.620 and ORS Chapters 316, 317, and 318;

(ii) Any tax provisions imposed by a political subdivision of the State of Oregon applicable to Consultant; and

(iii) Any rules, regulations, charter provisions, or ordinances that implement or enforce any of the foregoing tax laws or provisions.

18. Governing Law; Jurisdiction; Venue: This Agreement shall be governed and construed in accordance with the laws of the State of Oregon without resort to any jurisdiction's conflict of laws, rules or doctrines. Any claim, action, suit or proceeding (collectively, "the claim") between the City and the Consultant that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Jackson County for the State of Oregon. If, however, the claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon filed in Jackson County, Oregon. Consultant, by its signature hereon of its authorized representative, hereby consents to the *in personam* jurisdiction of said courts.

19. THIS AGREEMENT AND THE ATTACHED EXHIBITS CONSTITUTE THE ENTIRE UNDERSTANDING AND AGREEMENT BETWEEN THE PARTIES. NO WAIVER, CONSENT, MODIFICATION OR CHANGE OF TERMS OF THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH PARTIES. SUCH WAIVER, CONSENT, MODIFICATION OR CHANGE, IF MADE, SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN

REGARDING THIS AGREEMENT. CONSULTANT, BY SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT HE/SHE HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

20. **Amendments.** This Agreement may be amended only by written instrument executed by both parties with the same formalities as this Agreement.

21. **Nonappropriations Clause**. Funds Available and Authorized: The City has sufficient funds currently available and authorized for expenditure to finance the costs of this Agreement within the City's fiscal year budget. Consultant understands and agrees that City's payment of amounts under this Agreement attributable to Work performed after the last day of the current fiscal year is contingent on City appropriations, or other expenditure authority sufficient to allow City in the exercise of its reasonable administrative discretion, to continue to make payments under this Agreement. In the event City has insufficient appropriations, limitations or other expenditure authority, City may terminate this Agreement without penalty or liability to City, effective upon the delivery of written notice to Consultant, with no further liability to Consultant.

22. **Certification**. Consultant shall sign the certification attached hereto as "Exhibit C" and incorporated herein by this reference.

CITY OF ASHLAND:

By: _____
City Manager

_____
Printed Name

_____
Date

RH2 ENGINEERING, INC. (CONSULTANT):

By: _____
Signature

_____
Printed Name

_____
Title

_____
Date

Purchase Order No. _____

(**W-9** is to be submitted with this signed Agreement)

APPROVED AS TO FORM:

_____

City Attorney

_____

Date

EXHIBIT C

CERTIFICATIONS/REPRESENTATIONS: Consultant, by and through its authorized representative, under penalty of perjury, certifies that (a) the number shown on the attached W-9 form is its correct taxpayer ID (or is waiting for the number to be issued to it and (b) Consultant is not subject to backup withholding because: (i) it is exempt from backup withholding, or (ii) it has not been notified by the Internal Revenue Service (IRS) that it is subject to backup withholding as a result of a failure to report all interest or dividends, or (iii) the IRS has notified it that it is no longer subject to backup withholding. Consultant further represents and warrants to City that: (a) it has the power and authority to enter into and perform the Work, (b) the Agreement, when executed and delivered, shall be a valid and binding obligation of Consultant enforceable in accordance with its terms, (c) the work under the Agreement shall be performed in accordance with the highest local standards, and (d) Consultant is qualified, professionally competent, and duly licensed (if applicable) to perform the Work. Consultant also certifies under penalty of perjury that its business is not in violation of any Oregon tax laws, it is an independent contractor as defined in the Agreement, it is authorized to do business in the State of Oregon, and Consultant has checked four or more of the following criteria that apply to its business.

_____ (1) Consultant carries out the work or services at a location separate from a private residence or is in a specific portion of a private residence, set aside as the location of the business.

_____ (2) Commercial advertising or business cards or a trade association membership are purchased for the business.

_____ (3) Telephone listing is used for the business separate from the personal residence listing.

_____ (4) Labor or services are performed only pursuant to written contracts.

_____ (5) Labor or services are performed for two or more different persons within a period of one year.

_____ (6) Consultant assumes financial responsibility for defective workmanship or for service not provided as evidenced by the ownership of performance bonds, warranties, errors and omission (professional liability) insurance or liability insurance relating to the Work or services to be provided.

_____

Consultant Date

EXHIBIT D

CITY OF ASHLAND, OREGON

City of Ashland LIVING WAGE

ALL employers described below must comply with City of Ashland laws regulating payment of a living wage.

$17.02 per hour, effective June 30, 2022.

The Living Wage is adjusted annually every June 30 by the Consumer Price Index.

Employees must be paid a living wage:

- For all hours worked under a service contract between their employer and the City of Ashland if the contract exceeds **$24,050.68** or more.
- For all hours worked in a month if the employee spends 50% or more of the employee's time in that month working on a project or portion of business of their employer, if the employer has ten or more employees, and has received financial assistance for the project or business from the City of Ashland in excess of **$24,050.68**.
- If their employer is the City of Ashland, including the Parks and Recreation Department.
- In calculating the living wage, employers may add the value of health care, retirement, 401K and IRS eligible cafeteria plans (including childcare) benefits to the amount of wages received by the employee.
- **Note:** For temporary and part-time employees, the Living Wage does **not** apply to the first 1040 hours worked in any calendar year. For more details, please see Ashland Municipal Code Section 3.12.020.

For additional information:

Call the Ashland City Administrator's office at 541-488-6002 or write to the City Administrator, City Hall, 20 East Main Street, Ashland, OR 97520, or visit the City's website at www.ashland.or.us.

Notice to Employers: This notice must be posted predominantly in areas where it can be seen by all employee

CITY OF ASHLAND

EXHIBIT A
Scope of Work
City of Ashland
Development of TAP Water System Improvements

City of Ashland Project No. 2021-13
September 2022

Background

The Talent-Ashland-Phoenix (TAP) water system was initially developed in the early 2000s and delivers potable water from the Medford Water Commission to the Cities of Talent, Ashland, and Phoenix (Cities). The TAP system includes several miles of large diameter transmission lines, three booster pump stations (BPS), and associated reservoirs. The TAP water system is the only water source for the City of Talent (Talent) and the City of Phoenix (Phoenix) and is a supplemental water source for the City of Ashland (Ashland). All three Cities collaborate to manage and maintain the TAP system for the benefit of the partner Cities.

In 2020, the *TAP Water System Master Plan* (WMP) was completed. This WMP includes a summary of current management, operations, and maintenance and identifies specific capital improvement projects for the system. The water system improvements identified in this Scope of Work are derived from the WMP, except for the new standby generator at the Ashland Booster Pump Station (BPS). The identified improvements are part of the individual water systems of the Cities of Talent, Ashland, and Phoenix. However, Ashland is administering the contract for the work in coordination with the other Cities.

RH2 Engineering, Inc., (RH2) was selected through a Request for Proposal solicitation issued by Ashland in May 2022 to provide professional engineering services for the design and construction period services for the following improvements:

- Replace an existing 50 horsepower (hp) pump with a 125 hp pump, including necessary station modifications at the Regional BPS.
- Install a new 50 hp pump and necessary improvements at the Talent BPS.
- Replace the existing standby generator at the Talent BPS with a new larger generator, including equipment modifications to facilitate the upgrade.
- Install a new standby generator as the Ashland BPS, including necessary equipment modifications to facilitate the installation.
- Evaluate system telemetry components and recommend/implement the improvements.

This Scope of Work details the tasks that will be performed by RH2. *Unless otherwise indicated in a specific task, RH2 will rely on the accuracy and completeness of any data, materials, or information generated or provided by the Cities or others in relation to this Scope of Work.* RH2 assumes that the entity providing such information to RH2 is either the owner of such information or has obtained

written authorization from the owner to distribute said information. *It is assumed that reviews and comments required of the Cities will be provided in a timely manner.*

Task 1 – Project Management/Administration Services

Objective: Manage the project scope, budget, and schedule, and coordinate with Cities staff.

Approach:

1.1 Manage the RH2 Project Team – Manage the RH2 project team to track work elements accomplished, work items planned for the next phase, man hours, scope changes, time, and budget needed to complete the work. Submit a monthly invoice summarizing costs and remaining budget.

1.2 Coordinate with City – Provide correspondence and coordination with the City of Ashland project manager and staff. *Correspondence will include RH2 and City project manager check-in calls.*

RH2 Deliverables:

- Monthly invoices in electronic format (PDF).

Task 2 – Kick-Off Meeting and Data Review

Objective: Review the project information and data, and work with Cities staff to prepare the design criteria for the improvements at each facility. Attend a kick-off meeting with City representatives.

Approach:

2.1 Perform Data Review – Review provided construction/as-built drawings and records of the facilities to determine if other information is needed and/or available for the project.

2.2 Attend Kick-Off Meeting – Prepare for and attend one (1) kick-off meeting with the Cities to determine design criteria. Visit the sites to confirm planned improvements and collect additional field data.

Assumptions:

- *RH2 will perform an evaluation of information provided by the Cities and others, as needed, to develop the design criteria. Unknowns, assumptions, and other issues that may impact the accuracy of the design will be identified and provided to the Cities for review and discussion. If additional effort is required to further investigate these issues, a modification to this Scope of Work may be mutually negotiated between RH2 and the Cities.*
- *This Task will include site visits to three (3) facilities, RBPS, TBPS and ABPS. Information gathered from these visits will be used for the remaining tasks in this Scope of Work.*

Provided by Ashland:

- Available construction/as-built documents for the pump stations for use by RH2.
- Construction submittals submitted to the owner during construction or an Operations and Maintenance manual containing relevant documentation.

- Identification of current flow parameters and long-term planned design flow parameters for each facility to aid in equipment selection.

RH2 Deliverables:

- Design criteria in electronic format (PDF).
- Attendance at kick-off meeting and site visits.

Task 3 – Regional Booster Pump Station Improvements

Objective: Design and manage the replacement of the existing pump #120 (50 hp) with a new 125 hp pump that matches the other two (2) existing 125 hp pumps. The facility was designed to have this upgrade completed when additional capacity became necessary. Select a new 125 hp to match the existing pumps #130 and #140 at the facility. Prepare electrical and control modifications at the facility to handle the operation of the new pump installation.

Approach:

3.1 Select Pump – Review flow data provided by the Cities and select a pump that matches the flow capabilities of the other two (2) existing pumps at the station.

3.2 Design Electrical and Control – Design the modifications necessary to install and operate the new pump. *Design is assumed to include conductors, variable frequency drive, and motor control center modifications.* Prepare 60-percent, 90-percent, and bid-ready design submittals for Cities review. Prepare Engineer's opinion of probable construction cost (OPCC). *Control design will modify the operation of the new pump to be consistent with the desired operation of the Cities.*

3.3 Evaluate Generator – Confirm the capacity of the existing generator and back-up power equipment to identify any necessary upgrades to keep the facility fully operational under back-up power. (*If modifications are necessary, it will be completed under a separate negotiated task.*)

3.4 Prepare Pump and Electrical Enclosure Pre-Purchase Documentation – Prepare pre-purchase documents, including specifications and drawings, for mechanical and electrical equipment for bidding.

3.5 Prepare Specifications – Prepare front-end and technical specifications for use during bidding the construction of the improvements. Prepare 60-percent, 90-percent, and bid-ready submittals for Cities review. *Front-end specifications will be based on City of Ashland template to be provided. Technical specifications will be in RH2's modified Construction Specifications Institute (CSI) format.*

3.6 Provide Services During Construction – Provide engineering services during the construction phase to facilitate project completion.

a) Prepare Construction Package – Prepare conformed for construction plan sets and specifications and produce PDF version of documents to be provided to the City and the contractor.

b) Correspond with City and Contractor – Maintain ongoing communications with City staff and the contractor as necessary to facilitate project construction. *This subtask is assumed to span the duration of Services During Construction.*

c) Attend Pre-Construction Meeting – Coordinate and attend one (1) pre-construction meeting with City staff and the contractor, respond to questions, and prepare meeting agenda and minutes.

d) Review Construction Documents – Review and prepare responses as appropriate for submittals (includes shop drawings, catalog submittals, and other data), pay requests, requests for information (RFIs), and change order requests.

e) Provide On-Site Construction Observation – Provide on-site construction observation to review whether those elements of construction that are observed by RH2 conform to the project plans and specifications. *Observation services will be provided on an as-needed basis as requested by* the City. *Up to thirty-four (34) hours has been budgeted for this subtask.* Prepare observation reports following on-site observations.

f) Attend Testing and Startup – Provide technical expertise during testing and startup. Conduct pumping simulation to confirm pump performance. Perform an electrical and controls check.

g) Prepare Operations and Maintenance Manual – Prepare Operations and Maintenance (O&M) Manual. This manual will build upon and include existing O&M manual materials.

Assumptions:

- *Phoenix will administer and manage all aspects of project construction and provide on-site inspection, and RH2 will support this effort only as explicitly stated herein. It is assumed that Phoenix will work directly with the contractor regarding contracting, work progress and schedule, claims, protests, and all other aspects to manage construction of this project. It also is assumed that Phoenix will provide the award letter, notice to proceed, substantial completion letter, physical completion letter, punch list, and all other documentation necessary for project administration and completion.*
- *The number of hours estimated to perform Services During Construction is based on similar projects with similar complexity and depend in part on the contractor awarded the project. The number of hours spent may vary depending on the completeness, responsiveness, and clarity of each document provided by the contractor, field conditions encountered, and other factors. These services shall be performed up to the level included in the attached Fee Estimate.*
- *RH2 is not responsible for site safety or for directing the contractor in their work.*
- *O&M Manual will rely on information within existing O&M manuals provided by the City. Information within the new O&M Manual will build upon, refer to, and/or modify the existing O&M manual materials.*

Provided by Cities:

- Project administration and management.
- Attendance at the pre-construction meeting.
- Construction contract execution, construction inspection, letters, and all other documentation needed for project administration and closeout.

RH2 Deliverables:

- Pre-purchase drawings and specifications for mechanical and electrical equipment in electronic format (PDF).
- Design plans and specifications at 60-percent, 90-percent, and bid-ready in electronic format (PDF).
- OPCC electronic format (PDF).
- Conformed for construction plan sets and specifications in electronic format (PDF).
- Correspondence with City staff and the contractor as required.
- Attendance at the pre-construction meeting and meeting agenda and minutes in electronic format (PDF).
- Submittal review responses, recommendations for payment, RFI responses, and change orders up to the limit described herein in electronic format (PDF).
- Observation reports following on-site observation emailed in electronic format (PDF).
- Attendance at startup and testing.
- O&M Manual in electronic format (PDF).

Task 4 – Talent Booster Pump Station Improvements

Objective: Design and observe the installation of a new pump and necessary mechanical and electrical equipment to supply 500 gallons per minute of additional flow from the Talent BPS. Size and design the improvements to replace the existing generator with an adequately sized generator to operate the demand at the facility. Prepare electrical and control modifications at the facility to handle the operation of the new pump installation.

Approach:

4.1 Select Pump – Review flow requirement recommendations provided by Talent's *Water Master Plan* and select a pump that matches the flow requirements recommended in the planning documentation.

4.2 Perform Generator Sizing and Calculations – Perform generator load and sizing calculations based on the existing electrical load (including the pumps identified in the Background section) at the facility to determine the generator size. Prepare generator sizing calculations using manufacturer sizing software. Coordinate with generator manufacturers that will be specified

for this project to determine the physical size of the generator and automatic transfer switches and obtain equipment pricing information. Provide specifications for the new generator to allow the City to pre-purchase the generator with the goal of keeping the project on the preferred schedule.

4.3 Prepare Electrical Design Plans – Develop electrical plans for the power distribution system improvements and installation of the new standby generator to include a one-line diagram showing the equipment layout, a power distribution and signal plan showing conduit routing and equipment locations, power distribution switchboard equipment installation details, generator installation details, electrical schedules, and electrical details. Prepare electrical site plans identifying the location of the new generator, site conduit routing, and site improvements that are required for the installation of the generator. Prepare generator and fuel tank installation details. Complete interfacing of the generator and automatic transfer switch alarm and status signals with the existing telemetry system. *Integration work will be completed through Control Systems NW, LLC (CSNW), a subsidiary of RH2. CSNW will prepare telemetry block diagrams showing the required modifications to the existing telemetry panel. The block diagrams will be provided to RH2 and included in the appendices of the bid documents.*

4.4 Prepare OPCC – Prepare an OPCC for City review purposes at the 60-percent, 90-percent, and bid-ready reviews.

4.5 Prepare Plans and Specifications – Prepare technical specifications using RH2's modified CSI format. Update the City's standard specifications and general conditions as warranted for this project. Provide the City with mechanical, electrical, and structural plans at the 60-percent, 90-percent, and bid-ready design levels, and specifications at the 90-percent and bid-ready design levels for City review. Meet up to two (2) times with City staff at the 60- and 90-percent design levels to discuss and review the plans and specifications. Edit plans at the 60-percent review level, and edit plans and specifications at the 90-percent review level based on City review comments. Advance plans and specifications to the bid-ready design level.

4.6 Provide Services During Construction – Provide engineering services during the construction phase to facilitate project completion.

a) Prepare Construction Package – Prepare conformed for construction plan sets and specifications and produce PDF version of documents to be provided to the City and the contractor.

b) Correspond with City and Contractor – Maintain ongoing communications with City staff and the contractor as necessary to facilitate project construction. *This subtask is assumed to span the duration of Services During Construction.*

c) Attend Pre-Construction Meeting – Coordinate and attend pre-construction meeting with City staff and the contractor, respond to questions, and prepare meeting agenda and minutes.

d) Review Construction Documents – Review and prepare responses as appropriate for submittals (includes shop drawings, catalog submittals, and other data), pay requests, RFIs, and change order requests.

e) Provide On-Site Construction Observation – Provide on-site construction observation to review whether those elements of construction that are observed by RH2 conform to the project plans and specifications. Observation services will be provided on an as-needed basis as requested by the City. *Up to Forty-two (42) hours has been budged for this subtask.* Prepare observation reports following on-site observations.

f) Attend Testing and Startup – Provide technical expertise during testing and startup. Conduct pumping simulation to confirm pump performance. Perform an electrical and controls check.

g) Prepare O&M Manual – Prepare O&M Manual. This manual will build upon and include existing O&M manual materials.

Assumptions:

- *The number of hours estimated to perform Services During Construction is based on similar projects with similar complexity and depend in part on the contractor awarded the project. The number of hours spent may vary depending on the completeness, responsiveness, and clarity of each document provided by the contractor, field conditions encountered, and other factors. These services shall be performed up to the level included in the attached Fee Estimate.*
- *The City of Talent will administer and manage all aspects of project construction and provide on-site inspection, and RH2 will support this effort only as explicitly stated herein. It is assumed that the City will work directly with the contractor regarding contracting, work progress and schedule, claims, protests, and all other aspects to manage construction of this project. It also is assumed that the City will provide the award letter, notice to proceed, substantial completion letter, physical completion letter, punch list, and all other documentation necessary for project administration and completion.*
- *RH2 is not responsible for site safety or for directing the contractor in their work.*
- *O&M Manual will rely on information within existing O&M manuals provided by the City. Information within the new O&M Manual will build upon, refer to, and/or modify the existing O&M manual materials.*

Provided by City:

- Project administration and management.
- Attendance at the pre-construction meeting.
- Construction contract execution, construction inspection, letters, and all other documentation needed for project administration and closeout.

RH2 Deliverables:

- Pre-purchase drawings, calculations, and specifications for generator in electronic format (PDF).
- Design plans at 60-percent, 90-percent, and bid-ready design in electronic format (PDF).
- Specifications at 90-percent and bid-ready design in electronic format (PDF).
- OPCC at 60-percent, 90-percent, and bid-ready design in electronic format (PDF).
- Conformed for construction plan sets and specifications in electronic format (PDF).
- Correspondence with City staff and the contractor as required.
- Attendance at the pre-construction meeting and meeting agenda and minutes in electronic format (PDF).
- Submittal review responses, recommendations for payment, RFI responses, and change orders in electronic format (PDF).
- Observation reports following on-site observation emailed in electronic format (PDF).
- Attendance at station startup and testing.
- O&M Manual in electronic format (PDF).

Task 5 – Ashland Booster Pump Station Improvements

Objective: Design and manage the installation of a new generator and electrical equipment to supply back-up power to the Ashland BPS. Size and design an adequately sized generator to operate the demand at the pump station. Prepare electrical and control modifications at the facility to handle the operation of the new generator installation.

Approach:

5.1 Perform Generator Sizing and Calculations – Perform generator load and sizing calculations based on the existing electrical load along with the load of one (1) future pump at the facility that matches the existing pumps to determine the generator size. Prepare generator sizing calculations using manufacturer sizing software. Coordinate with generator manufacturers that will be specified for this project to determine the physical size of the generator and automatic transfer switches and obtain equipment pricing information. Provide specifications for the new generator to allow Ashland to pre-purchase the generator with the goal of keeping the project on the preferred schedule.

5.2 Prepare Electrical Design Plans – Develop electrical plans for the power distribution system improvements and installation of a new standby generator to include a one-line diagram showing the equipment layout, a power distribution and signal plan showing conduit routing and equipment locations, power distribution switchboard equipment installation details, generator installation details, electrical schedules, and electrical details. Prepare electrical site plans identifying the location of the new generator, site conduit routing, and site improvements

that are required for the installation of the generator. Prepare generator and fuel tank installation details. Complete interfacing of the generator and automatic transfer switch alarm and status signals with the existing telemetry system. *Integration work will be completed through CSNW, a subsidiary of RH2. CSNW will prepare telemetry block diagrams showing the required modifications to the existing telemetry panel. The block diagrams will be provided to RH2 and included in the appendices of the bid documents*.

5.3 Prepare OPCC – Prepare an OPCC for Ashland review purposes at the 60-percent, 90-percent, and bid-ready reviews.

5.4 Prepare Plans and Specifications – Prepare technical specifications using RH2's modified CSI format. Update Ashland's standard specifications and general conditions as warranted for this project. Provide Ashland with civil, electrical, and structural plans at the 60-percent, 90-percent, and bid-ready design levels, and specifications at the 90-percent and bid-ready design levels for Ashland review. Meet up to two (2) times with Ashland staff at the 60- and 90-percent design levels to discuss and review the plans and specifications. Edit plans at the 60-percent review level and edit plans and specifications at the 90-percent review level based on Ashland review comments. Advance plans and specifications to the bid-ready design level.

5.5 Provide Services During Construction – Provide engineering services during the construction phase to facilitate project completion.

a) Prepare Construction Package – Prepare conformed for construction plan sets and specifications and produce PDF version of documents to be provided to Ashland and the contractor.

b) Correspond with Ashland and Contractor – Maintain ongoing communications with Ashland staff and the contractor as necessary to facilitate project construction. *This subtask is assumed to span the duration of Services During Construction.*

c) Attend Pre-Construction Meeting – Coordinate and attend pre-construction meeting with Ashland staff and the contractor, respond to questions, and prepare meeting agenda and minutes.

d) Review Construction Documents – Review and prepare responses as appropriate for submittals (includes shop drawings, catalog submittals, and other data), pay requests, RFIs, and change order requests.

e) Provide On-Site Construction Observation – Provide on-site construction observation to review whether those elements of construction that are observed by RH2 conform to the project plans and specifications. Observation services will be provided on an as-needed basis as requested by Ashland. *Up to thirty-eight (38) hours has been budged for this subtask.* Prepare observation reports following on-site observations.

f) Attend Testing and Startup – Provide technical expertise during testing and startup. Attend pumping simulation to confirm pump performance. Perform an electrical and controls check.

g) Prepare O&M Manual – Prepare O&M Manual. This manual will build upon and include existing O&M manual materials.

Assumptions:

- *RH2 will use existing documentation and electronic files from the pump station facility constructed in 2017. No surveying is planned to be required.*
- *Ashland will administer and manage all aspects of project construction and provide on-site inspection, and RH2 will support this effort only as explicitly stated herein. It is assumed that Ashland will work directly with the contractor regarding contracting, work progress and schedule, claims and protests, and all other aspects to manage construction of this project. It also is assumed that Ashland will provide the award letter, notice to proceed, substantial completion letter, physical completion letter, punch list, and all other documentation necessary for project administration and completion.*
- *The number of hours estimated to perform Services During Construction is based on similar projects with similar complexity and depend in part on the contractor awarded the project. The number of hours spent may vary depending on the completeness, responsiveness, and clarity of each document provided by the contractor, field conditions encountered, and other factors. These services shall be performed up to the level included in the attached Fee Estimate.*
- *RH2 is not responsible for site safety or for directing the contractor in their work.*
- *O&M Manual will rely on information within existing O&M manuals provided by the City. Information within new O&M Manual will build upon, refer to, and/or modify the existing O&M manual materials.*

Provided by Ashland:

- Project administration and management.
- Attendance at the pre-construction meeting.
- Construction contract execution, construction inspection, letters, and all other documentation needed for project administration and closeout.

RH2 Deliverables:

- Pre-purchase drawings, calculations, and specifications for generator in electronic format (PDF).
- Design plans at 60-percent, 90-percent, and bid-ready design in electronic format (PDF).
- Specifications at 90-percent and bid-ready design in electronic format (PDF).
- OPCC at 60-percent, 90-percent, and bid-ready design in electronic format (PDF).
- Conformed for construction plan sets and specifications in electronic format (PDF).
- Correspondence with Ashland staff and the contractor as required.

- Attendance at the pre-construction meeting and meeting agenda and minutes in electronic format (PDF).
- Submittal review responses, recommendations for payment, RFI responses, and change orders in electronic format (PDF).
- Observation reports following on-site observation emailed in electronic format (PDF).
- Attendance at station startup and testing.
- O&M Manual in electronic format (PDF).

Task 6 – Control System Improvements

Objective: Attend a workshop with the Cities to analyze and define Cities system performance criteria and propose programming modifications to key facilities. Analyze inter-City and inter-facility communication and data flows to allow an improved data exchange between the Cities.

Approach:

6.1 Conduct Performance Criteria Workshop – Meet with Cities staff to discuss and define Cities system performance criteria, including desired facility data flow and key facility programming.

6.2 Draft 90-Percent Preliminary Engineering Report – Compile, review, and draft a preliminary engineering report and deliver to Cities staff for review and comment.

6.3 Meet with Cities Staff – Meet with Cities staff to discuss comments and recommendations on preliminary engineering report.

6.4 Perform Quality Control on 90-Percent Report – Perform internal quality assurance/quality control review on 90-percent preliminary engineering report and provide input on recommendations.

6.5 Prepare Final Preliminary Engineering Report – Prepare final engineering report, including OPCC for Cities.

6.6 Implement Recommended Modifications and Upgrades – Perform integration work outlined in the final engineering report. *Integration work will be completed through a separate task authorization once defined.*

Assumptions:

- *Alternate control strategies will be discussed with the goal to maximize system efficiency. Cities staff will agree on a best method of control to be implemented moving forward.*
- *Inter-City data exchange will be read-only.*
- *Adjacent integration projects outside the scope of this project may be required to be completed simultaneously. This Scope of Work excludes effort required to coordinate or combine this effort with adjacent projects.*
- *Financial implementation to be discussed within the Cities.*

Provided by Cities:

- Active participation in the performance criteria workshop.
- Timely review of 90-percent preliminary engineering report and provide one (1) redlined hardcopy.
- Attendance at meeting with RH2 to discuss comments on 90-percent report.

RH2 Deliverables:

- Attendance at one (1) performance criteria workshop with Cities staff and meeting notes in electronic format (PDF).
- 90-percent preliminary engineering report in electronic format (PDF).
- Attendance at one (1) meeting with Cities and meeting notes in electronic format (PDF).
- Final preliminary engineering report in electronic format (PDF).

Project Schedule

The schedule for this project will be determined after execution of the contract. RH2 is aware of the funding time constraints and will work within these requirements. Project completion will occur by 2027 or sooner. The order in which the separate projects will be completed will be at the discretion of the Cities.

EXHIBIT A

Fee Estimate
City of Ashland
Development of TAP Water System Improvements
Nov-22

	Description	Total Hours	Total Labor	Total Subconsultant	Total Expense	Total Cost
Task 1	Project Management/Administration Services	50	$ 11,646	$ -	$ 291	$ 11,937
Task 2	Kick-Off Meeting and Data Review	46	$ 10,634	$ -	$ 486	$ 11,120
Task 3	Regional Booster Pump Station Improvements	334	$ 62,474	$ -	$ 9,311	$ 71,785
Task 4	Talent Booster Pump Station Improvements	456	$ 88,466	$ -	$ 11,996	$ 100,462
Task 5	Ashland Booster Pump Station Improvements	328	$ 62,600	$ -	$ 9,534	$ 72,134
Task 6	Control System Improvements	130	$ 27,058	$ -	$ 676	$ 27,734
	PROJECT TOTAL	**1344**	**$ 262,878**	**$ -**	**$ 32,294**	**$ 295,172**

EXHIBIT A RH2 ENGINEERING, INC. 2022 SCHEDULE OF RATES AND CHARGES		
RATE LIST	**RATE**	**UNIT**
Professional I	$159	$/hr
Professional II	$173	$/hr
Professional III	$189	$/hr
Professional IV	$206	$/hr
Professional V	$218	$/hr
Professional VI	$236	$/hr
Professional VII	$251	$/hr
Professional VIII	$262	$/hr
Professional IX	$262	$/hr
Control Specialist I	$144	$/hr
Control Specialist II	$155	$/hr
Control Specialist III	$171	$/hr
Control Specialist IV	$187	$/hr
Control Specialist V	$198	$/hr
Control Specialist VI	$213	$/hr
Control Specialist VII	$227	$/hr
Control Specialist VIII	$238	$/hr
Technician I	$119	$/hr
Technician II	$131	$/hr
Technician III	$150	$/hr
Technician IV	$161	$/hr
Technician V	$175	$/hr
Technician VI	$191	$/hr
Technician VII	$208	$/hr
Technician VIII	$217	$/hr
Administrative I	$79	$/hr
Administrative II	$93	$/hr
Administrative III	$109	$/hr
Administrative IV	$131	$/hr
Administrative V	$153	$/hr
CAD/GIS System	$27.50	$/hr
CAD Plots - Half Size	$2.50	price per plot
CAD Plots - Full Size	$10.00	price per plot
CAD Plots - Large	$25.00	price per plot
Copies (bw) 8.5" X 11"	$0.09	price per copy
Copies (bw) 8.5" X 14"	$0.14	price per copy
Copies (bw) 11" X 17"	$0.20	price per copy
Copies (color) 8.5" X 11"	$0.90	price per copy
Copies (color) 8.5" X 14"	$1.20	price per copy
Copies (color) 11" X 17"	$2.00	price per copy
Technology Charge	2.50%	% of Direct Labor
Mileage	$0.6250	price per mile (or Current IRS Rate)
Subconsultants	15%	Cost +
Outside Services	at cost	

Rates listed are adjusted annually.

ARPA/SLFRF Required Contract Clauses

Purpose: The purpose of this reference is to assist ARPA grant award recipients by summarizing required contract clauses consistent with the federal Uniform Guidance requirements that are applicable to the State and Local Fiscal Recovery Funds (SLFRF) program as part of the American Rescue Plan Act (ARPA).
As described in this document a "recipient" is a recipient of an APRA funded grant award from Business Oregon.

The SLFRF awards are generally subject to the requirements set forth in the **The Office of Management and Budget's (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards** (commonly called "Uniform Guidance"). The "Uniform Guidance" is the set of federal rules (administrative requirements, cost principles, and audit guidelines) that apply to federal money. This includes requirements such as the treatment of eligible uses of funds, procurement, and reporting requirements. Please see the SLFRF Compliance and Reporting Guidance page 12 for full Award terms and conditions.

It is the recipient's responsibility to ensure all SLFRF award funds are used in compliance with these requirements. In addition, recipients should be mindful of any additional compliance obligations that may apply – for example, additional restrictions imposed upon other sources of funds used in conjunction with SLFRF award funds, or statutes and regulations that may independently apply to water and sewer infrastructure projects.

Contract Clause Checklist

Directions:
Appendix II of 2 CFR 200 (The Uniform Guidance) outlines the contract provisions that you must place in contracts with your contractors, and in contracts with subrecipients (if any). The checklist below contains these standard clauses for inclusion in contracts needed to utilize ARPA funds.

Clauses for All Contracts:

Creating a contract that complies with ARPA requirements must include the below sections as verbatim:

☐ **Contractor must be registered in SAM.gov. -** The Contractor shall register in the System for Award Management (SAM), which is the primary registrant database for the U.S. Federal Government and shall update the information at least annually after the initial registration and maintain its status in the SAM through the Term of this Agreement. Information regarding the process to register in the SAM can be obtained at Sam.gov

☐ **Whistleblower -** Contractor receiving ARPA funds shall under or through this contract post notice of the rights and remedies provided to whistleblowers under No Fear Act Pub. L. 107-174. 29 CFR § 1614.703 (d).

☐ **Inspections; Information** - Contractor shall permit, and cause its subcontractors to allow the State of Oregon, the federal government and any party designated by them to:

- Examine, visit and inspect, at any and all reasonable times, the property, if any, constituting the Project.
- Inspect and make copies of any accounts, books and records, including, without limitation, its records regarding receipts, disbursement, contracts, and any other matters relating to the Project, and to its financial standing, and shall supply such reports and information as reasonably requested.
- Interview any officer or employee of the Contractor, or its subcontractors, regarding the Project.

☐ **Equal Opportunity -** Contractor shall comply with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60).

☐ **Copeland "Anti-Kickback" Act -** Contractor shall comply with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

☐ **Debarment and Suspension (Executive Orders 12549 and 12689)** - A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

☐ **Prohibition on purchasing telecommunications or surveillance equipment, services, or systems.** As required by 2 CFR 200.216, federal grant or loan recipients and subrecipients are prohibited from obligating or expending loan or grant funds to procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment, video surveillance services or services as a substantial or essential component of

any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities). Prohibitions extend to the use of Federal funds by recipients and subrecipients to enter into a contract with an entity that "uses any equipment, system, or service that uses covered telecommunications equipment or services" as a substantial or essential component of any system, or as critical technology as part of any system. Certain equipment, systems, or services, including equipment, systems, or services produced or provided by entities subject to the prohibition are recorded in the System for Award Management exclusion list.

☐ **Preference to United States made goods.** - As appropriate and to the extent consistent with law, the contractor should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award. For purposes of this section:
(1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
(2) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

Additional Clauses for Contracts Over $10,000:

Creating a contract over $10,000 that complies with ARPA requirements must include the additional below sections as verbatim:

☐ **Procurement of recovered materials over $10,000. -** The Contractor must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

☐ **Termination for cause and for convenience** - Contractor shall address termination for cause and for convenience, including the manner by which it will be affected and the basis for settlement.

The Contract Owner shall have the option, in its sole discretion, to terminate this Agreement, at any time during the term hereof, for convenience and without cause. The Contract Owner shall exercise this option by giving Contractor written notice of termination. The notice shall specify the date on which termination shall become effective.

Additional Clauses for Contracts Over $100,000:

Creating a contract over $100,000 that complies with ARPA requirements must include the additional below section(s) as verbatim:

☐ **Certification form located in Appendix I. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)** - Contractors that apply or bid for an award exceeding $100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

☐ **Note: Only include for contracts that involve the employment of mechanics or laborers.** The Contract Work Hours and Safety Standards Act requires all contractors—prime and sub—to pay laborers and mechanics performing on a federal service contract and federal and federally assisted construction contract over $100,000, 1.5 times their basic rate of pay for all hours worked over 40 in a workweek. Employers are liable to employees for these unpaid wages. The failure of a contractor to comply with this Act may also result in liability under the False Claims Act. Employees who are due unpaid wages under the Contract Work Hours and Safety Standards Act may file a complaint with the Wage and Hour Division within the U.S. Department of Labor. The DOL may then enforce the provisions of the Act against violators.

Additional Clauses for Contracts Over $150,000:

Creating a contract over $150,000 that complies with ARPA requirements must include the additional below section(s) as verbatim:

☐ Contractor shall comply with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33

U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15).

Additional Clauses for Contracts Over $250,000 (the simplified acquisition threshold as of 2022):

Creating a contract over $250,000 that complies with ARPA requirements must include the additional below section(s) as verbatim:

☐ Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
Upon any breach of this Agreement by Contractor, the Contract Owner shall have all remedies available to it both in equity and/or at law.

Appendix I

Certification Regarding Lobbying
(Awards to Contractors and Subcontractors in Excess of $100,000)

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or

employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signed:_____
Title: _____
Date: _____

September 2, 2021

Scott Fleury, Public Works Director
City of Ashland
20 East Main Street
Ashland, OR 97520

RE: Award for Legislative Appropriation for City of Ashland, Talent-Ashland-Phoenix Intertie Improvements, $3,000,000.00 funded with the American Rescue Plan Act (ARPA)

Congratulations, as identified in HB 5006 of the 2021 Oregon legislative session your organization was awarded an allocation of American Rescue Plan Act (ARPA) funding for the above referenced project.

ARPA funds are federal funds that pass through the state of Oregon to your organization. There are still a few actions at the federal level yet to take place, including the release of final guidance from the US Treasury on eligible uses for ARPA funds. We anticipate this will occur around Fall 2021.

We encourage you to not begin work until final guidance is received or contract execution; however, we can begin working with you to gather the details of your project, which will assist us in expediting contract execution after final guidance from the US Treasury has been received.

Attached to this letter is a Project Contract Information form for collecting information regarding your project. This information will help us understand the nature of the project, determine eligibility related to final ARPA rules, expedite contract development, determine readiness to proceed and understand if additional resources are needed.

Please direct any questions to your Regional Development Officer, Marta Tarantsey, at 503-856-2693 or Marta.Tarantsey@oregon.gov. Please submit completed form to Marta Tarantsey at the email provided above.

Sincerely,

Melisa Drugge

Melisa Drugge, Regional Development Manager

Marta Tarantsey, Regional Development Officer
Business Oregon

Tawni Bean, Regional Project Manager
Business Oregon

REQUEST FOR PROPOSAL (RFP)

Professional Engineering Services for the Development of Talent - Ashland - Phoenix Water System Improvements

Project No: 2021-13

ISSUE DATE: May 13, 2022
PROJECT DURATION: 12 months

PROPOSALS DUE: June 1, 2022
Not later than 2:00 PM
Late proposals will not be considered

REFER QUESTIONS TO:
Kevin Caldwell, Senior Project Manager
Phone: 541-552-2414
Email: kevin.caldwell@ashland.or.us

SUBMIT PROPOSALS TO:
Kevin Caldwell
20 East Main St
Ashland, OR 97520

CITY OF ASHLAND

PUBLIC WORKS ENGINEERING
20 EAST MAIN STREET
ASHLAND OR 97520
541/488-5587

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ADVERTISEMENT

CITY OF ASHLAND PUBLIC WORKS – REQUEST FOR PROPOSAL
PROFESSIONAL ENGINEERING SERVICES

The City of Ashland is seeking Proposals for professional engineering services for development of **Project No. 2021-13, the Development of Talent, Ashland and Phoenix (TAP) Water System Improvements.**

The project will result in these water system improvements as identified in the TAP Water System Master Plan:

1. Replace an existing 50 horsepower (HP) pump with a 125 HP pump at the Regional Booster Pump Station.
2. Installation of a new 50 HP pump at the Talent Booster Pump Station (BPS).
3. Replace the existing standby generator at the Talent BPS with a new larger generator.
4. Installation of a new standby generator at the Ashland BPS (not listed in the TAP Master Plan).
5. Evaluation of system telemetry components and recommendation/implementation of improvements.

The installation of these water system improvements must comply with all applicable codes and design standards pertaining to essential water facility components. The project will include, but is not specifically limited to, development of Plans, Specifications, and Estimates (PS&E), and bidding and construction support.

Proposals must be physically received by **2:00 PM**, (main lobby clock)**, June 1, 2022** in the City of Ashland Engineering Office located at 51 Winburn Way, Ashland OR 97520 or by mail at 20 E. Main Street, Ashland, OR 97520**.** For further information, contact Kevin Caldwell, Project Manager at 541/552-2414 or by email at kevin.caldwell@ashland.or.us. Consultant selection is anticipated to result in the issuance of a contract for engineering services in the form provided in this RFP.

Proposal documents may be downloaded from the OregonBuys website. Any addendum that may be issued, relating to this proposal will only be available from OregonBuys and potential proposers are cautioned to continuously monitor the site for updates and addendum.

All proposals shall be submitted as set forth in Section 6 - Instructions to Proposers. The City is not responsible for proposals submitted in any manner, format or to any delivery point other than as required by the Solicitation Document. Proposals must be from an Oregon Professional Engineer and shall be concise, appropriate to the scale of the evaluation and include only items that are relevant to this specific project.

Consultant selection will be based upon weighed criteria as set forth in the Solicitation Document and will include criteria such as (but not limited to): proposed work plan and approach, schedule, general and special project experiences, team experience and availability, and other applicable criteria.

The City of Ashland reserves the right to cancel this procurement or reject any and all proposals in accordance with ORS 279B.100.

Scott Fleury PE, Public Works Director

First date of solicitation: May 13, 2022

DEFINITIONS

For the purpose of this RFP:

"Agency" or **"City"** means City of Ashland.

"Business days" means calendar days, excluding Saturdays, Sundays and all City recognized holidays.

"Calendar days" or **"days"** means any day appearing on the calendar, whether a weekday, weekend day, national holiday, State holiday or other day.

"Council" means City of Ashland Council

"Department" means the City of Ashland Engineering Department.

"Manager" means the City of Ashland Project Manager.

"Proposers"- All firms submitting proposals are referred to as Proposers in this document; after negotiations, an awarded Proposer will be designated as "Consultant".

"RFP" means Request for Proposal.

"Scope of Work" means the general character and range of services and supplies needed to complete the work's purpose and objectives, and an overview of the performance outcomes expected by Agency.

"Services" means the services to be performed under the Contract by the Consultant.

"Statement of Work" means the specific provision in the final contract which sets forth and defines in detail (within the identified Scope of Work) the agreed-upon objectives, expectations, performance standards, services, deliverables, schedule for delivery and other obligations.

SECTION 1: PROJECT OVERVIEW

1.1 OBJECTIVES

The City of Ashland is seeking Proposals for professional engineering services for development of **Project No. 2021-13, the Development of Talent, Ashland and Phoenix (TAP) Water System Improvements.**

The project will result in these water system improvements as identified in the TAP Water System Master Plan:

1. Replace an existing 50 horsepower (HP) pump with a 125 HP pump at the Regional Booster Pump Station.
2. Installation of a new 50 HP pump at the Talent Booster Pump Station (BPS).
3. Replace the existing standby generator at the Talent BPS with a new larger generator.
4. Installation of a new standby generator at the Ashland BPS (not listed in the TAP Master Plan).
5. Evaluation of system telemetry components and recommendation/implementation of improvements.

The installation of these water system improvements must comply with all applicable codes and design standards pertaining to essential water facility components. The project will include, but is not specifically limited to the development of Plans, Specifications, and Estimates (PS&E), and bidding and construction support.

1.2 BACKGROUND INFORMATION

The TAP water system was initially developed in the early 2000's and delivers potable water from the Medford Water Commission to the Cities of Talent, Ashland and Phoenix. The TAP system includes several miles of large diameter transmission lines, three Booster Pump Stations and associated Reservoirs. The TAP water system is the only water source for Talent and Phoenix and is an supplemental water source for Ashland. All three Cities collaborate to manage and maintain the TAP system for the benefit of the partner Cities.

In 2020 the TAP Water System Master Plan was completed. This Master Plan includes a summary of current management, operations, maintenance and identifies specific capital improvement projects for the system. All of the Water System Improvements identified by this solicitation are derived from the TAP Water System Master Plan with the exception of the new standby generator at the Ashland BPS. The identified improvements are part of the individual water systems of the Cities of Talent, Ashland and Phoenix. However, the City of Ashland is administering the contract for all of the work in coordination with the other Cities.

1.3 RECOMMENDED WATER SYSTEM IMPROVEMENTS

The Regional BPS is located at 2992 Samike Dr. in Medford, OR and is managed by the City of Phoenix Public Works. At this facility it is recommended to replace an existing 50 HP vertical turbine pump with a new 125 HP vertical turbine pump and associated controls/electrical work. The existing pump has a US Motors 3-phase, 460 volt electric motor. It is also suggested to review and update the SCADA programming and telemetry to better allow for coordination between Cities and constant-rate pumping. A map and photos of this facility are attached in Exhibit C.

The Talent BPS is located at 260 Suncrest Rd. in Talent, OR and is managed by the City of Talent Public Works. At this facility it is recommended to add a new pump bay with a 50 HP horizontal pump and the necessary plumbing and controls/electrical work. It is also suggested to review and update the SCADA programming and telemetry to better allow for coordination between Cities and constant-rate pumping. The Talent BPS is currently served by a 3-phase 480 volt 200 KW back-up generator and an automatic transfer switch. This generator is recommended for replacement with a larger 300 KW generator to serve full build-out demands of the Talent BPS. A map and photos of this facility are attached in Exhibit B.

The Ashland BPS is located at 1001 W. Jackson Rd in Ashland, OR. and is managed by the City of Ashland Water Department. This facility does not have a back-up power supply. It is recommended that a new 450 KW generator be installed to serve full build-out demands of the BPS. This facility currently has a manual transfer switch and generator power inlet for emergency use. It is also suggested to review and update the SCADA programming and telemetry to allow for better coordination between Cities. A map and photos of this facility are attached in Exhibit A.

SECTION 2: SCHEDULE

The schedule of events listed below represent City's estimated schedule for this RFP. This schedule is SUBECT TO CHANGE and will be adjusted as required.

	EVENT	DAILY COUNT (CALENDAR DAYS)	DATE
1.	Request for Proposal Released	0	5/13/22
2.	Last Date for Request for changes/Protest for Specifications/Questions	10 days prior to Proposal Closing	5/20/22
3.	Last Date for City to Post Addenda	3 days prior to Proposal Closing	5/27/22
4.	Closing Date (last day to submit Proposals)		6/1/22
5.	Responses Evaluated	~15 days after Closing Date	6/16/22
7.	Intent to Award Announced	~15 days after Closing Date	6/16/22
8.	Contract Development and Award	~30 days after Closing Date	7/1/22
9.	Expected Project Completion (all phases)	~12 months after Contract Award	7/1/23

SECTION 3: SCOPE OF SERVICES

The successful Proposer will be expected to enter into a Personal Services Agreement with the City of Ashland (Exhibit E) for the completion of the following major tasks and requirements specific to those tasks:

3.1 General Requirements

Personnel, Materials, & Equipment: The Consultant shall provide qualified and competent personnel and shall furnish all supplies, equipment, tools and incidentals required to accomplish the work. All materials and supplies shall be of good quality and suitable for the assigned work.

Safety Equipment: The Consultant shall provide and use all safety equipment including, and not limited to hard hats, safety vests and clothing required by State, Federal regulations and City or Department policies and procedures.

Professional Responsibilities: The Consultant shall perform the work using the standards of care, skill and diligence normally provided by a professional in the performance of such services in respect to similar work and shall comply will all applicable codes and standards.

Project Management: The Consultant shall attend a project kickoff meeting with representatives of all three Cities. Thereafter, the Consultant and the City staff will meet as required for the project duration. The objectives of the meetings will include reviewing the scope, budget, schedule and deliverables. The Consultant will organize and manage the consultant project team and coordinate with Ashland Project Manager and City staff as necessary.

Monthly Invoices and Progress Reports: The Consultant shall prepare monthly invoices and progress reports including the following:

- Work Completed during the month by work task as a percentage of completion.

- Needs for Additional Information, Reviews, or Changes to the Scope of Work.
- Scope, Schedule, and Budget Issues and Changes

3.2 SPECIFIC TASKS AND DELIVERABLES

1. SITE INVESTIGATION, DATA COLLECTION, RECORD RESEARCH

- Review existing records and data including but not limited to drawings, maps, and other documents relevant to the limits and scope of this project.
- Locate on-site utilities and contacting utility companies for existing base maps.
- Visually inspect facility grounds for potential generator placement, pump installation, SCADA/telemetry hardware and programming, electrical components and requirements.
- Identify any potential conflicts or additional information required.
- Identify utility relocation or extension needs.

2. PRELIMINARY DESIGN (60% DESIGN SUBMITTAL)

- Prepare base mapping for each facility which includes elevations, utilities, right-of-way, easement, and other pertinent features.
- Develop preliminary design, showing existing and proposed improvements.
- Prepare list of technical specifications and engineer's cost estimate.

Deliverables:

A digital pdf copy of the 60% design submittal shall be presented to the City of Ashland for review. The submittal shall include the conceptual design showing the proposed improvements per facility and probable construction cost estimates. One meeting shall be scheduled with City staff for Consultant to present the 60% design submittal.

3. 90% DESIGN SUBMITTAL

- Incorporate 60% Design Submittal comments.
- Prepare complete detailed plans, standard and project details, technical specifications, bid schedule, bid item descriptions, and 90% engineer's cost estimate.
- Consultant shall prepare the Scope of Bids and Bid Schedule specification sections in addition to the technical specifications.
- The 90% Design Submittal shall be considered a complete design submittal.

Deliverables:

A digital pdf copy of the 90% design submittal shall be presented to the City for review. The submittal shall include contract documents and probable construction cost estimates. One meeting shall be scheduled with City staff to review City comments on the 90% design submittal.

4. FINAL DESIGN SUBMITTAL (100% DESIGN)

- Incorporate any 90% Design Submittal comments.
- Submit three sets of full-size stamped and signed final drawings along with three sets of technical specifications and other contract documents.
- Submit one copy of final quantity calculations and engineer's construction cost estimates.
- Submit all digital files (AutoCAD, MS Word, MS Excel, etc.) for the project.

Deliverables:

One (1) hard copy and one (1) pdf copy of the 100% final design submittal shall be presented to the City of Ashland for bid. The submittal shall include full-size stamped and signed final drawings, contract documents and probable construction cost estimates.

5. BID AND CONSTRUCTION SUPPORT

- The City of Ashland will administer the bidding and contract award processes in coordination with the other partner Cities.
- Provide bidding assistance/clarifications which includes responding to questions from potential bidders, attending the pre-bid meetings and job walks (assume 3 pre-bid meetings, one at each facility), assisting with preparation of addenda reviewing the submitted bids, and recommending a contract for award.
- Facilitate mandatory pre-construction site meetings with all necessary parties (assume 3 meetings, one at each facility).
- Attend and facilitate construction meetings as necessary.
- Conduct site visits at all locations during construction at appropriate stages.
- Provide submittal list, review submittals and shop drawings, change order requests and provide written recommendations to the City of Ashland.
- Review and respond to contractor's request for information (RFI) and clarifications during construction and provide written recommendations to the City of Ashland.
- If necessary, assist the City of Ashland with the pre-purchase of major project components.
- Participate in the final inspection and assist with preparing the punch list of deficiencies.
- Prepare and submit digital as-builts / record drawings to the City of Ashland.

Deliverables:

Three (3) full-size hard copies, one (1) pdf digital copy and one (1) AutoCAD format copy of the record drawings.

3.3 TENTATIVE SCHEDULE OF KEY TASKS AND DELIVERABLES

The following the City's desired schedule for key tasks and major deliverables:

Task	Date
Award Contract	7/1/22
Kick-off Meeting	7/10/22
50% Design Submittal	8/10/22
90% Design Submittal	8/25/22
100% Design Submittal	9/15/22
Release Construction Solicitation	10/1/22
Award Construction Contract	11/15/22
Construction Kick-Off Meeting	12/1/22
Construction Complete	6/1/23
As-built Drawing Submittal	7/1/23

SECTION 4: SELECTION CRITERIA

4.1 GENERAL

This method of personal services solicitation is categorized as Intermediate Procurement (contracts between $5,000 and $75,000). In accordance with ORS 279B.070 and AMC Section 2.50.120(A), Intermediate Procurement (4), If a contract is awarded, the contracting agency shall award the contract to the offeror whose quote or proposal will best serve the interests of the contracting agency, taking into account considerations including, but not limited to, experience, expertise, product functionality, suitability for a particular purpose and contractor responsibility under ORS 279B.110.

4.2 SELECTION CRITERIA AND SCORING

The selection criteria defined below are consistent with the minimum selection criteria established for Intermediate Procurement by AMC Section 2.50.120(C).

1. **Letter of Transmittal (Required, No Points Awarded).** On company letterhead, describe your firm's interest in providing professional engineering services to the Cities of Talent, Ashland and Phoenix. This letter shall include the following components:
    a. Certification that the Proposer is an Independent Contractor.
    b. Indication that the Proposer accepts the terms of the City of Ashland Personal Services Agreement, provided in the Exhibit E of this RFP.
    c. Acknowledgment of the specific addenda received OR a statement acknowledging no addenda were received.
    d. An original, ink signature of an authorized representative of the firm.
    e. Name, title, address, email, and telephone number of the signatory representative.
2. **Project Approach (25 Points Possible).** Provide a description of your firm's approach to complete a successful preliminary design, final design, construction specifications, and construction administration for these types of critical water system projects. Include a summary of your quality control program.
3. **Project Experience (30 Points Possible).** Discuss at least three projects performed in the last 10 years involving similar work to the scope of work for this RFP, particularly any projects involving critical water systems. Include the following information for each project:
    a. Client name, point of contact, address, and telephone number
    b. Description and location of project and year of completion
    c. Key Persons from your proposed Team involved in all disciplines
4. **Proposer's Demonstrated Ability to Deliver Budget and Schedule on Similar Projects (25 Points Possible).** For each of the three (3) projects listed above, provide a discussion of whether the project was completed on time and on budget or needed to be revised. Briefly explain the reason for any revisions, and what attempts were made to bring the project back on schedule and within budget.
5. **Project Team Experience and Availability (20 Points Possible).**
    a. Provide a list of the key staff proposed for this project ("Key Person(s)"). Provide the following for each key person: a summary of their proposed roles and a description of their relevant experience.
    b. Indicate which individual will manage the project and be the primary contact. Indicate the specific experience this individual has managing projects similar to the project in this RFP.
    c. State the estimated proportion of each Key Person's time that will be spent on City's project vs. total time spent on all Key Person's projects during the term of contract.
    d. Submit resumes that support each Key Person's relevant experience. *No more than five resumes should be submitted as Appendix A and will not count against page limit.*
6. **Termination for Default (Pass or Fail).** Proposers shall indicate if they have had a contract terminated for default in the last five years. Termination for default is defined as notice to stop performance that was delivered to the Proposer due to the Proposer's non-performance or poor performance and the issue of performance was either (a) not litigated due to inaction on the part of the Proposer, or (b) litigated and

determined that the Proposer was in default. If a Proposer has had a contract terminated for default in this period, then the Proposer shall submit full details including the other party's name, address and phone number. City of Ashland will evaluate the facts and may, at its sole discretion, reject the proposal on the grounds of past performance.

SECTION 5: PROPOSAL EVALUATION

5.1 REVIEW

Proposals will be reviewed and evaluated by an evaluation committee of reviewers consisting of at least one representative from each of the TAP partner Cities (Talent, Ashland, Phoenix). The total number of points possible for written Proposals is 100.

5.1 DEFECTIVE PROPOSALS

Due to limited resources, the City of Ashland generally will not completely review or analyze Proposals that on their faces fail to comply with the minimum mandatory requirements of the solicitation documents nor will City generally investigate the references or qualifications of such proposals. Therefore, City will not acknowledge whether an unsuccessful Proposal was complete, responsive, responsible, sufficient, or lawful in any respect. This is a public solicitation, the processes and procedures which are established and required by Oregon law and City-adopted rules. Proposers are advised to strictly follow the process, procedures, and requirements as set forth in this RFP and not anticipate or rely on any opportunity to negotiate, beyond such limitations that are identified herein.

5.2 RIGHT OF REJECTION

Proposers must comply with all terms of this RFP and all applicable federal, state, and local laws, administrative rules, and regulations. The City may reject any Proposal that does not comply with all material and substantial terms, conditions, and performance requirements of this RFP.

Proposers may not qualify the Proposal nor restrict the rights of the Cities of Talent, Ashland or Phoenix. If a Proposer does so, the City of Ashland may determine the Proposal to be a non-responsive counter-offer, and the Proposal may be rejected.

Minor informalities that may be waived include those that:

- do not affect responsiveness,
- are merely a matter of form or format,
- do not change the relative standing or otherwise prejudice other offers,
- are trivial, negligible, or immaterial in nature,
- do not reflect a material change in the work, or,
- do not constitute a substantial reservation against a requirement or provision.

The City of Ashland reserves the right to refrain from making an award if the City determines that to be in its best interest.

A Proposal from a debarred or suspended Proposer shall be rejected.

5.3 REFERENCES

The City reserves the right to investigate any and all references and the past performance information provided in the Proposal with respect to the proposer's successful performance of similar projects, compliance with specifications and contractual obligations, completion or delivery of a project on a schedule, and lawful payment of employees and workers.

The City of Ashland reserves the right to check any and all sources for information on a proposer's past performance, including sources other than the references provided in the proposer's Proposal. The City may consider information available from any source, including government bodies and regulatory authorities.

5.4 RESPONSIBILITY

The City of Ashland reserves the right to investigate and evaluate, at any time prior to award and execution of the contract, the apparent successful Proposer's responsibility for performing the contract. Submission of a signed Proposal shall constitute approval for City to obtain any information the City deems necessary to conduct evaluation. The City of Ashland reserves the right to request additional information or documentation from the successful Proposer prior to award of contract. Such information may include, but is not limited to, current and recent balance sheets, income statements, cash flow statements, or a performance bond from an acceptable surety. Failure to provide this information will result in rescission of City's Intent to Award.

City may postpone the award of contract after announcement of the apparent successful Proposer in order to complete its investigation and evaluation. Failure of the apparent successful Proposer to demonstrate responsibility shall render the Proposer non-responsible and shall constitute grounds for rejection of the proposal.

5.5 CLARIFICATION OF RESPONSE

The City of Ashland reserves the right to request clarification of any item in any Proposal, or to request additional information necessary to properly evaluate a particular Proposal. All request for clarification and responses shall be in writing.

During the evaluation of Proposals, Proposers must respond to any request for clarification from the Evaluation Committee within 24 hours of request (Monday through Friday). Inability of the Evaluation Committee to reach a Proposer for clarification and/or failure of a Proposer to respond within the time stated may result in rejection of the Proposer's Proposal.

5.6 FINALIST SELECTION

The firm with the highest cumulative score as a result of written Proposal scoring will be considered the Finalist, and all other firms will be ranked according to next highest score, etc.

5.7 TIES AMONG PROPOSERS

If the City of Ashland determines after the ranking of potential firms, that two or more of them are equally qualified to be the Finalist, City may select a candidate through any process that the City believes will result in the best value for taking into account the scope, complexity and nature of the Work. The process shall instill public confidence through ethical and fair dealing, honesty and good faith on the part of the City of Ashland and Proposers and shall protect the integrity of the Public contracting process.

As part of the procedure for choosing the Finalist between two or more equally qualified candidates, City may elect to give a preference to a local consulting firm.

5.8 NOTICE OF INTENT TO AWARD

After the completion of the evaluation and ranking, the City of Ashland will issue a written Notice of Intent to Award, naming the Finalist, and send copies to all Proposers.

5.9 CONTRACT NEGOTIATION

The City of Ashland will attempt to reach an agreement with the Finalist in terms of Contractor's performance obligation, final schedule, and any modifications to Scope of Work deemed necessary for successful completion of the Project. The City may, in its sole discretion, terminate negotiations and reject the proposal if it appears agreement cannot be reached. The City may then attempt to reach a final agreement with the second highest scoring Proposer and may continue on in the same manner with the remaining proposers until an agreement is reached.

5.10 PROTEST PROCEDURES

The City of Ashland shall provide to all Proposers a copy of the selection notice that City sent to the Finalist. A Qualified Proposer who claims to have been adversely affected or aggrieved by the selection of the highest ranked Proposer may submit a written protest of the selection to the City. A Proposer submitting a protest must claim that the protesting Proposer is the highest ranked Proposer because the Proposals of all higher ranked Proposers failed to meet the requirements of the RFP or because the higher ranked Proposers otherwise are not qualified to perform the Architectural, Engineering, or Land Surveying Services, or Related Services described in the RFP.

Eligible Proposers protesting award shall follow the procedures described herein. Protests that do not follow these procedures shall not be considered. This protest procedure constitutes the sole administrative remedy available to Proposers.

a) Protests must be received within seven (7) days after issuance of the notice of intent to award the Contract. The City of Ashland will not consider late protests.

b) All protests must be in writing, signed by the protesting party or an authorized Agent. The protest must specify the grounds for the protest to be considered by the City.

c) Protests based on procedural matters will not be considered.

d) The City of Ashland's Public Works Director will review the protest and will fax and mail the protesting party a written response within three (3) business days of receipt of the written protest to the fax number and address provided in the proposal. Any written response may be comprised of a determination of the protest, a notice to the protesting party of the need for additional time in which to evaluate the matter, or other notice to the protesting party.

e) If the Public Works Director's determination (response) is adverse to the protester, any further appeal of the Public Works Director's determination by the party must be submitted in writing to the Ashland City Manager within three (3) business days of issuance of the Public Works Director's determination (response).

f) The City Manager will review any appeal of the Public Works Director's determination and shall fax and mail, in accordance with the fax number and address provided in the proposal, the protesting party a written response within three (3) business days of receipt of written appeal.

g) If the determination of the Ashland City Manager is adverse to the protesting party's interest, the protesting party may only appeal to the Ashland City Council by filing a written notice of appeal to the Council with the City Manager within two (2) business days of issuance of the City Manager's written determination.

h) The Ashland City Council, in considering the protest, shall review the documentation presented to the Public Works Director and the City Manager on the next regularly scheduled Council Meeting, but in

no event shall they be required to review in less than ten (10) business days, and thereafter, base their decision on such material. The Council review will be limited to the evaluation of compliance with City's policies and procedures, requirements of the RFP and the equal and fair application of the City of Ashland contracting rules. The Ashland City Council's determination shall be City's final decision.

i) An adversely affected or aggrieved proposer must exhaust all avenues of administrative remedies before seeking judicial review of City's Consultant selection or Notice of Intent to Award.

5.11 RESULTING CONTRACT

Upon reaching final agreement with an awarded Proposer, the City will issue a Personal Services Agreement (PSA) in substantially the form as found in Exhibit E. The PSA will include the City's Standard Terms and Conditions, the final schedule and statement of work, and the proposal and all responses provided by the awarded Proposer.

SECTION 6: CONTRACT

6.1 CONTRACT FORM

The consultant selected by the City of Ashland in coordination with the other partner Cities will be expected to enter into a written agreement substantially the same form as attached to this RFP. The Proposal should indicate acceptance of the City of Ashland contract provisions. Suggested reasonable alternatives that do not substantially impair City's rights under the contract may be submitted. Unconditional refusal to accept contract provisions will result in Proposal rejection.

Contract Duration – The City anticipates having the Consultant begin work immediately upon contract execution with submittal of final deliverables to the City of Ashland occurring no later than 12 months after contract execution. Proposals containing earlier completion of the deliverables are acceptable and encouraged.

Contract Payment – Contingent upon City's need, Consultant's performance and availability of approved funding, the City of Ashland reserves the right to amend the contract (within the scope of the project described in this RFP) for additional tasks, project phases and compensation as necessary to complete a particular project. Proposers are advised that the award and potential dollar amount of the contract under this RFP will be contingent upon approval by the Ashland City Council acting as the Contract Review Board.

Payment will be made for completion of, or acceptable monthly progress on, tasks and deliverables in conformance with contract requirements and applicable standards. The method of compensation will be determined by the City and may be based upon any one or combination of the following methods:

- Cost plus fixed-fee, up to a maximum NTE amount
- Fixed price for all services. Fixed price per deliverable. Fixed price per milestone
- Time and materials, up to a maximum NTE amount (City preferred method)
- Price per unit

Ashland Living Wage Requirements – Consultant is required to comply with Chapter 3.12 of the Ashland Municipal Code by paying at least the living wage as established by the City of Ashland for the effective date of June 30, 2021 ($15.96 per hour). Additional information on when the living wage applies and how to calculate the living wage is appended to the Personal Services Agreement included in the appendix of this RFP.

6.2 BUSINESS LICENSE REQUIRED

The selected consultant must have or acquire a current business license from the Cities of Ashland, Talent and Phoenix prior to conducting any work under the contact.

6.3 INSURANCE REQUIREMENTS

Contactor shall at its own expense provide the following insurance:

a. Worker's Compensation insurance in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers.

b. Professional Liability insurance with a combined single limit, or the equivalent, of not less than $2,000,000 per occurrence. This is to cover damages caused by any error, omission, or negligent act related to the professional services to be provided under the contract.

c. General Liability insurance with a combined single limit, or the equivalent, of not less than $2,000,000 per occurrence for bodily injury and property damage. It shall include contractual liability coverage for the indemnity provided under the contract.

d. Automobile Liability insurance with a combined single limit, or the equivalent, of not less than $1,000,000 per occurrence for each accident for bodily injury and property damage, including coverage for owned, hired or non-owned vehicles, as applicable.

e. Notice of Cancellation or Change. There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without 30 days' written notice from the contractor or its insurer(s) to the City.

Additional Insured/Certificates of Insurance. Contractor shall name the Cities of Ashland, Talent, Phoenix, and the elected officials, officers and employees of all three (3) Cities as additional insurers on any insurance policies required herein but only with respect to contractor's services to be provided under this contract. As evidence of the insurance coverage required by this contract, the contractor shall furnish acceptable insurance certificates prior to commencing work under this contact. The certificate will specify all of the parties who are additional insures. The consultant's insurance is primary and non-contributory. Insuring companies or entities are subject to City of Ashland acceptance. If requested, complete copies of insurance policies; trust agreements, etc. shall be provided to the City of Ashland. The contractor shall be financially responsible for all pertinent deductibles, self-insured retention and/or self-insurance.

6.4 LAWS AND REGULATIONS

The proposer is assumed to be familiar with all Federal, State, County or City laws or regulations, which in any manner affect those engaged or employed in the work or the materials or equipment used or which in any way affect the conduct of the work, and no pleas of misunderstanding will be considered on account of ignorance thereof. If the proposer shall discover any provision in these specifications or project information, plans or contract documents which is contrary to or inconsistent with any law or regulations, they shall report it to the City of Ashland in writing.

All work performed by the contractor shall be in compliance with all Federal, State, County and local laws, regulations and ordinances. Unless otherwise specified, the contractor shall be responsible for applying for applicable permits and licenses.

SECTION 7: INSTRUCTIONS TO PROPOSERS

7.1 GENERAL

All proposals and any resulting contracts are subject to the provision and requirements of Oregon Revised Statutes, Sections 279A and 279B. Engineering contracts are further subject to 279C and to the City of Ashland (City) Municipal Code Section 2.50.

7.2 INFORMATION OF RECORD

This Request for Proposal (RFP) will be distributed through OregonBuys. All updates, addendum, and related communications will be published through OregonBuys. It is the sole responsibility of the proposer to check the OregonBuys website (https://oregonbuys.gov/bso/) on a timely basis for critical information regarding the proposal.

7.3 PROPOSAL PREPARATION

Proposals shall be typewritten, precise, and shall not include unnecessary promotional material. Except for Letter of Transmittal and resumes, the proposal shall contain **no more than 8 pages.** Proposals shall be titled "Proposal for Professional Engineering Services for the Development of TAP Water System Improvements".

One original (wet ink signature) and six complete copies of the proposal shall be submitted to the City of Ashland prior to the advertised proposal closing date. One digital copy shall be submitted on a USB drive.

7.4 PROPOSAL FORMAT AND CONTENTS

Responses must follow the format outlined in this RFP. Headers, titles or tabs shall be used to identify required information. Additional materials in other formats of pages beyond the stated page limit may not be considered. Proposal responses shall be organized in the following manner and shall address each item listed in the Selection Criteria:

- ☐ Letter of Transmittal
- ☐ Project Approach
- ☐ Project Experience
- ☐ Demonstrated Ability to Deliver Budget and Schedule on Similar Projects
- ☐ Project Team Experience and Availability
- ☐ Termination for Default Status

7.5 SIGNATURE ON PROPOSAL

Proposals shall be signed in ink by an authorized representative of the Proposer. Signature on a Proposal certifies that the Proposal is made without connection with any person, firm or corporation making a proposal for the same goods and/or services and is in all respects fair and made without collusion or fraud. Signature on a Proposal also certifies that the proposer has read, fully understands and agrees with all solicitation requirements, terms and conditions. No consideration will be given to any claim resulting from proposing without fully comprehending all requirements of this RFP.

7.6 PREPARATION COSTS

The City of Ashland may cancel a solicitation, whether informal or formal, or reject all Proposals, without liability incurred by City at any time after issuing an RFP, if City believes it is in City's best interest to do so. Consultants responding to RFPs are responsible for all costs they may incur in connection with submitting Proposals and responses to RFPs, which includes, but is not limited to: preparation, submittal, travel expenses, interviews, presentations, or evaluation of any Proposal.

7.7 CONFORMANCE TO SOLICITATION REQUIREMENTS

Proposals shall conform to the requirements of this Request for Proposals. All necessary attachments (Letter of Transmittal, Resumes, etc.) shall be submitted with the Proposal and in the required format. Failure to comply with all requirements may result in Proposal rejection.

7.8 QUESTIONS AND CLARIFICATIONS

Questions regarding the information contained in the RFP document must be submitted in writing or by email to the City of Ashland Project Manager listed on the cover page of this RFP. All questions must be received not later than ten (10) calendar days prior to the proposal submission deadline. Answers to questions received by City, which are deemed by City to be substantive, will be issued as official addenda to this RFP to ensure that all proposers base their proposals on the same information.

7.9 ADDENDA

Any addendum or addenda issued by the City of Ashland which may include changes, corrections, additions, interpretations or information, and issued seventy-two (72) hours or more before the scheduled closing time for submission of bids, Saturday, Sunday and legal holidays not included, shall be binding upon the proposer. All official addendums will be issued through OregonBuys and it shall be the proposer's sole responsibility to acquire any and all addendum pertaining to RFP. Proposer shall indicate receipt of all issued addenda by indicating the number of addenda received on the Proposal Form

7.10 PROTEST OF REQUIREMENTS

Proposers may submit a written protest of any provision, specification or contract term contained in this RFP and may request a change to any provision, specification or contract term contained in this RFP, not later than ten (10) calendar days prior to the advertised proposal closing date.

A proposer's written protest must meet the following requirements:

- A detailed statement of the legal and factual grounds for the protest.
- The reason for the protest or request for change.
- A statement of the form of relief requested or any proposed changes to the specifications or contract document.

All protests shall be mailed or otherwise delivered to the City marked as follows:

PROPOSAL PROTEST
Project No. 2021-13
City of Ashland Public Works Dept.
ATTN: Kevin Caldwell, Project Manager
20 East Main St
Ashland, OR 97520

City Response: The City of Ashland may reject without consideration a proposer's protest after the deadline established for submitting protest. The City shall provide notice to the applicable proposer if it entirely rejects a protest. If the City agrees with the proposer's protest, in whole or in part, the City shall either issue an addendum reflecting its determination or cancel the solicitation.

Extension of Closing: If the City of Ashland receives a written protest from a proposer in accordance with this rule, the City may extend closing if the City determines an extension necessary to consider the protest and to issue addenda, if any, to the solicitation of document.

Judicial review of the City's decision relating to a specification protest shall be in accordance with ORS. 279B.405.

7.11 PROPOSAL MODIFICATION

Modifications or erasures made before proposal submission shall be initialed in ink by the person signing the proposal. Proposals, once submitted, may be modified in writing before the time and date set for proposal

closing. Any modification shall be prepared on company letterhead, shall be signed by an authorized representative, and shall state that the new document supersedes or modifies prior proposal submissions and any other prior proposal modifications. Proposal modifications shall be submitted in a sealed envelope clearly marked "Proposal Modification," identifying the project number and closing date and time. Proposers may not modify proposals after proposal closing date and time.

7.12 PROPOSAL WITHDRAWLS

Proposals may be withdrawn in writing on company letterhead signed by an authorized representative and received by the Project Manager prior to the date and time set for closing. Proposals may be withdrawn in person before closing time upon presentation of appropriate identification.

7.13 PROPIETARY INFORMATION

All information submitted by Proposers shall be public record and subject to disclosure pursuant to the Oregon Public Records Act (ORS 192.311 to 192.478 410 et seq.), except such portions of the proposals for which Proposer requests exception from disclosure consistent with Oregon Law. Any portion of a proposal that the Proposer claims is confidential must meet the requirements of ORS 192.345, 192.355, or other applicable law. The entire proposal may not be marked as "confidential".

The City of Ashland is subject to the Oregon Public Records Laws (ORS 192.311 to 192.478), which require the City to disclose all records generated or received in the transaction of City business, except as expressly exempted. The City of Ashland will not disclose records submitted by a Proposer that are exempt from disclosure under the Oregon Public Records Law, subject to the following procedures and limitations.

The entire Proposal cannot be marked confidential. All pages containing the records exempt from disclosure shall be marked "confidential" and segregated in the following manner:

- It shall be clearly marked in bulk and on each page of the confidential document.
- It shall be kept separate from the other Proposal documents in a separate envelope or package
- Where the specification conflicts with other formatting and response instruction specifications, this specification shall prevail.
- Where such conflict occurs, the Proposer is instructed to respond with the following: "Refer to confidential information enclosed."
- This statement shall be inserted in the place where the requested information was to have been placed.

Proposers who desire that additional information be treated as confidential must mark those pages as "confidential." Proposers shall also cite the specific statutory basis for the exemption and give the reasons why the public interest would be served by the confidentially. Should a Proposal be submitted as described in this section, no portion of it will be held confidential unless that portion is segregated as described in the criteria above.

Notwithstanding the above procedures, the City of Ashland reserves the right to disclose information that the City determines, in its sole discretion, is not exempt from disclosure or that the City is directed to disclose by the City's Attorney, the District Attorney, or a court of competent jurisdiction.

7.14 TERMS AND CONDITIONS

Unless an official addendum has modified or reserved the right to negotiate any terms contained in the contract or exhibits thereto, the City will not negotiate any term or condition after the protest deadline, except the statement of work and calendar with the selected proposer. By submitting a Proposal, the selected proposer agrees to be bound by the terms and conditions as set forth in this RFP and as such terms and conditions may

have been modified or reserved by the City of Ashland for negotiation. Any Proposal that is received conditioned upon City's acceptance of any other terms and conditions or rights to negotiate will be rejected.

7.15 PROPOSAL OPENING

Unless otherwise provided by law, Proposals received in response to this RFP shall be opened at the date and time set for closing at the City of Ashland Engineering Services Building at 51 Winburn Way, Ashland, Oregon 97520. Proposers who attend the Proposal opening shall be informed only of the names of the Proposers submitting Proposals. No other information shall be available, and no copies of the Proposals shall be made. Award decisions will NOT be made at that time.

CITY OF ASHLAND

EXHIBIT A

Ashland BPS map and photos



Location of the Ashland BPS



Manual transfer switch inside Ashland BPS



Ashland BPS proposed new generator location



BPS generator electrical power inlet cabinet

EXHIBIT B

Talent BPS map and photos



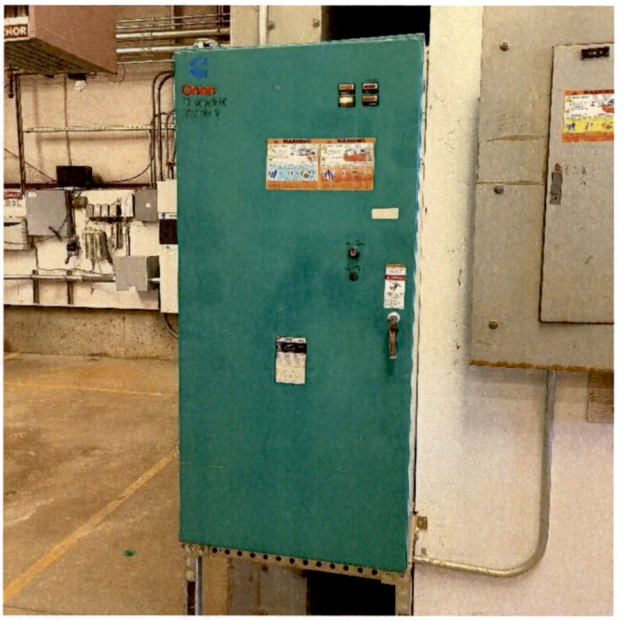
Location of the Talent BPS



Existing pumps inside the Talent BPS



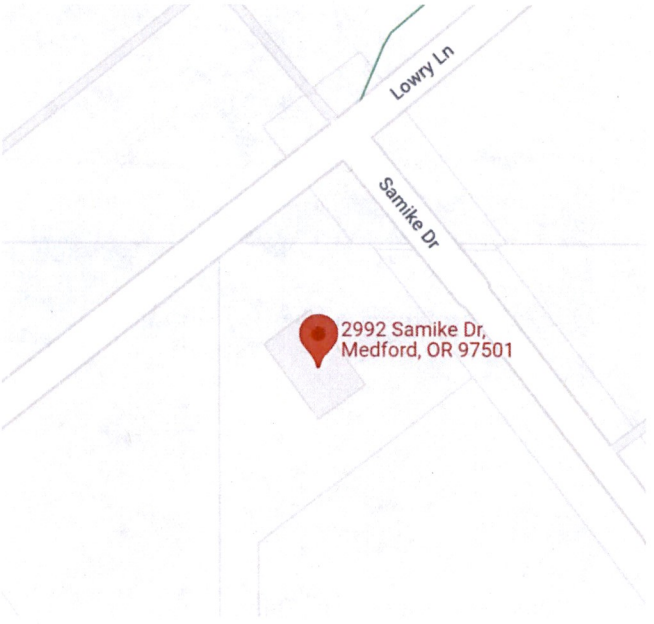
Existing generator at the Talent BPS



Existing automatic transfer switch in Talent BPS

EXHIBIT C

Regional BPS map and photos



Location of the Regional BPS



1 of 2 (50 hp) pumps proposed for replacement



Regional BPS 50 hp pump motor tag

EXHIBIT D

Project descriptions from the TAP Master Plan

PS-1: Regional BPS Programming Updates
Programming updates to the Regional BPS require SCADA Human Machine Interface (HMI) improvements, Phoenix Shop BPS programming and Regional BPS programmable logic controller (PLC) programming.

PS-2: Regional BPS Short-Term Expansion
Replace one of the 50 hp pumps at the Regional BPS with a 125 hp pump. This project is needed to meet increasing TAP demands when all TAP Partner Cities are at maximum day demands.

PS-3: Talent BPS Small Pump Installation
A smaller 50 hp pump is recommended to allow Talent to pump at a constant rate to meet its low winter demands.

PS-4: Talent BPS Programming Updates
This project includes SCADA (HMI) improvements and Talent BPS programming to adjust to constant rate pumping.

PS-5: Talent BPS Generator Upgrade
The generator upgrade at the Talent BPS will provide standby power to run the BPS for build-out demands for Talent and Ashland combined.

O-2: Telemetry Summary Report
A summary of the existing telemetry systems is recommended, including an update to the topology graphics for the TAP system.

Note: The Ashland BPS generator and telemetry improvements are not specifically listed in the TAP Master Plan.

EXHIBIT E

Example Personal Services Agreement

PERSONAL SERVICES AGREEMENT

CITY OF ASHLAND 20 East Main Street Ashland, Oregon 97520 Telephone: 541/488-XXXX Fax: 541/552-XXXX	CONSULTANT: CONSULTANT'S CONTACT: ADDRESS: TELEPHONE:

This Personal Services Agreement (hereinafter "Agreement") is entered into by and between the City of Ashland, an Oregon municipal corporation (hereinafter "City") and XXXXXXXXX, a domestic professional corporation or limited liability company ("hereinafter "Consultant"), for (description of services to be provided.).

NOW THEREFORE, in consideration of the mutual covenants contained herein, the City and Consultant hereby agree as follows:

1. **Effective Date and Duration:** This Agreement shall become effective on the date of execution on behalf of the City, as set forth below (the "Effective Date"), and unless sooner terminated as specifically provided herein, shall terminate upon the City's affirmative acceptance of Consultant's Work as complete and Consultant's acceptance of the City's final payment therefore, but not later than XXXXXXXXX.
2. **Scope of Work:** Consultant will provide (description of services to be provided) as more fully set forth in the Consultant's Proposal dated XXXXXXXXX, which is attached hereto as "Exhibit X" and incorporated herein by this reference. Consultant's services are collectively referred to in this Agreement as the "Work."
3. **Compensation:** City shall pay Consultant the sum of **$XXXXXXXX (this amount may be an hourly rate OR a lump sum - write out amount in long form here, e.g. two hundred thousand and eighty-five dollars)** as full compensation for Consultant's performance of all Work under this Agreement. In no event shall Consultant's total of all compensation and reimbursement under this Agreement exceed the sum of **$XXXXXXXXXX (write out amount in long form here)** without the express, written approval from the City official whose signature appears below, or such official's successor in office. Payments shall be made within thirty (30) days of the date of receipt by the City of Consultant's invoice. Should this Agreement be terminated prior to completion of all Work, payments will be made for any phase of the Work completed and accepted as of the date of termination.

4. **Supporting Documents/Conflicting Provisions:** This Agreement and any exhibits or other supporting documents shall be construed to be mutually complementary and supplementary wherever possible. In the event of a conflict which cannot be so resolved, the provisions of this Agreement itself shall control over any conflicting provisions in any of the exhibits or supporting documents.
5. **All Costs Borne by Consultant:** Consultant shall, at its own risk, perform the Work described above and, unless otherwise specified in this Agreement, furnish all labor, equipment, and materials required for the proper performance of such Work.
6. **Qualified Work:** Consultant has represented, and by entering into this Agreement now represents, that all personnel assigned to the Work to be performed under this Agreement are fully qualified to perform the services to which they will be assigned in a skilled manner and, if required to be registered, licensed, or bonded by the State of Oregon, are so registered, licensed, or bonded.
7. **Ownership of Work/Documents:** All Work, work product, or other documents produced in furtherance of this Agreement belong to the City, and any copyright, patent, trademark proprietary or any other protected intellectual property right shall vest in and is hereby assigned to the City.
8. **Statutory Requirements:** The following laws of the State of Oregon are hereby incorporated by reference into this Agreement: ORS 279B.220, 279B.230 and 279B.235.
9. **Living Wage Requirements:** If the amount of this Agreement is $22,310.46 or more, Consultant is required to comply with Chapter 3.12 of the Ashland Municipal Code by paying a living wage, as defined in that chapter, to all employees performing Work under this Agreement and to any Subcontractor who performs 50% or more of the Work under this Agreement. Consultant is also required to post the notice attached hereto as "Exhibit B" predominantly in areas where it will be seen by all employees.
10. **Indemnification:** Consultant hereby agrees to defend, indemnify, save, and hold City, its officers, employees, and agents harmless from any and all losses, claims, actions, costs, expenses, judgments, or other damages resulting from injury to any person (including injury resulting in death), or damage (including loss or destruction) to property, of whatsoever nature arising out of or incident to the performance of this Agreement by Consultant (including but not limited to, Consultant's employees, agents, and others designated by Consultant to perform Work or services attendant to this Agreement). However, Consultant shall not be held responsible for any losses, expenses, claims, costs, judgments, or other damages, caused solely by the gross negligence of City.
11. **Termination:**
    a. Mutual Consent. This Agreement may be terminated at any time by the mutual consent of both parties.
    b. City's Convenience. This Agreement may be terminated by City at any time upon not less than thirty (30) days' prior written notice delivered by certified mail or in person.
    c. For Cause. City may terminate or modify this Agreement, in whole or in part, effective upon delivery of written notice to Consultant, or at such later date as may be established by City under any of the following conditions:
        i. If City funding from federal, state, county or other sources is not obtained and continued at levels sufficient to allow for the purchase of the indicated quantity of services;
        ii. If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Agreement or are no longer eligible for the funding proposed for payments authorized by this Agreement; or
        iii. If any license or certificate required by law or regulation to be held by Consultant to provide

the services required by this Agreement is for any reason denied, revoked, suspended, or not renewed.

d. For Default or Breach.
   i. Either City or Consultant may terminate this Agreement in the event of a breach of the Agreement by the other. Prior to such termination the party seeking termination shall give to the other party written notice of the breach and its intent to terminate. If the party committing the breach has not entirely cured the breach within fifteen (15) days of the date of the notice, or within such other period as the party giving the notice may authorize in writing, then the Agreement may be terminated at any time thereafter by a written notice of termination by the party giving notice.
   ii. Time is of the essence for Consultant's performance of each and every obligation and duty under this Agreement. City, by written notice to Consultant of default or breach, may at any time terminate the whole or any part of this Agreement if Consultant fails to provide the Work called for by this Agreement within the time specified herein or within any extension thereof.
   iii. The rights and remedies of City provided in this subsection (d) are not exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

e. Obligation/Liability of Parties. Termination or modification of this Agreement pursuant to subsections a, b, or c above shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination or modification. However, upon receiving a notice of termination (regardless whether such notice is given pursuant to Subsection a, b, c, or d of this section, Consultant shall immediately cease all activities under this Agreement, unless expressly directed otherwise by City in the notice of termination. Further, upon termination, Consultant shall deliver to City all documents, information, works-in-progress and other property that are or would be deliverables had the Agreement been completed. City shall pay Consultant for Work performed prior to the termination date if such Work was performed in accordance with this Agreement.

12. **Independent Contractor Status:** Consultant is an independent contractor and not an employee of the City for any purpose. Consultant shall have the complete responsibility for the performance of this Agreement. Consultant shall provide workers' compensation coverage as required in ORS Chapter 656 for all persons employed to perform Work pursuant to this Agreement. Consultant is a subject employer that will comply with ORS 656.017.

13. **Assignment:** Consultant shall not assign this Agreement or subcontract any portion of the Work without the written consent of City. Any attempted assignment or subcontract without written consent of City shall be void. Consultant shall be fully responsible for the acts or omissions of any assigns or subcontractors and of all persons employed by them, and the approval by City of any assignment or subcontract of the Work shall not create any contractual relation between the assignee or subcontractor and City.

14. **Default.** The Consultant shall be in default of this Agreement if Consultant: commits any material breach or default of any covenant, warranty, certification, or obligation under the Agreement; institutes an action for relief in bankruptcy or has instituted against it an action for insolvency; makes a general assignment for the benefit of creditors; or ceases doing business on a regular basis of the type identified in its obligations under the Agreement; or attempts to assign rights in, or delegate duties under, this Agreement.

15. **Insurance.** Consultant shall, at its own expense, maintain the following insurance:
    a. Worker's Compensation insurance in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers
    b. Professional Liability insurance with a combined single limit, or the equivalent, of not less than $2,000,000 (two million dollars) per occurrence. This is to cover any damages caused by error, omission or negligent acts related to the Work to be provided under this Agreement.
    c. General Liability insurance with a combined single limit, or the equivalent, of not less than $2,000,000 (two million dollars) per occurrence for Bodily Injury, Death, and Property Damage.
    d. Automobile Liability insurance with a combined single limit, or the equivalent, of not less than $1,000,000 (one million dollars) for each accident for Bodily Injury and Property Damage, including coverage for owned, hired or non-owned vehicles, as applicable.
    e. Notice of cancellation or change. There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without thirty (30) days' prior written notice from the Consultant or its insurer(s) to the City.
    f. Additional Insured/Certificates of Insurance. Consultant shall name the City of Ashland, Oregon, and its elected officials, officers and employees as Additional Insureds on any insurance policies, excluding Professional Liability and Workers' Compensation, required herein, but only with respect to Consultant's services to be provided under this Agreement. The consultant's insurance is primary and non-contributory. As evidence of the insurance coverages required by this Agreement, the Consultant shall furnish acceptable insurance certificates prior to commencing the Work under this Agreement. The certificate will specify all of the parties who are Additional Insureds. Insuring companies or entities are subject to the City's acceptance. If requested, complete copies of insurance policies; trust agreements, etc. shall be provided to the City. The Consultant shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

16. **Nondiscrimination:** Consultant agrees that no person shall, on the grounds of race, color, religion, creed, sex, marital status, familial status or domestic partnership, national origin, age, mental or physical disability, sexual orientation, gender identity or source of income, suffer discrimination in the performance of any Work under this Agreement when employed by Consultant. Consultant agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations. Further, Consultant agrees not to discriminate against a disadvantaged business enterprise, minority-owned business, woman-owned business, a business that a service-disabled veteran owns or an emerging small business enterprise certified under ORS 200.055, in awarding subcontracts as required by ORS 279A.110.

17. **Consultant's Compliance With Tax Laws:**

17.1 Consultant represents and warrants to the City that:

17.1.1 Consultant shall, throughout the term of this Agreement, including any extensions hereof, comply with:

(i) All tax laws of the State of Oregon, including but not limited to ORS 305.620 and ORS Chapters 316, 317, and 318;

(ii) Any tax provisions imposed by a political subdivision of the State of Oregon applicable to Consultant; and

(iii) Any rules, regulations, charter provisions, or ordinances that implement or enforce any of the foregoing tax laws or provisions.

17.1.2 Consultant, for a period of no fewer than six (6) calendar years preceding the Effective Date of this Agreement, has faithfully complied with:

(i) All tax laws of the State of Oregon, including but not limited to ORS 305.620 and ORS Chapters 316, 317, and 318;
(ii) Any tax provisions imposed by a political subdivision of the State of Oregon applicable to Consultant; and
(iii) Any rules, regulations, charter provisions, or ordinances that implement or enforce any of the foregoing tax laws or provisions.

18. **Notice.** Whenever notice is required or permitted to be given under this Agreement, such notice shall be given in writing to the other party by personal delivery, by sending via a reputable commercial overnight courier, by mailing using registered or certified United States mail, return receipt requested, postage prepaid, or by electronically confirmed at the address or facsimile number set forth below:

If to the City:
City Department
Attn: Contract Administrator
Address
Ashland, Oregon 97520

With a copy to:
City of Ashland – Legal Department
20 E. Main Street
Ashland, Oregon 97520
Phone: (541) 488-5350

If to Consultant:
XXXXXXX
XXXXXXXXX
XXXXXXXXX

19. **Governing Law.** This Agreement shall be governed by the laws of the State of Oregon without regard to conflict of laws principles. Exclusive venue for litigation of any action arising under this Agreement shall be in the Circuit Court of the State of Oregon for Jackson County unless exclusive jurisdiction is in federal court, in which case exclusive venue shall be in the federal district court for the district of Oregon. Each party expressly waives any and all rights to maintain an action under this Agreement in any other venue, and expressly consents that, upon motion of the other party, any case may be dismissed or its venue transferred, as appropriate, so as to effectuate this choice of venue.
20. **Amendments.** This Agreement may be amended only by written instrument executed by both parties with the same formalities as this Agreement.
21. **Nonappropriations Clause**. Funds Available and Authorized: City has sufficient funds currently available and authorized for expenditure to finance the costs of this Agreement within the City's fiscal year budget. Consultant understands and agrees that City's payment of amounts under this Agreement attributable to Work performed after the last day of the current fiscal year is contingent on City appropriations, or other expenditure authority sufficient to allow City in the exercise of its reasonable

administrative discretion, to continue to make payments under this Agreement. In the event City has insufficient appropriations, limitations or other expenditure authority, City may terminate this Agreement without penalty or liability to City, effective upon the delivery of written notice to Consultant, with no further liability to Consultant.

22. THIS AGREEMENT AND THE ATTACHED EXHIBITS CONSTITUTE THE ENTIRE UNDERSTANDING AND AGREEMENT BETWEEN THE PARTIES. NO WAIVER, CONSENT, MODIFICATION OR CHANGE OF TERMS OF THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH PARTIES. SUCH WAIVER, CONSENT, MODIFICATION OR CHANGE, IF MADE, SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS AGREEMENT. CONSULTANT, BY SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT HE/SHE HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

23. **Certification**. Consultant agrees to and shall sign the certification attached hereto as "Exhibit C" and incorporated herein by this reference.

IN WITNESS WHEREOF the parties have caused this Agreement to be signed in their respective names by their duly authorized representatives as of the dates set forth below.

CITY OF ASHLAND:

By: _____
Joseph L. Lessard, City Administrator

_____
Date

Purchase Order No. _____

XXXXXXXXX (CONSULTANT):

By: _____
Signature

_____
Printed Name

_____
Title

_____
Date

(**W-9** is to be submitted with this signed Agreement)___

APPROVED AS TO FORM:

_____
City Attorney

_____
Date

CITY OF ASHLAND

CITY OF ASHLAND, OREGON

City of Ashland LIVING WAGE

ALL employers described below must comply with City of Ashland laws regulating payment of a living wage.

$15.74 per hour, effective June 30, 2020.

The Living Wage is adjusted annually every June 30 by the Consumer Price Index.

Employees must be paid a living wage:

- For all hours worked under a service contract between their employer and the City of Ashland if the contract exceeds **$22,002.43** or more.
- For all hours worked in a month if the employee spends 50% or more of the employee's time in that month working on a project or portion of business of their employer, if the employer has ten or more employees, and has received financial assistance for the project or business from the City of Ashland in excess of **$22,002.43**.
- If their employer is the City of Ashland, including the Parks and Recreation Department.
- In calculating the living wage, employers may add the value of health care, retirement, 401K and IRS eligible cafeteria plans (including childcare) benefits to the amount of wages received by the employee.
- **Note:** For temporary and part-time employees, the Living Wage does **not** apply to the first 1040 hours worked in any calendar year. For more details, please see Ashland Municipal Code Section 3.12.020.

For additional information:

Call the Ashland City Administrator's office at 541-488-6002 or write to the City Administrator, City Hall, 20 East Main Street, Ashland, Oregon 97520, or visit the City's website at www.ashland.or.us.

Notice to Employers: This notice must be posted predominantly in areas where it can be seen by all employees.

CITY OF ASHLAND

CITY OF
ASHLAND

CERTIFICATIONS/REPRESENTATIONS: Consultant, by and through its authorized representative, under penalty of perjury, certifies that (a) the number shown on the attached W-9 form is its correct taxpayer ID (or is waiting for the number to be issued to it and (b) Consultant is not subject to backup withholding because: (i) it is exempt from backup withholding, or (ii) it has not been notified by the Internal Revenue Service (IRS) that it is subject to backup withholding as a result of a failure to report all interest or dividends, or (iii) the IRS has notified it that it is no longer subject to backup withholding. Consultant further represents and warrants to City that: (a) it has the power and authority to enter into this Agreement and perform the Work, (b) the Agreement, when executed and delivered, shall be a valid and binding obligation of Consultant enforceable in accordance with its terms, (c) the work under the Agreement shall be performed in accordance with the highest professional standards, and (d) Consultant is qualified, professionally competent, and duly licensed (if applicable) to perform the Work. Consultant also certifies under penalty of perjury that its business is not in violation of any Oregon tax laws, it is an independent contractor as defined in the Agreement, it is authorized to do business in the State of Oregon, and Consultant has checked four or more of the following criteria that apply to its business.

_____ (1) Consultant carries out the work or services at a location separate from a private residence or is in a specific portion of a private residence, set aside as the location of the business.

_____ (2) Commercial advertising or business cards or a trade association membership are purchased for the business.

_____ (3) Telephone listing is used for the business separate from the personal residence listing.

_____ (4) Labor or services are performed only pursuant to written contracts.

_____ (5) Labor or services are performed for two or more different persons within a period of one year.

_____ (6) Consultant assumes financial responsibility for defective workmanship or for service not provided as evidenced by the ownership of performance bonds, warranties, errors and omission (professional liability) insurance or liability insurance relating to the Work or services to be provided.

_____
Consultant's signature

_____
Date

Council Business Meeting

January 17, 2023

Agenda Item	Election of the Chair of the Council	
From	Melissa Huhtala	City Recorder
Contact	Melissa.huhtala@ashland.or.us; (541) 488-5307	

SUMMARY

The Chair of the Council is selected each year in January. The Chair's role is to serve as the Mayor if she is absent or unable to attend to her duties, either pre-scheduled or in an emergency capacity.

POLICIES, PLANS & GOALS SUPPORTED

Ashland City Charter Section 8

PREVIOUS COUNCIL ACTION

Each year, the Council votes one Councilor to become the Chair of the Council.

BACKGROUND AND ADDITIONAL INFORMATION

The Ashland City Charter outlines the procedure for selecting and the responsibilities for the Chair of the Council:

> Section 8. Chair of the Council - At the first regular meeting of the Council in January of each year, the Council shall by ballot elect a Chair of the Council from its membership to serve for one (1) year. He/she shall, during all times when the Mayor is absent or unable to attend to his/her duties or act in any matter, have and exercise the powers and perform the duties of the Mayor, except that he/she shall retain his/her Council member's right to vote. If, at any meeting of the Council, both Mayor and Chair are absent, the Council members present shall elect one of their number as Chair Pro Tem, who shall preside at that meeting.

FISCAL IMPACTS

None

STAFF RECOMMENDATION

None

ACTIONS, OPTIONS & POTENTIAL MOTIONS

I move to confirm _____ as Chair of the Council for one year.

REFERENCES & ATTACHMENTS

None

CITY OF ASHLAND

Council Business Meeting

January 17, 2023

Agenda Item	Annual Appointment to the Citizens' Budget Committee	
From	Melissa Huhtala	City Recorder
Contact	Melissa.huhtala@ashland.or.us; (541) 488-5307	

SUMMARY

Appointment of five vacant positions on the Citizens' Budget Committee with one term ending June 30, 2023, two terms ending June 30, 2024, and two terms ending June 30, 2025.

POLICIES, PLANS & GOALS SUPPORTED

N/A

PREVIOUS COUNCIL ACTION

N/A

BACKGROUND AND ADDITIONAL INFORMATION

Notice was made to the public of these vacancies. Ten applications have been received for consideration from the following members of the public: Linda Peterson-Adams, Richard Barth, Andy Card, Anne Cowden, Jeff Dahle, Christine Fernlund, Mike Gardiner, Shane Hunter, Eric Navickas and Leda Shapiro (see attached applications).

Election process (voting)

1. There are ten (10) applicants to fill five (5) open Citizens' Budget Committee positions. Returning/continuing members of the Committee include the following:
   - David Runkel, June 30, 2023 term ending
   - Saladin Amery, June 30, 2024 term ending

2. Elections for identified position/term – ballots will be provided by the City Recorder to the Mayor and Councilors to select from all applicants for the below listed committee member terms of office in the sequence indicated. The individual(s) who receive a majority of Mayor and Councilor votes are selected for appointment. Subsequent votes by ballot will be taken in the case no individual receives a majority of votes or in the case of a tie. Final appointment of the selected individuals is made/confirmed by Council motion (see below Action, Options & Potential Motions section).

   First selection ballots: 1 position - June 30, 2023 term ending
   Second selection ballots: 2 positions - June 30, 2024 term ending
   Third selection ballots: 2 positions - June 30, 2025 term ending

3. The City Recorder will tally the selection votes after each ballot and read the selection results aloud. Final Mayor and Councilor selection votes and results will be posted on the City website following the Council meeting.

CITY OF ASHLAND

FISCAL IMPACTS
N/A

STAFF RECOMMENDATION
N/A

ACTIONS, OPTIONS & POTENTIAL MOTIONS
The following motion will be in order once the final selection votes are tallied and announced by the City Recorder.

I move to appoint the following individuals by term to the Citizens' Budget Committee (names to be inserted in blank spaces):

- _____ for the term ending June 30, 2023;
- _____ and _____ for the term ending June 30, 2024;
- _____ and _____ for the term ending June 30, 2025.

REFERENCES & ATTACHMENTS
Attachment 1: Richard Barth
Attachment 2: Andy Card
Attachment 3: Anne Cowden
Attachment 4: Jeff Dahle
Attachment 5: Christine Fernlund
Attachment 6: Mike Gardiner
Attachment 7: Shane Hunter
Attachment 8: Eric Navickas
Attachment 9: Linda Peterson-Adams
Attachment 10: Leda Shapiro

CITY OF ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

Please type or print answers to the following questions and submit to the City Recorder at City Hall, 20 E Main Street, or email melissa.huhtala@ashland.or.us. If you have any questions, please feel free to contact the City Recorder at 488-5307. **Attach additional sheets if necessary.**

Name Richard Barth

Requesting to serve on: Citizen's Budget Committee (Commission/Committee)

Mailing Address [redacted]

Physical Address same

Occupation Retired Phone: Home [redacted]

Work [redacted]

1. Education Background

What schools have you attended? University of Illinois

What degrees do you hold? BS Electrical Engineering MS Computer Scien

What additional training or education have you had that would apply to this position?

2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?
Private investment background.

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? No

3. Interests

Why are you applying for this position? I believe my background in volunteer government service will be helpful in working successfully on the city budget.

4. **Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings? Yes; Day is preferred but evening

5. **Additional Information**

How long have you lived in this community? 22 years

Please use the space below to summarize any additional qualifications you have for this position

12 years service on Ashland School District budget committee; served as chair for

member City of Ashland Ad Hoc Committee on AFN approximately 2003-2006

member City of Ashland Ad Hoc Committee on CEAP Implementation 2018

member Climate Policy Commission 2019 - 2022; 1 year vice-chair; 2 years chair

6/24/22

Date

Signature

CITY OF
ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

Please type or print answers to the following questions and submit to the City Recorder at City Hall, 20 E Main Street, or email melissa.huhtala@ashland.or.us. If you have any questions, please feel free to contact the City Recorder at 488-5307. **Attach additional sheets if necessary.**

Name Andrew Card

Requesting to serve on: Citizen's Budget Committee (Commission/Committee)

Mailing Address [redacted]

Physical Address _____

Occupation Business Owner / Consultar Phone: Home

Work _____
Email _____
Fax _____

1. Education Background

What schools have you attended? Northwest Christian University, Southern Oregon University, University of Saarland

What degrees do you hold?

B.A. in Business; MBA; MIB:Master's in International Business

What additional training or education have you had that would apply to this position?

2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?

I've had the opportunity to manage multimillion-dollar department budgets at a Fortune 100 corporation.

I currently run two businesses and am vice president of the board of directors for two local nonprofits.

I am responsible for budget planning, allocating financial resources, and maintaining fiscal responsibility.

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? Not necessary, but continuous training in a technical field is always advantageous.

3. **Interests**

Why are you applying for this position? I have a strong interest in seeing Ashland thrive and want to use my skill set to help manage the budget and allocate resources wisely

4. **Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings? Yes, I'm available day or evening

5. **Additional Information**

How long have you lived in this community? 7 years

Please use the space below to summarize any additional qualifications you have for this position

The ability to draw reasoned conclusions from analysis and synthesis of available information;

Experience with internal controls to protect the integrity of the organization and prevent waste,

fraud, and mismanagement, reporting any instances where such problems occur;

Uses material and financial resources prudently;

Complies with responsibilities regarding resource reporting;

I interact professionally, courteously, and competently with all team members,

including persons of other cultures and political beliefs

Ability to recognize patterns or trends in numerical data;

12-16-2022

Date

Andy Card Digitally signed by Andy Card Date: 2022.12.16 20:10:06 -08'00'

Signature

CITY OF
ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

Please type or print answers to the following questions and submit to the City Recorder at City Hall, 20 E Main Street, or email Melissa.Huhtala@ashland.or.us If you have any questions, please feel free to contact the City Recorder at 488-5307. **Attach additional sheets if necessary.**

Name Dr. Anne Cowden, PhD (Public Administration)

Requesting to serve on: Citizen's Budget Committee (Commission/Committee)

Mailing Address [redacted]

Physical Address _____

Occupation Retired Professor Phone: Home [redacted]

Work _____
Email _____
Fax _____

1. Education Background

What schools have you attended? Willamette Univeristy, UCLA, USC

What degrees do you hold? BA, MA, MPA, PhD.

What additional training or education have you had that would apply to this position?

2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?

I was a budget analyst for the California Office of the Legislative Analyst (LAO) which the CBO was patterned after.

I taught and studied budgeting many times. I have also consulted with the CA governor's office on budget matters.

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? One can always use more knowledge.

3. **Interests**

Why are you applying for this position? I am interested in improving the appo roach to the City budget.

I also looked at the 2021-2022 Adopted budget and that is the most challenging period and little can actually be learned when one does to find information on citywork anything

4. **Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings? Yes. Either is fine.

5. **Additional Information**

How long have you lived in this community? 4 years.

Please use the space below to summarize any additional qualifications you have for this position

My father was a City Manager, a goal I wished until I realized that there were no women city managers in California at the time. I then worked in government and taught public policy and administration for almost 40 years. I have consulted with state, local and nonprofit organizations on many issues. I also have sat on the Board of 12 nonprofit agencies.

11-11-2021

Date

Anne Cowden

Signature

CITY OF
ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

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Name Jeffrey (Jeff) R Dahle

Requesting to serve on: Citizen Budget Committee (Commission/Committee)

Mailing Address [redacted]

Physical Address Same

Occupation Director of Engineering Phone: Home [redacted]

Work [redacted]
Email [redacted]
Fax n/a

1. Education Background

What schools have you attended? Univ of Oregon,Univ of Phoenix,Southern Oregon Univ

What degrees do you hold? Bachelor of Science, Information Technology

What additional training or education have you had that would apply to this position?
MBA (in progress), Oregon Department of Revenue, Local Budget Law Training - 2020, 2021

2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?
In addition to over 20 years of senior level management experience in the corporate environment

which includes significant fiscal and budget responsibilities, I have owned and operated small businesses

as well as have served as President and CFO/Treasurer of three non-profit organizations.

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? Absolutely and without question. The best thing an

individual with a fiduciary and ethical obligation to the community can do is to remain curious and open to understanding trends, principles and best practices

3. **Interests**

Why are you applying for this position? As an Ashland native with considerable understanding of the community, as well as financial acumen, problem-solving skills and a collaborative approach, I believe that my leadership, positive attitude, well-rounded skill set and experience can and will contribute to the city's long-term financial success.

4. **Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings? Available as needed/required

5. **Additional Information**

How long have you lived in this community? 1975-1995, 2010-Present

Please use the space below to summarize any additional qualifications you have for this position

Ashland Airport Commission, 2020-Present (Elected Commission Chair - 2021, 2022)

6/13/2022

Date

Signature

CITY OF
ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

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Name Christine Fernlund

Requesting to serve on: Budget Cmte (Commission/Committee)

Mailing Address [redacted]

Physical Address same

Occupation Retired Phone: Home [redacted]

Work Cell: [redacted]
Email [redacted]
Fax

1. **Education Background**

What schools have you attended? Southern Illinois Univ. BA, Psychology, Learning Theory

What degrees do you hold? Univ. Of Illinois MEd, Special Education

Northwestern Univ. MS, Electrical Engineering, IT

What additional training or education have you had that would apply to this position?
[redacted]

2. **Related Experience**

What prior work experience have you had that would help you if you were appointed to this position?
budget &, financial planning, business process re-engineering, root cause analysis

ROLM, IBM, Siemens AG

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? not necessarily

3. **Interests**

Why are you applying for this position?

I believe I have something to offer and I have been successful working in a team environment with conflicting priorities.

4. **Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings?

Yes, I am available. Either daytime or evenings work for me.

5. **Additional Information**

How long have you lived in this community? 12 years

Please use the space below to summarize any additional qualifications you have for this position

6/28/2022

Date

Signature

CITY OF
ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

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Name Mike Gardiner

Requesting to serve on: Citizens' Budget Committee (Commission/Committee)

Mailing Address [redacted]

Physical Address same

Occupation retired Phone: Home [redacted]

Work
Email [redacted]
Fax

1. Education Background

What schools have you attended? University of Evansville

What degrees do you hold? Bachelor of Science/Business Administration

What additional training or education have you had that would apply to this position?
40 years of business management, accounting, financial planning, budgets, HR, personel management and strategic planning.

2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?
Budget creation, budget forecasting, manpower planning, corporate planning and production management.

APRC operations budget management, CIP budget review and approval, personnel performance reviews, land acquisitions, yearly goal-setting, organizational prioritizing and budget forecasting.

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? Additional training is always welcomed. I have gone through several public training processes. In this case I believe that I have the necessary training for this position.

3. **Interests**

Why are you applying for this position? I am committed to promoting a well conceived city budget that is fairly vetted by the citizen's committee. I have attended most of Ashland's budget meetings for the past 20 years as either a presenter or an observer.

4. **Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings? Prefer the day, but am available for either.

5. **Additional Information**

How long have you lived in this community? Since 1986

Please use the space below to summarize any additional qualifications you have for this position

Served for 18 years as an elected Ashland park commissioner. Chair 2006-2010, 2016-2022

Served for 2 years on Ashland's Transportation Commission and worked on the most recent TSP update.

I have lead work groups that have updated the past two Trails and Open Space revisions to the city's Comprehensive Plan.

Served on Ashland's Planning Commission from 1996-2002. Chair 1999-2002

Current President for the Bear Creek Greenway Foundation Board. Jackson County

Current President for the Ashland Parks Foundation Board.

10/4/2022

Date

M A Gardiner

Signature

CITY OF
ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

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Name Shane Hunter

Requesting to serve on: Citizen Budget Committee (Commission/Committee)

Mailing Address [redacted]

Physical Address same

Occupation CFO Phone: Home [redacted]

Work [redacted]
Email
Fax

1. Education Background

What schools have you attended? Southern Oregon University

What degrees do you hold? MBA and BS in Business Administration, both from SOU

What additional training or education have you had that would apply to this position?
I am a licensed CPA in the state of Oregon. I have attended workshops relating to cash flow strategies, construction planning, municipal economies, legislative updates, financial statements, municipal accounting/budgeting, and much more.

2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?
I have created and helped create $100M+ budgets for entities with complex interagency transactions; managed human resources, recruiting, and labor pools with 100+ union and non-union employees; been involved with six strategic planning initiatives and implementations; and been immersed in the intricacies of governmental operations for 8 years.

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? Yes, there are always new regulations and ideas for sound financial management practices that would help anybody be more effective.

3. **Interests**

Why are you applying for this position? I would like to apply my skills and experience with budgets and financial matters to strengthen the governance in Ashland and give back to a town that has helped me grow during the past twelve years.

4. **Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings? Yes, and I prefer evening meetings.

5. **Additional Information**

How long have you lived in this community? 12 years

Please use the space below to summarize any additional qualifications you have for this position

I have been vice chair and chair of the Citizen's Budget Committee. I serve as the budget liaison to the Municipal Audit Committee and was a member of the Cost Review Ad-Hoc Committee. All of these city committees help me understand our city in greater depth when I review the recommended budget and think about impacts to our city, our reputation, our employees, our residents, and our competitiveness as an entity in the region. I serve on other local boards and committees in various capacities that all point toward one goal: to help as many people as possible thrive and achieve happiness.

06/22/21
Date

Signature

CITY OF
ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

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Name Eric Navickas

Requesting to serve on: Citizen Budget Committee (Commission/Committee)

Mailing Address [redacted]

Physical Address (same)

Occupation Farmer/Designer Phone: Hom[redacted]

Work (same)
Email [redacted]
Fax N/A

1. Education Background

What schools have you attended? University of Oregon

What degrees do you hold? Bachelor of Architecture

What additional training or education have you had that would apply to this position?
I have previously served on the Budget Committee as a City Council and have a thorough understanding of the budget process and budgetary realities faced by the city.

2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?
As a small business owner, I have extensive experience with fiscal management and budgeting.

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? Yes, additional training is always beneficial.

3. **Interests**

Why are you applying for this position? I believe my experience would be an asset to the proccess and add to the breath of citizens who make up the committee.

4. **Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings? Yes, respecting my schedule. I prefer evenings.

5. **Additional Information**

How long have you lived in this community? 30+ years

Please use the space below to summarize any additional qualifications you have for this position

I am committed to finding solutions to Ashland's long term budgetary needs that strive for equity, ensure fiscal stability, protect services, and respect the community investment in quality infrastructure.

12/29/2022

Date

Signatu

CITY OF
ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

Please type or print answers to the following questions and submit to the City Recorder at City Hall, 20 E Main Street, or email melissa.hubtala@ashland.or.us. If you have any questions, please feel free to contact the City Recorder at 488-5307. **Attach additional sheets if necessary.**

Name Linda Peterson Adams

Requesting to serve on: Citizens Budget Committee (Commission/Committee)

Mailing Address [redacted]

Physical Address [redacted]

Occupation Retired Phone: Home [redacted]

Work

Email [redacted]

Fax

1. Education Background

What schools have you attended? See attached sheet

What degrees do you hold?

What additional training or education have you had that would apply to this position?

2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why?

3. **Interests**

Why are you applying for this position?

4. **Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings?

5. **Additional Information**

How long have you lived in this community?

Please use the space below to summarize any additional qualifications you have for this position

Date

Signature

Application for City of Ashland Citizens Budget Committee

Linda Peterson Adams

[redacted]

Occupation

Retired Gardener and Educator

Field Director, Committee to Elect Jeff Golden

Current Community Volunteer

- Ashland Food Project Board
- Be The Change Rogue Treasurer
- Ashland Climate Collaborative, Streets For Everyone Steering Committee
- Alternate Filer for Pam Marsh for Oregon and Committee to Elect Jeff Golden

Educational Background

- University of California Berkeley BA Political Science
- University of Pennsylvania ABD(Master's Equivalency)Political Philosophy
- Chestnut Hill College Secondary Teaching Certificate

My spouse and I moved to Ashland from Eugene in September of 2011. I have been on the Transportation Commission since April of 2019, but have been involved with City issues around transportation and land use planning as soon as I set foot outside my door on Oak Street.

Before I became a commissioner, I was involved with attending numerous City Council, Transportation, Housing and Human Services, Planning Commission meetings and public engagement events such as The Downtown Parking and Multi-modal Study, the East Nevada Street Bridge Project, and the UPRR Cleanup discussions. I was also part of Ashland Citizens for Transit, which advocated for an electric shuttle and electrifying transit in our community. The group was instrumental during the Transit Feasibility Study that gave rise to RVTD implementing The Ashland Connector. In addition, I watched every Citizen Budget Committee meeting.

As a Commissioner, I have developed a thorough understanding of how capital improvement projects are developed and funded, how systems development charges are spent and assessed and the importance of grant funding.

As we have transitioned to the City Manager form of government, it will be all important that citizen involvement with the next biennium budget is comprehensive and studied. I am encouraged that the City has formed a vision, will hold a town hall to discuss that vision, and conducted a Citizen Survey. This will help the Budget Committee review the City Manager's Budget to see if the priorities uncovered are " consistent with the service priorities of the Mayor and Council" and to "ensure expenditures do not exceed revenues".

My compensation for the hours I expect to spend and have spent in my work for the City is in the fulfillment I have by serving the community I love.

I hereby submit my application for a four year term on the Citizens Budget Committee.

Linda Peterson Adams 1/1/2023

CITY OF
ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

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Name Leda Shapiro

Requesting to serve on: Budget Committee (Commission/Committee)

Mailing Address [redacted]

Physical Address same

Occupation Retired Phone: Home

Work

Email [redacted]

Fax

1. Education Background

What schools have you attended? NYU, L.A. City College CalState LA,

What degrees do you hold? AA, BA

What additional training or education have you had that would apply to this position?
Advanced Accounting classes, Conferences on IT Financial systems

2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?
Director of Finance- AFSCME Council 36 - Los Angeles- Focus on Budgeting

Director of Finance - Upward Bound House- non profit, transitional Housing- Focus, Budgets, HUD grants, LAHousing Authority Grant budgets

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why?

I do not think I need any additional training at this time.

3. **Interests**

Why are you applying for this position?

I am applying because I want to help the City of Ashland with help in the budgeting process, which is especially difficult with COVID

I know what needs to be done to be able to do budgets that are in line with our values.

4. **Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings?

I am available. Daytime is preferable but evening can be arranged.

5. **Additional Information**

How long have you lived in this community? I have lived here for over a year.

Please use the space below to summarize any additional qualifications you have for this position

Before I moved here I can up many times in 20 plus years and did budget research before moving.

Date 6/3/21

Signature

Council Business Meeting

January 17, 2023

Agenda Item	City of Ashland Communications	
From	Sabrina Cotta Dorinda Cottle	Deputy City Manager Communications Officer
Contact	Sabrina.cotta@ashland.or.us 541-552-2106	

SUMMARY

The City has been without a fulltime general communications person since September 2017. The City has a Communications Plan that was developed in 2010 and needs revitalization.

Until recently, the Parks and Recreation Department has been the only City department with a dedicated communications FTE staff person. As of August 2022, Parks & Recreation and City Management share the one (1) FTE, approximately 50/50. The position is supervised by Parks and Recreation with work also assigned as needed by City Manager's Office. The FTE is funded by the General Fund and monies from TOT (Transient Occupancy Tax).

BACKGROUND AND ADDITIONAL INFORMATION

Current Communication Status

City communications is provided as follows using the below listed types and modes of communication:

- Parks & Recreation information is provided to the public on a scheduled or regular recurring basis per seasonal recreation programs or parks activity basis
- General City information is provided to the public on a response need or on-demand basis
- Communication funding may also be located in line items of department's operating budgets for items such as planning notices, public meeting notices, etc. that are department specific communications

Types of Communication

- News releases
- Social media posts
- Monitoring and responding to the City's new Q & A feature, "Let Curiosity Be Your Guide"
- Website updates to offer general and clear communication

Modes of Communication

- City Website
- Social Media (Facebook and Twitter)
- Local Media
- Signage
- Email (internal and external)

CITY OF ASHLAND

General Communication Accomplishments

The following has been accomplished since August 2022:

- Vision & Values adopted by Council in summer 2022 – Signage for the new Vision & Values developed and posted in City workplaces and public access points. The Vision and Values statements are posted on the City website and have been posted on the City social media platforms, Facebook and Twitter
- In celebration of the newly adopted Vision & Values statements, the City is revitalizing its brand and creating a VALUE brand for the City of Ashland that includes refreshed logo variations, new color scheme, new fonts and a new tagline, "Better Together!" The new look is unified with the Ashland Chamber of Commerce and Travel Ashland and highlights the partnership between the entities and recognizes that the City is "Better Together." The new tagline signifies how we can work and play together, engage, listen and strengthen relationships and partnerships
- "Let Curiosity Be Your Guide," new Q & A feature on the City website
- Procured nearly 50 iconic Ashland photos to be used in communications, the new City website and in OpenGov to help tell our story (OpenGov is an online platform that allows the City to share budget data effectively with transparency and accountability)
- Development of community partnerships and collaboration with organizations like the Ashland Chamber of Commerce and Travel Ashland
- Issued news releases on demand or as requested by City Management

RECOMMENDATIONS & PRIORITIES

The potential to do more for general City Communications, externally and internally, is strong and exceeds 1.0 FTE. Opportunities to engage with the public and staff are not being taken advantage of due to time constraints. Potential communication workplan items include the following:

CITY PRIORITIES AND BUSINESS UPDATES

- Use social media, City website and other modes of communication to inform/update the community on City policy and budget topics
- Investigate Strategic Initiatives on the OpenGov information/budget transparency tool – Community priorities/goals can be highlighted in OpenGov and tagged to a budget line item. This allows the City to report on the priorities later. For example, if a priority/goal is 'safer streets in Ashland,' we could highlight, and tag, the purchase of a K-9 unit, or body cameras
- Assist, in general, to tell the City's story on OpenGov with inviting text and pictures
- Develop surveys/polls as needed on OpenGov via their platform Community Engage
- Draft a social media policy recommendation for consideration by the City Council
- Internally create a monthly communications report that will culminate into an annual communications report
- Internally create and maintain a Strategic Communications & Marketing Plan for the City

COMMUNITY CONNECTIONS

- Revive the City Newsletter for City website posting and/or to incorporate into the City Utility bill (include information about the City budget in newsletter)
- Develop new City website
- Increase engagement on social media, and set up an Instagram account for the City, and consider NextDoor

- Reinstate Team Ashland to inform the community on City services and promote volunteer opportunities

ECONOMY & TOURISM

- Link City and community activity information with Travel Ashland and other community partner websites/social media to promote a consistent community brand/message
- Create a City Calendar for Ashland and community partners. The goal is to let citizens and tourists know what there is to do in Ashland real-time
- Work to develop Ashland as not only a destination, but a basecamp to take in all that there is to do in Southern Oregon

EMERGENCY MANAGEMENT

- Help develop an updated Emergency Management Plan to anticipate potential risks and prepare for expedient and accurate communications during a crisis. The plan would assure timely, coordinated and consistent communication with Ashland households, businesses, public organizations and visitors
- Engage in emergency operations trainings for crisis communications

EMPLOYEE RELATIONS

- Develop a City Communication Guide for internal organization/employee use to ensure brand use consistency and recommend training or guidance where needed
- Use news releases, City website, social media and a revived City Newsletter to promote community awareness of City services, recognize the work of staff and build community pride. Examples include:
    - Chris Chambers' trip to Spain to teach about fuels reduction
    - The Fire Mitigation Plan set for the City Electric Department
    - Stories honoring/recognizing those who serve on Committees/Commissions

The Communications person is currently working as time allows on developing the internal City Communication Guide that will outline design and brand guidelines for the City. The timeline is to have this in place the first quarter of 2023. The goal is to ensure brand consistency.

The above workplan items could be undertaken with one (1) Communications FTE for the City, in addition to a limited contracted marketing consultant, to also assure current department marketing efforts maintained. If communication resources are increased in the next biennium, a Strategic Communications & Marketing Plan will be developed. The plan will connect and promote Council priorities/goals with the Citizens of Ashland, support the City's Vision & Values and increase awareness about City services by providing modes of regular, clear and transparent communication. In addition, the plan will provide internal communication strategies with staff and create a culture that is supportive and inclusive. The plan will strive to continue to cultivate relationships with stakeholders and encourage two-way communication.

Council Business Meeting

January 17, 2022

Agenda Item	Biennium 2023-2025 Budget Calendar and Protocols	
From	Sabrina Cotta	Deputy City Manager & Acting Finance Director
Contact	Sabrina.cotta@ashland.or.us 541-552-2106	

SUMMARY

There will be several study sessions in the upcoming months to review the current economic and financial condition of the City. These will be followed by Citizens' Budget Committee meetings to review department missions, workloads, resources, and projected funding needs, primarily focused on General Fund operations. Staff proposes the following meeting dates, times and topics for the Citizens' Budget Committee. The Budget Committee is currently scheduled for its meetings in the City Council Chambers.

Citizens' Budget Committee

Enterprise/Other Funds

1. April 27th – 3:00pm-5:00pm; Enterprise/Other Funds Overview

General Fund

2. May 4th – 3:00pm-5:00pm; Administration and Finance
3. May 11th – 3:00pm-5:00pm; Innovation & Technology and Public Safety
4. May 18th – 3:00pm-5:00pm; Parks & Recreation, Community Development and Public Works
5. May 25th – 3:00pm-5:00pm; Final Questions/Answers & Deliberations if Needed

City Council Budget Adoption

1. May 23rd – Notice deadline for budget ordinances

2. June 6th – City Council Business Meeting, regular 6:00pm-9:30pm meeting time
   First reading, adoption of budget and necessary tax ordinances/resolutions

3. June 20 – City Council Business Meeting, regular 6:00pm-9:30pm meeting time
   Second reading, final adoption of budget and necessary tax ordinances/resolutions

POLICES, PLANS & GOALS SUPPORTED

To ensure on-going fiscal ability to provide desired and required services at an acceptable level.

PREVIOUS COUNCIL ACTION

Each Biennium, Council must adopt a balanced budget in which funding sources equal or exceed uses.

BACKGROUND & ADDITIONAL INFORMATION

State law provides the specific requirements for public participation in the budget process through public hearings and the Citizens' Budget Committee. This calendar provides time between regularly scheduled City Council meetings for the Mayor, Councilors and appointed Committee members to submit questions and staff to prepare

CITY OF ASHLAND

detailed and complete written responses. Written questions may be submitted to Alissa Kolodzinski (alissa.kolodzinski@ashland.or.us). Please submit questions at least three (3) business days prior to the next Citizen's Budget Committee meeting to ensure adequate time to gather information and provide a written response.

Please refer to Ashland Municipal Code section 2.04.040 Conduct of Meetings and 2.04.080 Conduct with City Employees for information regarding City meeting protocol and conduct.

In accordance with State law, Citizens' Budget Committee is asked to:

- Receive the proposed budget and budget message.
- Hold one or more public hearings following the presentation of the proposed budget; providing citizens the opportunity to comment prior to Council adoption of the budget.
- Recommend the budget for approval and set the ad valorem property taxes.

FISCAL IMPACTS
None

STAFF RECOMMENDATIONS
Staff recommends that Council accept the budget calendar for the Biennium (BN) 2023-2025 Budget process.

ACTIONS, OPTIONS & POTENTIAL MOTIONS
I move to accept the budget calendar for the BN2023-2025 Budget process.

REFERENCES & ATTACHMENTS
Public Budget Calendar for informational purposes
AMC Section 2.04.040 Conduct of Meetings
AMC Section 2.04.080 Conduct with City Employees

Budget Calendar

PREPARE

JANUARY/FEBRUARY

- Mayor and City Council to set goals and priorities for the upcoming budget cycle
- Hold department meetings
- Preliminary budget requests submitted to Finance Department
- Appoint electors to the budget committee if needed

FEBRUARY/MARCH

- Budget requests complied and reviewed with City Manager and departments
- Budgetary constraints/requirements identified/refined
- Personnel services projections completed

APRIL

- Final preparation and departmental review of draft budgets
- Final review of current year projected revenue and expenditures
- Finance performs final review, reconciliations and prepares proposed budget
- Publish notice of meetings

PROPOSE

APPROVE

APRIL/MAY

- City Manager present budget message and the budget at first meeting
- Budget committee discusses, receives public comment, deliberates and approves the budget to City Council
- Budget is updated to reflect budget committee changes
- Discuss the Capital Improvement Plan (CIP)
- Financial Summary and Notice of Hearing are prepared and published
- Budget committee meetings - April 27, May 4, 11, 18 & 25

ADOPT

JUNE

- City Council passes resolution for state revenue sharing eligibility and proposed uses
- City Council holds budget hearing the adopts the budget resolutions, makes appropriations, and declares tax rate and bond levies
- City Council Adopts CIP

IMPLEMENT

JULY

- Adopted budget goes into effect July 1
- Budget and property tax certification submitted to County by July 15

MODIFY

AUGUST thru remainder of biennium

- Monitor and analyze budget versus actual with each department
- Adjust appropriations as appropriate
- Transfer appropriations when necessary

2.04.040 Conduct of Meetings

A. *Quorum.* As provided in Article VIII, Section 4 of the City Charter, four (4) Councilors, or the Mayor and not less than three (3) Councilors, constitute a quorum. If the Council members present do not constitute a quorum, the members present may adjourn or a majority of the members in attendance may direct staff to notify the absent members, except those known to be unavoidably detained, that their presence is required to enable the Council to proceed with business.

B. *Attendance by Electronic Communication.* Except in the event of a suspension of rules pursuant to AMC 2.04.010.E, members of the City Council may not attend or vote at public meetings by means of telephone or other electronic communication. The rules on meeting procedures and Council actions shall otherwise remain in effect notwithstanding any such suspension of rules to allow for attendance by electronic communication.

C. *Council Deliberation.*

1. *Presiding Officer.* The Mayor, or, in the Mayor's absence, the Chair of the Council, shall be the presiding officer at the meetings of the City Council. In the absence of these officers at any meeting, the Councilors present shall appoint a Chair pro tem to serve temporarily as presiding officer and proceed with the meeting. The presiding officer may not vote on appeals from decisions made while acting as presiding officer. The Chair of the Council or Chair pro tem may vote on all other motions, but the Mayor may vote only as provided in Article IV, Section 3 of the City Charter.

2. *Deliberation Rules.* The presiding officer shall ensure that each Council member has the opportunity to speak on each issue before the Council. Councilors must ask the presiding officer to be recognized. Unless otherwise permitted by the presiding officer, no member may speak more than once on an issue and may do so only after every other member has spoken on or declined to address the issue. Time limits may be set on topics by the presiding officer or by a consensus of the Council. Council members, as well as members of the public speaking on Council agenda items, shall confine their remarks to the question under deliberation, avoid redundancy, speak only for themselves, and make no negative personal remarks or comments about the motives or personal traits of others.

3. *Decorum.* The presiding officer shall be responsible for ensuring order and decorum are maintained. Except by permission of the presiding officer, a Councilor shall address any remarks to the Council, and not to the audience. Any person's failure to abide by the presiding officer's instructions constitutes "disruption of a lawful assembly" as provided in ORS 166.025(1)(c) and may be cause for the presiding officer, or a majority of the Councilors, to direct a City official to remove the person from a Council meeting. Disruptive behavior includes engaging in violent, intimidating or distracting actions or gestures, making loud or disruptive noise, using loud or disruptive profane language, making negative personal remarks or comments about the motives or personal traits of others, and refusing to obey an order of the presiding officer. Signs are not permitted and will be considered disruptive. A direction or order of the presiding officer may be challenged by a point of order as set forth in subsection C.4.b(1) of this section.

4. *Motions and Permissible Intervening Actions.*

a. *Councilor Actions during Debate.* No motion or intervening action shall be received or recognized by the presiding officer when a question is under debate, except for the ten secondary motions and intervening actions listed below. The disposition of any motion or action listed below must occur before consideration of any other action lower on the list.

(1) Point of order, request for information, or objection to consideration of a matter;

(2) Motion to adjourn;

(3) Withdrawal of a motion;

(4) Motion to lay the matter on the table;

(5) Motion to divide a motion under debate;

(6) Motion to refer;

(7) Motion to call for the previous question;

(8) Motion to postpone to a certain time;

(9) Motion to postpone indefinitely;

(10) Motion to amend.

b. *Permissible Intervening Actions While a Speaker Has the Floor.*

(1) *Point of Order.* Any member may interrupt a speaker who has the floor to raise a point of order if meeting protocol appears to have been broken. The point of order must be addressed to the presiding officer and may not be addressed directly to the speaker. The speaker must immediately cease speaking, and the issue identified in the point of order must be resolved before business continues. No second is required, and no debate is allowed on the point of order. The presiding officer may seek clarification on the point of order from its maker, from the speaker who had the floor when it was made, or from the Parliamentarian. Before proceeding further, the presiding officer must sustain or overrule the point of order or submit it to Council decision by majority vote with no debate. A member who disagrees with the presiding officer's decision to sustain or overrule a point of order may move immediately following a ruling by the presiding officer to overturn it. The motion to overturn a ruling on a point of order may not be debated, and the presiding officer may not vote on it. Approval of the motion requires a majority of affirmative votes; the motion fails in the event of a tie vote.

(2) *Request for Information.* Any member may interrupt a speaker who has the floor to seek permission to make a request for information from the speaker or from staff or invitees with expertise on the subject under discussion. The request must be addressed to the presiding officer and may not be addressed directly to the speaker. The speaker must discontinue speaking until the request for information has been denied or satisfied. No second is required, and no colloquy is allowed on the request for information, except to the extent specifically set forth herein. The

information sought must concern either the subject under discussion or meeting procedure rules. The presiding officer may ask the requestor for a statement of the nature of the information sought. Neither a request for information nor a statement of the nature of the information sought may contain statements of fact unless they are necessary to make the request intelligible and must not contain arguments. Upon inquiry from the presiding officer, the person who had the floor when the request for information was made has sole discretion whether to temporarily relinquish the floor to allow the requested information to be provided. An objection to apparently superfluous requests for information may be made through a point of order.

(3) *Objection to Consideration of a Matter.* A member who contends a matter about to be discussed is irrelevant or for any other reason not advisable to consider, may object to consideration of the matter. The objection may be made before or after another member has been assigned the floor, but only if debate has not yet begun and none of the motions in subsection C.4.a of this section has been made. An objection to consideration of a matter does not require a second and is not debatable or amendable. Immediately after the objection is made, a vote on sustaining the objection must be taken. The objection fails unless at least two-thirds of the Councilors present vote to sustain it.

c. *Main Motion.* A main motion is a proposed action that brings business before the Council when no other motion is pending. The actions listed in subsection C.4.a of this section may be undertaken while the main motion is pending, and, if passed, may affect the Council's consideration of the main motion. A main motion requires a second, is amendable and debatable, and passes upon a majority vote in favor.

d. *Adjourn.* A successful motion to adjourn terminates a meeting and transfers the remaining unfinished business to the agenda of the next regular meeting or study session. It requires a second, is not debatable or amendable, and passes upon a majority vote in favor.

e. *Withdrawal.* A motion may be withdrawn by the mover at any time before an amendment is made to it or, if no amendment is made, before a vote is taken on it. Withdrawal of a motion does not require a second, and debate of a proffered withdrawal is not allowed.

f. *Motion to Lay a Matter on the Table.* A motion to lay a matter on the table is a proposal to suspend consideration of a main motion and all pending related motions until later in the same meeting in order to deal with another matter that has come up unexpectedly and which must be dealt with before the pending motion can be properly addressed. A motion to lay a matter on the table requires a second, is not amendable or debatable, and passes upon a majority vote. Before the meeting adjourns, a subsequent nonamendable, nondebatable motion may take the matter from the table if seconded and passed by a majority vote in favor. If the meeting adjourns without considering the tabled item, it will be continued to the next regular meeting or study session in accordance with AMC 2.04.030.E.

g. *Division of a Motion.* Any member may move to split a motion under consideration into two or more independent motions that are taken up in sequence. Each new motion is debated, possibly subjected to secondary motions, and voted upon before taking up the next part. The mover may designate in the motion the order in which the parts are considered. The motion requires a second, is amendable, is not debatable, and passes upon a majority vote in favor.

h. *Referral.* A motion to refer is a proposal to refer a matter to a subcommittee or another body for further study and possible recommendations to the Council. The motion requires a second, is debatable and amendable, and passes upon a majority vote in favor. Any proposed amendments to a main motion on the referred matter that are pending at the time are also referred.

i. *Previous Question.* A motion to call the previous question is a proposal to end debate on a pending motion. It precludes all amendments and debate on the pending motion until it is decided. The motion to call the previous question is not debatable or amendable and requires a second and a two-thirds vote in favor.

j. *Postpone to a Certain Time.* This motion is a proposal to postpone a matter to a particular future meeting, requires a second, is debatable and amendable, and passes upon a majority vote in favor. One function of this motion can be to continue consideration of an agenda item at a designated subsequent meeting.

k. *Postpone Indefinitely.* A successful motion to postpone a matter indefinitely prevents action on the matter for the rest of the meeting. It must be seconded, may be debated, may not be amended, and passes upon a majority vote in favor. The debate may address the substance of the main motion. A successful motion to postpone a matter indefinitely does not preclude consideration of the matter at a subsequent meeting if it is properly added to the respective agenda.

l. *Amendment.* Any main motion and any amendment to a main motion may be amended to add or omit words. A proposed amendment must be germane, must be seconded, and is debatable if the motion to be amended is debatable. The amendment passes upon a majority vote in favor. Other amendments may also be proposed; provided, that they do not nullify the amendments already passed or attempt to amend a motion to amend a motion to amend.

5. *Restatement of Motion.* Before a vote is taken on a motion, it must be restated by the presiding officer or the City Recorder.

6. *Voting.*

a. When a question or motion is put to a vote by the presiding officer, each Councilor present must vote for or against the motion unless a majority of the Council excuses that Councilor from so doing. Unless excused from voting, a Councilor who is present and does not vote for or against the motion shall be counted as having cast a negative vote. The Mayor can only vote in the case of a tie, and then is required to vote unless excused from voting by a majority of the Councilors present. If the Mayor fails to vote when required to do, the Mayor shall be counted as having cast a vote against the motion.

b. A simple majority of the quorum present determines the action on ordinance or resolution and on most motions. On questions required by City Charter, City ordinances, or applicable provisions of Robert's Rules of Order Newly Revised to be decided by a two-thirds vote of the Council, approval requires an affirmative vote of at least four (4) Councilors.

7. *Reconsideration.* A member who voted in favor of any Council action may move for reconsideration before adjournment of the meeting at which the action was approved or at the next regular meeting, unless the item

already has been approved or vetoed by the Mayor pursuant to Article IV, Section 3 of the City Charter. The motion must be seconded, is debatable if the action under reconsideration is debatable, is not amendable, and passes upon a majority vote in favor. Any member may second a motion for reconsideration. A motion to reconsider a Council action may be made only once. A vetoed item may not be the subject of a motion for reconsideration. (Ord. 3192 § 4, amended, 11/17/2020; Ord. 3100, amended, 2014; Ord. 2947, amended, 12/18/2007; Ord. 2902, amended, 11/18/2003)

The Ashland Municipal Code is current through Ordinance 3203, passed November 2, 2021.

Disclaimer: The City Recorder's office has the official version of the Ashland Municipal Code. Users should contact the City Recorder's office for ordinances passed subsequent to the ordinance cited above.

City Website: www.ashland.or.us
City Telephone: (541) 488-5307
Code Publishing Company

2.04.080 Conduct with City Employees

The City Council will work with City staff in a spirit of teamwork and mutual cooperation.

A. Councilors may make inquiries of staff to increase their understanding of an issue or action. Councilors should limit requests for information from staff to questions that may be answered with minimal research. Requests that require significant staff time or resources (two hours or more) should be directed to the City Manager and must be approved by the Mayor, City Manager, City Attorney or by a majority vote of the City Council.

B. Written information given by the Mayor, Councilors, City Manager, City Attorney, or City staff, including materials requested by individual Councilors and the Mayor, generally will be distributed to all Councilors with a notation indicating who has requested that the information be provided.

C. Individual Councilors should respect the separation between policy-making and administration. Councilors shall not pressure or direct City employees in a way that could contravene the will of the Council as a whole or limits the options of the Council. Councilors must not interfere with work performance, undermine the authority of supervisors, or prevent the full Council from having access to relevant information. Notwithstanding this paragraph, nothing shall hamper the Council's ability to evaluate the performance of the City Manager or the City Attorney.

D. The Mayor and Council members should strive not to criticize any person in a public meeting or in public electronic mail messages. The same expectation applies to City staff in the exercise of their official duties. Discussions and disagreements should focus on the content of the topic at hand. Nothing should limit a Councilor or staff person's right to report wrongdoing.

E. Councilors with a concern about the performance of a particular staff person should express that concern to the Mayor, City Manager, or City Attorney. (Ord. 3192 § 6, amended, 11/17/2020; Ord. 3100, amended, 2014; Ord. 2947, amended, 12/18/2007)

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Council Business Meeting

January 17, 2023

Agenda Item	Council Liaisons Role Discussion	
From	Melissa Huhtala	City Recorder
Contact	Melissa.huhtala@ashland.or.us; (541) 488-5307	

SUMMARY

This agenda item is to discuss the role of City Council liaisons to City Commissions, Standing Advisory Committees and Regional Boards. The attached copy of AMC 2.04.100 delineates the current role of Council liaisons.

Liaison appointments are made by the Mayor per AMC 2.04.100, Section G.

POLICIES, PLANS & GOALS SUPPORTED

N/A

PREVIOUS COUNCIL ACTION

N/A

FISCAL IMPACTS

N/A

STAFF RECOMMENDATION

N/A

ACTIONS, OPTIONS & POTENTIAL MOTIONS

N/A

REFERENCES & ATTACHMENTS

Attachment 1: AMC 2.04.100

CITY OF ASHLAND

2.04.100 Council Liaisons to City Advisory Boards and Commissions

A. *Role and Responsibilities of Council Liaisons.*

1. The primary role of a Council Liaison is to facilitate communication between the City advisory body and the Council. A Council Liaison shall be an ex officio nonvoting member of the advisory body, not a regular voting member, and shall not serve as Chair, unless the Mayor specifically proposes, and Council approves, the appointment of the Council Liaison to act in a voting capacity and/or as the Chair to City advisory boards and/or ad-hoc committees, or unless the Ashland Municipal Code specifically requires the Liaison to serve as Chair or in a voting capacity. Notwithstanding the above, the Council Liaison to the Planning Commission shall be considered a nonmember Liaison and not an ex officio member as regards quasi-judicial matters.

2. City Councilors serve as liaisons to the City's regular and ad hoc advisory bodies and are expected to represent the full City Council objectively and accurately in interacting with such entities.

3. City Councilors may attend meetings of the City's regular and ad hoc advisory bodies as citizens of Ashland. When attending as a citizen, Council members must identify their comments as personal views or opinions and not as a representation of City Council policy.

B. *Attendance.* Liaisons should attend regular meetings of the regular and ad hoc advisory bodies to which they have been assigned as time permits and should make special efforts to attend meetings in response to specific requests to participate in discussions on topics the Council may need to be aware of or provide input on. In the event a Council Liaison has difficulty attending, the Liaison should find an alternate to attend or review the video or other record of the proceeding. In the event of a continuing scheduling conflict, the Liaison should ask the Mayor to be reassigned. Liaisons shall not attend quasi-judicial proceedings when the final appeal or final decision is to or could come before the City Council.

C. *Deliberations.* The City Council values diversity of opinion. A significant role of an advisory body is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Accordingly, Council Liaisons to City advisory bodies should not attempt to direct debate, lobby, or otherwise influence the direction or decisions of any advisory bodies to which they have been assigned. Council

Liaisons are encouraged to field and answer questions as appropriate for an ex officio member of the advisory body. Undue influence over the decisions of any City advisory body shall be grounds for removal of a Liaison assignment as set forth in subsection H of this section.

D. *Respect for Presiding Officer.* City Councilors attending advisory body meetings as Liaisons shall accord the same respect toward the Chair and other members as they do towards the Mayor, the presiding officer or each other.

E. *Council Information.* City Councilors will inform the advisory bodies to which they have been appointed Liaison about Council agenda items and Council decisions that may be of interest to the advisory body. Liaisons shall also encourage advisory board members to attend Council meetings to keep abreast of Council action, policy matters and the activities of the City.

F. *Advice on Filling Vacancies.* The Council Liaison for each advisory body, together with the advisory body chair and assigned staff liaison, will make recommendations to the Mayor for appointment of citizens to fill vacancies on their respective advisory bodies.

G. *Liaison Appointment Process and Term.* The Mayor will appoint Councilors to act as Council Liaisons to each and every regular advisory commission or board. Councilors interested in a particular subject area should inform the Mayor of their interest, and the Mayor should take the expression of interest and/or a Councilor's preference into account when making appointment decisions. Liaison appointments shall be for a term of one year unless otherwise expressly stated. Appointments are generally made on an annual basis in January, and the Mayor shall make an effort to rotate Liaison assignments if there is more than one Councilor expressing a preference for a specific appointment.

H. *Removal from a Liaison Assignment.* The Mayor or a Councilor may be removed for any reason from a specific Liaison assignment upon a two-thirds vote of the entire Council. (Ord. 3180 § 1, amended, 08/20/2019; Ord. 3100, amended, 2014; Ord. 3002, amended, 02/18/2010)

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Council Business Meeting

January 17, 2023

Agenda Item	Annual Appointment to the Citizens' Budget Committee	
From	Melissa Huhtala	City Recorder
Contact	Melissa.huhtala@ashland.or.us; (541) 488-5307	

SUMMARY

Appointment of five vacant positions on the Citizens' Budget Committee with one term ending June 30, 2023, two terms ending June 30, 2024, and two terms ending June 30, 2025.

POLICIES, PLANS & GOALS SUPPORTED

N/A

PREVIOUS COUNCIL ACTION

N/A

BACKGROUND AND ADDITIONAL INFORMATION

Notice was made to the public of these vacancies. Ten applications have been received for consideration from the following members of the public: Linda Peterson-Adams, Richard Barth, Andy Card, Anne Cowden, Jeff Dahle, Christine Fernlund, Mike Gardiner, Shane Hunter, Eric Navickas and Leda Shapiro (see attached applications).

Election process (voting)

1. There are ten (10) applicants to fill five (5) open Citizens' Budget Committee positions. Returning/continuing members of the Committee include the following:
   - David Runkel, June 30, 2023 term ending
   - Saladin Amery, June 30, 2024 term ending

2. Elections for identified position/term – ballots will be provided by the City Recorder to the Mayor and Councilors to select from all applicants for the below listed committee member terms of office in the sequence indicated. The individual(s) who receive a majority of Mayor and Councilor votes are selected for appointment. Subsequent votes by ballot will be taken in the case no individual receives a majority of votes or in the case of a tie. Final appointment of the selected individuals is made/confirmed by Council motion (see below Action, Options & Potential Motions section).

   First selection ballots: 1 position - June 30, 2023 term ending
   Second selection ballots: 2 positions - June 30, 2024 term ending
   Third selection ballots: 2 positions - June 30, 2025 term ending

3. The City Recorder will tally the selection votes after each ballot and read the selection results aloud. Final Mayor and Councilor selection votes and results will be posted on the City website following the Council meeting.

CITY OF ASHLAND

FISCAL IMPACTS
N/A

STAFF RECOMMENDATION
N/A

ACTIONS, OPTIONS & POTENTIAL MOTIONS
The following motion will be in order once the final selection votes are tallied and announced by the City Recorder.

I move to appoint the following individuals by term to the Citizens' Budget Committee (names to be inserted in blank spaces):

- _____ for the term ending June 30, 2023;
- _____ and _____ for the term ending June 30, 2024;
- _____ and _____ for the term ending June 30, 2025.

REFERENCES & ATTACHMENTS
Attachment 1: Richard Barth
Attachment 2: Andy Card
Attachment 3: Anne Cowden
Attachment 4: Jeff Dahle
Attachment 5: Christine Fernlund
Attachment 6: Mike Gardiner
Attachment 7: Shane Hunter
Attachment 8: Eric Navickas
Attachment 9: Linda Peterson-Adams
Attachment 10: Leda Shapiro

CITY OF
ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

Please type or print answers to the following questions and submit to the City Recorder at City Hall, 20 E Main Street, or email melissa.huhtala@ashland.or.us. If you have any questions, please feel free to contact the City Recorder at 488-5307. **Attach additional sheets if necessary.**

Name Richard Barth

Requesting to serve on: Citizen's Budget Committee (Commission/Committee)

Mailing Address [redacted]

Physical Address same

Occupation Retired Phone: Home [redacted]

Work [redacted]

1. Education Background

What schools have you attended? University of Illinois

What degrees do you hold? BS Electrical Engineering MS Computer Scien

What additional training or education have you had that would apply to this position?

2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?
Private investment background.

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? No

3. **Interests**
Why are you applying for this position? I believe my background in volunteer government service will be helpful in working successfully on the city budget.

4. **Availability**
Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings? Yes; Day is preferred but evening

5. **Additional Information**
How long have you lived in this community? 22 years

Please use the space below to summarize any additional qualifications you have for this position

12 years service on Ashland School District budget committee; served as chair for
member City of Ashland Ad Hoc Committee on AFN approximately 2003-2006
member City of Ashland Ad Hoc Committee on CEAP Implementation 2018
member Climate Policy Commission 2019 - 2022; 1 year vice-chair; 2 years chair

6/24/22
Date

Signature

CITY OF
ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

Please type or print answers to the following questions and submit to the City Recorder at City Hall, 20 E Main Street, or email melissa.huhtala@ashland.or.us. If you have any questions, please feel free to contact the City Recorder at 488-5307. **Attach additional sheets if necessary.**

Name Andrew Card

Requesting to serve on: Citizen's Budget Committee (Commission/Committee)

Mailing Address [redacted]

Physical Address _____

Occupation Business Owner / Consultar Phone: Home

Work _____
Email _____
Fax _____

1. Education Background

What schools have you attended? Northwest Christian University; Southern Oregon University; University of Saarland

What degrees do you hold?

B.A. in Business; MBA; MIB:Master's in International Business

What additional training or education have you had that would apply to this position?

2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?

I've had the opportunity to manage multimillion-dollar department budgets at a Fortune 100 corporation.

I currently run two businesses and am vice president of the board of directors for two local nonprofits.

I am responsible for budget planning, allocating financial resources, and maintaining fiscal responsibility.

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? Not necessary, but continuous training

in a technical field is always advantageous.

3. **Interests**

Why are you applying for this position? I have a strong interest in seeing Ashland thrive and want to use my skill set to help manage the budget and allocate resources wisely

4. **Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings? Yes, I'm available day or evening

5. **Additional Information**

How long have you lived in this community? 7 years

Please use the space below to summarize any additional qualifications you have for this position

The ability to draw reasoned conclusions from analysis and synthesis of available information;

Experience with internal controls to protect the integrity of the organization and prevent waste, fraud, and mismanagement, reporting any instances where such problems occur;

Uses material and financial resources prudently;

Complies with responsibilities regarding resource reporting;

I interact professionally, courteously, and competently with all team members, including persons of other cultures and political beliefs

Ability to recognize patterns or trends in numerical data;

12-16-2022
Date

Andy Card
Digitally signed by Andy Card
Date: 2022.12.16 20:10:06 -08'00'
Signature

CITY OF
ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

Please type or print answers to the following questions and submit to the City Recorder at City Hall, 20 E Main Street, or email Melissa Huhtala If you have any questions, please feel free to contact the City Recorder at 488-5307. **Attach additional sheets if necessary.**

Name Dr. Anne Cowden, PhD (Public Administration)

Requesting to serve on: Citizen's Budget Committee (Commission/Committee)

Mailing Address [redacted]

Physical Address _____

Occupation Retired Professor Phone: Home [redacted]

Work _____
Email _____
Fax _____

1. Education Background

What schools have you attended? Willamette Univeristy, UCLA, USC

What degrees do you hold? BA, MA, MPA, PhD.

What additional training or education have you had that would apply to this position?

2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?

I was a budget analyst for the California Office of the Legislative Analyst (LAO) which the CBO was patterned after.

I taught and studied budgeting many times. I have also consulted with the CA governor's office on budget matters.

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? One can always use more knowledge.

3. **Interests**

Why are you applying for this position? I am interested in improving the appo roach to the City budget.

I drive behind at the 2021-2022 planning budget and that it has been many years and little can actually be factored when one does to find information on already written.

4. **Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings? Yes. Either is fine.

5. **Additional Information**

How long have you lived in this community? 4 years.

Please use the space below to summarize any additional qualifications you have for this position

My father was a City Manager, a goal I wished until I realized that there were no women city managers in California at the time. I then worked in government and taught public policy and administration for almost 40 years. I have consulted with state, local and nonprofit organizations on many issues. I also have sat on the Board of 12 nonprofit agencies.

11-11-2021

Date

Anne C Lowder

Signature

CITY OF
ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

Please type or print answers to the following questions and submit to the City Recorder at City Hall, 20 E Main Street, or email melissa.huhtala@ashland.or.us. If you have any questions, please feel free to contact the City Recorder at 488-5307. **Attach additional sheets if necessary.**

Name Jeffrey (Jeff) R Dahle

Requesting to serve on: Citizen Budget Committee (Commission/Committee)

Mailing Address [redacted]

Physical Address Same

Occupation Director of Engineering Phone: Home [redacted]

Work [redacted]
Email [redacted]
Fax n/a

1. Education Background

What schools have you attended? Univ of Oregon,Univ of Phoenix,Southern Oregon Univ

What degrees do you hold? Bachelor of Science, Information Technology

What additional training or education have you had that would apply to this position?
MBA (in progress), Oregon Department of Revenue, Local Budget Law Training - 2020, 2021

2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?
In addition to over 20 years of senior level management experience in the corporate environment

which includes significant fiscal and budget responsibilities, I have owned and operated small businesses

as well as have served as President and CFO/Treasurer of three non-profit organizations.

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? Absolutely and without question. The best thing an

individual with a fiduciary and ethical obligation to the community can do is to remain curious and open to understanding trends, principles and best practices

3. Interests

Why are you applying for this position? As an Ashland native with considerable understanding of the community, as well as financial acumen, problem-solving skills and a collaborative approach, I believe that my leadership, positive attitude, well-rounded skill set and experience can and will contribute to the city's long-term financial success.

4. Availability

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings? Available as needed/required

5. Additional Information

How long have you lived in this community? 1975-1995, 2010-Present

Please use the space below to summarize any additional qualifications you have for this position

Ashland Airport Commission, 2020-Present (Elected Commission Chair - 2021, 2022)

6/13/2022

Date

Signature

CITY OF
ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

Please type or print answers to the following questions and submit to the City Recorder at City Hall, 20 E Main Street, or email melissa.huhtala@ashland.or.us. If you have any questions, please feel free to contact the City Recorder at 488-5307. **Attach additional sheets if necessary.**

Name Christine Fernlund

Requesting to serve on: Budget Cmte (Commission/Committee)

Mailing Address [redacted]

Physical Address same

Occupation Retired Phone: Home [redacted]

Work Cell: [redacted]
Email [redacted]
Fax

1. Education Background

What schools have you attended? Southern Illinois Univ. BA, Psychology, Learning Theory

What degrees do you hold? Univ. Of Illinois MEd, Special Education

Northwestern Univ. MS, Electrical Engineering, IT

What additional training or education have you had that would apply to this position?

[redacted]

2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?

budget &, financial planning, business process re-engineering, root cause analysis

ROLM, IBM, Siemens AG

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? not necessarily

3. **Interests**

Why are you applying for this position?

I believe I have something to offer and I have been successful working in a team environment with conflicting priorities.

4. **Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings?

Yes, I am available. Either daytime or evenings work for me.

5. **Additional Information**

How long have you lived in this community? 12 years

Please use the space below to summarize any additional qualifications you have for this position

6/28/2022

Date

Signature

CITY OF
ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

Please type or print answers to the following questions and submit to the City Recorder at City Hall, 20 E Main Street, or email melissa.huhtala@ashland.or.us. If you have any questions, please feel free to contact the City Recorder at 488-5307. **Attach additional sheets if necessary.**

Name Mike Gardiner

Requesting to serve on: Citizens' Budget Committee (Commission/Committee)

Mailing Address [redacted]

Physical Address same

Occupation retired Phone: Home [redacted]

Work

Email [redacted]

Fax

1. Education Background

What schools have you attended? University of Evansville

What degrees do you hold? Bachelor of Science/Business Administration

What additional training or education have you had that would apply to this position?
40 years of business management, accounting, financial planning, budgets, HR, personel management and strategic planning.

2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?
Budget creation, budget forecasting, manpower planning, corporate planning and production management. APRC operations budget management, CIP budget review and approval, personnel performance reviews, land acquisitions, yearly goal-setting, organizational prioritizing and budget forecasting.

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? Additional training is always welcomed. I have gone through several public training processes. In this case I believe that I have the necessary training for this position.

3. **Interests**

Why are you applying for this position? I am committed to promoting a well conceived city budget that is fairly vetted by the citizen's committee. I have attended most of Ashland's budget meetings for the past 20 years as either a presenter or an observer.

4. **Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings? Prefer the day, but am available for either.

5. **Additional Information**

How long have you lived in this community? Since 1986

Please use the space below to summarize any additional qualifications you have for this position

Served for 18 years as an elected Ashland park commissioner. Chair 2006-2010, 2016-2022

Served for 2 years on Ashland's Transportation Commission and worked on the most recent TSP update.

I have lead work groups that have updated the past two Trails and Open Space revisions to the city's Comprehensive Plan.

Served on Ashland's Planning Commission from 1996-2002. Chair 1999-2002

Current President for the Bear Creek Greenway Foundation Board. Jackson County

Current President for the Ashland Parks Foundation Board.

10/4/2022

Date

M A Gardiner

Signature

CITY OF
ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

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Name Shane Hunter

Requesting to serve on: Citizen Budget Committee (Commission/Committee)

Mailing Address [redacted]

Physical Address same

Occupation CFO Phone: Home [redacted]

Work
Email [redacted]
Fax

1. Education Background

What schools have you attended? Southern Oregon University

What degrees do you hold? MBA and BS in Business Administration, both from SOU

What additional training or education have you had that would apply to this position?
I am a licensed CPA in the state of Oregon. I have attended workshops relating to cash flow strategies, construction planning, municipal economies, legislative updates, financial statements, municipal accounting/budgeting, and much more.

2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?
I have created and helped create $100M+ budgets for entities with complex interagency transactions; managed human resources, recruiting, and labor pools with 100+ union and non-union employees; been involved with six strategic planning initiatives and implementations; and been immersed in the intricacies of governmental operations for 8 years.

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? Yes, there are always new regulations and ideas for sound financial management practices that would help anybody be more effective.

3. **Interests**

Why are you applying for this position? I would like to apply my skills and experience with budgets and financial matters to strengthen the governance in Ashland and give back to a town that has helped me grow during the past twelve years.

4. **Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings? Yes, and I prefer evening meetings.

5. **Additional Information**

How long have you lived in this community? 12 years

Please use the space below to summarize any additional qualifications you have for this position

I have been vice chair and chair of the Citizen's Budget Committee. I serve as the budget liaison to the Municipal Audit Committee and was a member of the Cost Review Ad-Hoc Committee. All of these city committees help me understand our city in greater depth when I review the recommended budget and think about impacts to our city, our reputation, our employees, our residents, and our competitiveness as an entity in the region. I serve on other local boards and committees in various capacities that all point toward one goal: to help as many people as possible thrive and achieve happiness.

06/22/21
Date

Signature

CITY OF
ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

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Name Eric Navickas

Requesting to serve on: Citizen Budget Committee (Commission/Committee)

Mailing Address [redacted]

Physical Address (same)

Occupation Farmer/Designer Phone: Hom[redacted]

Work (same)
Email [redacted]
Fax N/A

1. Education Background

What schools have you attended? University of Oregon

What degrees do you hold? Bachelor of Architecture

What additional training or education have you had that would apply to this position?
I have previously served on the Budget Committee as a City Council and have a thorough understanding of the budget process and budgetary realities faced by the city.

2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?
As a small business owner, I have extensive experience with fiscal management and budgeting

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? Yes, additional training is always beneficial

3. **Interests**

Why are you applying for this position? I believe my experience would be an asset to the proccess and add to the breath of citizens who make up the committee.

4. **Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings? Yes, respecting my schedule. I prefer evenings.

5. **Additional Information**

How long have you lived in this community? 30+ years

Please use the space below to summarize any additional qualifications you have for this position

I am committed to finding solutions to Ashland's long term budgetary needs that strive for equity, ensure fiscal stability, protect services, and respect the community investment in quality infrastructure.

12/29/2022

Date

Signatu

CITY OF
ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

Please type or print answers to the following questions and submit to the City Recorder at City Hall, 20 E Main Street, or email melissa.hubtala@ashland.or.us. If you have any questions, please feel free to contact the City Recorder at 488-5307. **Attach additional sheets if necessary.**

Name Linda Peterson Adams

Requesting to serve on: Citizens Budget Committee (Commission/Committee)

Mailing Address [redacted]

Physical Address [redacted]

Occupation Retired Phone: Home [redacted]

Work

Email [redacted]

Fax

1. Education Background

What schools have you attended? See attached sheet

What degrees do you hold?

What additional training or education have you had that would apply to this position?

2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why?

3. **Interests**

Why are you applying for this position? _____

_____

_____

4. **Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings? _____

_____

5. **Additional Information**

How long have you lived in this community? _____

Please use the space below to summarize any additional qualifications you have for this position

_____

_____

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_____

_____ _____

Date Signature

Application for City of Ashland Citizens Budget Committee

Linda Peterson Adams
[redacted]

Occupation

Retired Gardener and Educator
Field Director, Committee to Elect Jeff Golden
Current Community Volunteer
- Ashland Food Project Board
- Be The Change Rogue Treasurer
- Ashland Climate Collaborative, Streets For Everyone Steering Committee
- Alternate Filer for Pam Marsh for Oregon and Committee to Elect Jeff Golden

Educational Background

- University of California Berkeley BA Political Science
- University of Pennsylvania ABD(Master's Equivalency)Political Philosophy
- Chestnut Hill College Secondary Teaching Certificate

My spouse and I moved to Ashland from Eugene in September of 2011. I have been on the Transportation Commission since April of 2019, but have been involved with City issues around transportation and land use planning as soon as I set foot outside my door on Oak Street.

Before I became a commissioner, I was involved with attending numerous City Council, Transportation, Housing and Human Services, Planning Commission meetings and public engagement events such as The Downtown Parking and Multi-modal Study, the East Nevada Street Bridge Project, and the UPRR Cleanup discussions. I was also part of Ashland Citizens for Transit, which advocated for an electric shuttle and electrifying transit in our community. The group was instrumental during the Transit Feasibility Study that gave rise to RVTD implementing The Ashland Connector. In addition, I watched every Citizen Budget Committee meeting.

As a Commissioner, I have developed a thorough understanding of how capital improvement projects are developed and funded, how systems development charges are spent and assessed and the importance of grant funding.

As we have transitioned to the City Manager form of government, it will be all important that citizen involvement with the next biennium budget is comprehensive and studied. I am encouraged that the City has formed a vision, will hold a town hall to discuss that vision, and conducted a Citizen Survey. This will help the Budget Committee review the City Manager's Budget to see if the priorities uncovered are " consistent with the service priorities of the Mayor and Council" and to "ensure expenditures do not exceed revenues".

My compensation for the hours I expect to spend and have spent in my work for the City is in the fulfillment I have by serving the community I love.

I hereby submit my application for a four year term on the Citizens Budget Committee.

Linda Peterson Adams 1/1/2023

CITY OF
ASHLAND

APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

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Name Leda Shapiro

Requesting to serve on: Budget Committee (Commission/Committee)

Mailing Address [redacted]

Physical Address same

Occupation Retired Phone: Home

Work

Email [redacted]

Fax

1. Education Background

What schools have you attended? NYU, L.A. City College CalState LA,

What degrees do you hold? AA, BA

What additional training or education have you had that would apply to this position?
Advanced Accounting classes, Conferences on IT Financial systems

2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?
Director of Finance- AFSCME Council 36 - Los Angeles- Focus on Budgeting

Director of Finance - Upward Bound House- non profit, transitional Housing- Focus, Budgets, HUD grants, LAHousing Authority Grant budgets

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why?

I do not think I need any additional training at this time.

3. **Interests**

Why are you applying for this position?

I am applying because I want to help the City of Ashland with help in the budgeting process, which is especially difficult with COVID

I know what needs to be done to be able to do budgets that are in line with our values.

4. **Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings?

I am available. Daytime is preferable but evening can be arranged.

5. **Additional Information**

How long have you lived in this community? I have lived here for over a year.

Please use the space below to summarize any additional qualifications you have for this position

Before I moved here I can up many times in 20 plus years and did budget research before moving.

Date 6/3/21

Signature

Council Business Meeting

January 17, 2022

Agenda Item	Biennium 2023-2025 Budget Calendar and Protocols	
From	Sabrina Cotta	Deputy City Manager & Acting Finance Director
Contact	Sabrina.cotta@ashland.or.us 541-552-2106	

SUMMARY

There will be several study sessions in the upcoming months to review the current economic and financial condition of the City. These will be followed by Citizens' Budget Committee meetings to review department missions, workloads, resources, and projected funding needs, primarily focused on General Fund operations. Staff proposes the following meeting dates, times and topics for the Citizens' Budget Committee. The Budget Committee is currently scheduled for its meetings in the City Council Chambers.

Citizens' Budget Committee

Enterprise/Other Funds

1. April 27th – 3:00pm-5:00pm; Enterprise/Other Funds Overview

General Fund

2. May 4th – 3:00pm-5:00pm; Administration and Finance
3. May 11th – 3:00pm-5:00pm; Innovation & Technology and Public Safety
4. May 18th – 3:00pm-5:00pm; Parks & Recreation, Community Development and Public Works
5. May 25th – 3:00pm-5:00pm; Final Questions/Answers & Deliberations if Needed

City Council Budget Adoption

1. May 23rd – Notice deadline for budget ordinances

2. June 6th – City Council Business Meeting, regular 6:00pm-9:30pm meeting time
   First reading, adoption of budget and necessary tax ordinances/resolutions

3. June 20 – City Council Business Meeting, regular 6:00pm-9:30pm meeting time
   Second reading, final adoption of budget and necessary tax ordinances/resolutions

POLICES, PLANS & GOALS SUPPORTED

To ensure on-going fiscal ability to provide desired and required services at an acceptable level.

PREVIOUS COUNCIL ACTION

Each Biennium, Council must adopt a balanced budget in which funding sources equal or exceed uses.

BACKGROUND & ADDITIONAL INFORMATION

State law provides the specific requirements for public participation in the budget process through public hearings and the Citizens' Budget Committee. This calendar provides time between regularly scheduled City Council meetings for the Mayor, Councilors and appointed Committee members to submit questions and staff to prepare

CITY OF ASHLAND

detailed and complete written responses. Written questions may be submitted to Alissa Kolodzinski (alissa.kolodzinski@ashland.or.us). Please submit questions at least three (3) business days prior to the next Citizen's Budget Committee meeting to ensure adequate time to gather information and provide a written response.

Please refer to Ashland Municipal Code section 2.04.040 Conduct of Meetings and 2.04.080 Conduct with City Employees for information regarding City meeting protocol and conduct.

In accordance with State law, Citizens' Budget Committee is asked to:

- Receive the proposed budget and budget message.
- Hold one or more public hearings following the presentation of the proposed budget; providing citizens the opportunity to comment prior to Council adoption of the budget.
- Recommend the budget for approval and set the ad valorem property taxes.

FISCAL IMPACTS
None

STAFF RECOMMENDATIONS
Staff recommends that Council accept the budget calendar for the Biennium (BN) 2023-2025 Budget process.

ACTIONS, OPTIONS & POTENTIAL MOTIONS
I move to accept the budget calendar for the BN2023-2025 Budget process.

REFERENCES & ATTACHMENTS
Public Budget Calendar for informational purposes
AMC Section 2.04.040 Conduct of Meetings
AMC Section 2.04.080 Conduct with City Employees

Budget Calendar

PREPARE

JANUARY/FEBRUARY

- Mayor and City Council to set goals and priorities for the upcoming budget cycle
- Hold department meetings
- Preliminary budget requests submitted to Finance Department
- Appoint electors to the budget committee if needed

FEBRUARY/MARCH

- Budget requests complied and reviewed with City Manager and departments
- Budgetary constraints/requirements identified/refined
- Personnel services projections completed

APRIL

- Final preparation and departmental review of draft budgets
- Final review of current year projected revenue and expenditures
- Finance performs final review, reconciliations and prepares proposed budget
- Publish notice of meetings

PROPOSE

APPROVE

APRIL/MAY

- City Manager present budget message and the budget at first meeting
- Budget committee discusses, receives public comment, deliberates and approves the budget to City Council
- Budget is updated to reflect budget committee changes
- Discuss the Capital Improvement Plan (CIP)
- Financial Summary and Notice of Hearing are prepared and published
- Budget committee meetings - April 27, May 4, 11, 18 & 25

ADOPT

JUNE

- City Council passes resolution for state revenue sharing eligibility and proposed uses
- City Council holds budget hearing the adopts the budget resolutions, makes appropriations, and declares tax rate and bond levies
- City Council Adopts CIP

IMPLEMENT

JULY

- Adopted budget goes into effect July 1
- Budget and property tax certification submitted to County by July 15

MODIFY

AUGUST thru remainder of biennium

- Monitor and analyze budget versus actual with each department
- Adjust appropriations as appropriate
- Transfer appropriations when necessary

2.04.040 Conduct of Meetings

A. *Quorum.* As provided in Article VIII, Section 4 of the City Charter, four (4) Councilors, or the Mayor and not less than three (3) Councilors, constitute a quorum. If the Council members present do not constitute a quorum, the members present may adjourn or a majority of the members in attendance may direct staff to notify the absent members, except those known to be unavoidably detained, that their presence is required to enable the Council to proceed with business.

B. *Attendance by Electronic Communication.* Except in the event of a suspension of rules pursuant to AMC 2.04.010.E, members of the City Council may not attend or vote at public meetings by means of telephone or other electronic communication. The rules on meeting procedures and Council actions shall otherwise remain in effect notwithstanding any such suspension of rules to allow for attendance by electronic communication.

C. *Council Deliberation.*

1. *Presiding Officer.* The Mayor, or, in the Mayor's absence, the Chair of the Council, shall be the presiding officer at the meetings of the City Council. In the absence of these officers at any meeting, the Councilors present shall appoint a Chair pro tem to serve temporarily as presiding officer and proceed with the meeting. The presiding officer may not vote on appeals from decisions made while acting as presiding officer. The Chair of the Council or Chair pro tem may vote on all other motions, but the Mayor may vote only as provided in Article IV, Section 3 of the City Charter.

2. *Deliberation Rules.* The presiding officer shall ensure that each Council member has the opportunity to speak on each issue before the Council. Councilors must ask the presiding officer to be recognized. Unless otherwise permitted by the presiding officer, no member may speak more than once on an issue and may do so only after every other member has spoken on or declined to address the issue. Time limits may be set on topics by the presiding officer or by a consensus of the Council. Council members, as well as members of the public speaking on Council agenda items, shall confine their remarks to the question under deliberation, avoid redundancy, speak only for themselves, and make no negative personal remarks or comments about the motives or personal traits of others.

3. *Decorum.* The presiding officer shall be responsible for ensuring order and decorum are maintained. Except by permission of the presiding officer, a Councilor shall address any remarks to the Council, and not to the audience. Any person's failure to abide by the presiding officer's instructions constitutes "disruption of a lawful assembly" as provided in ORS 166.025(1)(c) and may be cause for the presiding officer, or a majority of the Councilors, to direct a City official to remove the person from a Council meeting. Disruptive behavior includes engaging in violent, intimidating or distracting actions or gestures, making loud or disruptive noise, using loud or disruptive profane language, making negative personal remarks or comments about the motives or personal traits of others, and refusing to obey an order of the presiding officer. Signs are not permitted and will be considered disruptive. A direction or order of the presiding officer may be challenged by a point of order as set forth in subsection C.4.b(1) of this section.

4. *Motions and Permissible Intervening Actions.*

a. *Councilor Actions during Debate.* No motion or intervening action shall be received or recognized by the presiding officer when a question is under debate, except for the ten secondary motions and intervening actions listed below. The disposition of any motion or action listed below must occur before consideration of any other action lower on the list.

(1) Point of order, request for information, or objection to consideration of a matter;

(2) Motion to adjourn;

(3) Withdrawal of a motion;

(4) Motion to lay the matter on the table;

(5) Motion to divide a motion under debate;

(6) Motion to refer;

(7) Motion to call for the previous question;

(8) Motion to postpone to a certain time;

(9) Motion to postpone indefinitely;

(10) Motion to amend.

b. *Permissible Intervening Actions While a Speaker Has the Floor.*

(1) *Point of Order.* Any member may interrupt a speaker who has the floor to raise a point of order if meeting protocol appears to have been broken. The point of order must be addressed to the presiding officer and may not be addressed directly to the speaker. The speaker must immediately cease speaking, and the issue identified in the point of order must be resolved before business continues. No second is required, and no debate is allowed on the point of order. The presiding officer may seek clarification on the point of order from its maker, from the speaker who had the floor when it was made, or from the Parliamentarian. Before proceeding further, the presiding officer must sustain or overrule the point of order or submit it to Council decision by majority vote with no debate. A member who disagrees with the presiding officer's decision to sustain or overrule a point of order may move immediately following a ruling by the presiding officer to overturn it. The motion to overturn a ruling on a point of order may not be debated, and the presiding officer may not vote on it. Approval of the motion requires a majority of affirmative votes; the motion fails in the event of a tie vote.

(2) *Request for Information.* Any member may interrupt a speaker who has the floor to seek permission to make a request for information from the speaker or from staff or invitees with expertise on the subject under discussion. The request must be addressed to the presiding officer and may not be addressed directly to the speaker. The speaker must discontinue speaking until the request for information has been denied or satisfied. No second is required, and no colloquy is allowed on the request for information, except to the extent specifically set forth herein. The

information sought must concern either the subject under discussion or meeting procedure rules. The presiding officer may ask the requestor for a statement of the nature of the information sought. Neither a request for information nor a statement of the nature of the information sought may contain statements of fact unless they are necessary to make the request intelligible and must not contain arguments. Upon inquiry from the presiding officer, the person who had the floor when the request for information was made has sole discretion whether to temporarily relinquish the floor to allow the requested information to be provided. An objection to apparently superfluous requests for information may be made through a point of order.

(3) *Objection to Consideration of a Matter.* A member who contends a matter about to be discussed is irrelevant or for any other reason not advisable to consider, may object to consideration of the matter. The objection may be made before or after another member has been assigned the floor, but only if debate has not yet begun and none of the motions in subsection C.4.a of this section has been made. An objection to consideration of a matter does not require a second and is not debatable or amendable. Immediately after the objection is made, a vote on sustaining the objection must be taken. The objection fails unless at least two-thirds of the Councilors present vote to sustain it.

c. *Main Motion.* A main motion is a proposed action that brings business before the Council when no other motion is pending. The actions listed in subsection C.4.a of this section may be undertaken while the main motion is pending, and, if passed, may affect the Council's consideration of the main motion. A main motion requires a second, is amendable and debatable, and passes upon a majority vote in favor.

d. *Adjourn.* A successful motion to adjourn terminates a meeting and transfers the remaining unfinished business to the agenda of the next regular meeting or study session. It requires a second, is not debatable or amendable, and passes upon a majority vote in favor.

e. *Withdrawal.* A motion may be withdrawn by the mover at any time before an amendment is made to it or, if no amendment is made, before a vote is taken on it. Withdrawal of a motion does not require a second, and debate of a proffered withdrawal is not allowed.

f. *Motion to Lay a Matter on the Table.* A motion to lay a matter on the table is a proposal to suspend consideration of a main motion and all pending related motions until later in the same meeting in order to deal with another matter that has come up unexpectedly and which must be dealt with before the pending motion can be properly addressed. A motion to lay a matter on the table requires a second, is not amendable or debatable, and passes upon a majority vote. Before the meeting adjourns, a subsequent nonamendable, nondebatable motion may take the matter from the table if seconded and passed by a majority vote in favor. If the meeting adjourns without considering the tabled item, it will be continued to the next regular meeting or study session in accordance with AMC 2.04.030.E.

g. *Division of a Motion.* Any member may move to split a motion under consideration into two or more independent motions that are taken up in sequence. Each new motion is debated, possibly subjected to secondary motions, and voted upon before taking up the next part. The mover may designate in the motion the order in which the parts are considered. The motion requires a second, is amendable, is not debatable, and passes upon a majority vote in favor.

h. *Referral.* A motion to refer is a proposal to refer a matter to a subcommittee or another body for further study and possible recommendations to the Council. The motion requires a second, is debatable and amendable, and passes upon a majority vote in favor. Any proposed amendments to a main motion on the referred matter that are pending at the time are also referred.

i. *Previous Question.* A motion to call the previous question is a proposal to end debate on a pending motion. It precludes all amendments and debate on the pending motion until it is decided. The motion to call the previous question is not debatable or amendable and requires a second and a two-thirds vote in favor.

j. *Postpone to a Certain Time.* This motion is a proposal to postpone a matter to a particular future meeting, requires a second, is debatable and amendable, and passes upon a majority vote in favor. One function of this motion can be to continue consideration of an agenda item at a designated subsequent meeting.

k. *Postpone Indefinitely.* A successful motion to postpone a matter indefinitely prevents action on the matter for the rest of the meeting. It must be seconded, may be debated, may not be amended, and passes upon a majority vote in favor. The debate may address the substance of the main motion. A successful motion to postpone a matter indefinitely does not preclude consideration of the matter at a subsequent meeting if it is properly added to the respective agenda.

l. *Amendment.* Any main motion and any amendment to a main motion may be amended to add or omit words. A proposed amendment must be germane, must be seconded, and is debatable if the motion to be amended is debatable. The amendment passes upon a majority vote in favor. Other amendments may also be proposed; provided, that they do not nullify the amendments already passed or attempt to amend a motion to amend a motion to amend.

5. *Restatement of Motion.* Before a vote is taken on a motion, it must be restated by the presiding officer or the City Recorder.

6. *Voting.*

a. When a question or motion is put to a vote by the presiding officer, each Councilor present must vote for or against the motion unless a majority of the Council excuses that Councilor from so doing. Unless excused from voting, a Councilor who is present and does not vote for or against the motion shall be counted as having cast a negative vote. The Mayor can only vote in the case of a tie, and then is required to vote unless excused from voting by a majority of the Councilors present. If the Mayor fails to vote when required to do, the Mayor shall be counted as having cast a vote against the motion.

b. A simple majority of the quorum present determines the action on ordinance or resolution and on most motions. On questions required by City Charter, City ordinances, or applicable provisions of Robert's Rules of Order Newly Revised to be decided by a two-thirds vote of the Council, approval requires an affirmative vote of at least four (4) Councilors.

7. *Reconsideration.* A member who voted in favor of any Council action may move for reconsideration before adjournment of the meeting at which the action was approved or at the next regular meeting, unless the item

already has been approved or vetoed by the Mayor pursuant to Article IV, Section 3 of the City Charter. The motion must be seconded, is debatable if the action under reconsideration is debatable, is not amendable, and passes upon a majority vote in favor. Any member may second a motion for reconsideration. A motion to reconsider a Council action may be made only once. A vetoed item may not be the subject of a motion for reconsideration. (Ord. 3192 § 4, amended, 11/17/2020; Ord. 3100, amended, 2014; Ord. 2947, amended, 12/18/2007; Ord. 2902, amended, 11/18/2003)

The Ashland Municipal Code is current through Ordinance 3203, passed November 2, 2021.

Disclaimer: The City Recorder's office has the official version of the Ashland Municipal Code. Users should contact the City Recorder's office for ordinances passed subsequent to the ordinance cited above.

City Website: www.ashland.or.us
City Telephone: (541) 488-5307
Code Publishing Company

2.04.080 Conduct with City Employees

The City Council will work with City staff in a spirit of teamwork and mutual cooperation.

A. Councilors may make inquiries of staff to increase their understanding of an issue or action. Councilors should limit requests for information from staff to questions that may be answered with minimal research. Requests that require significant staff time or resources (two hours or more) should be directed to the City Manager and must be approved by the Mayor, City Manager, City Attorney or by a majority vote of the City Council.

B. Written information given by the Mayor, Councilors, City Manager, City Attorney, or City staff, including materials requested by individual Councilors and the Mayor, generally will be distributed to all Councilors with a notation indicating who has requested that the information be provided.

C. Individual Councilors should respect the separation between policy-making and administration. Councilors shall not pressure or direct City employees in a way that could contravene the will of the Council as a whole or limits the options of the Council. Councilors must not interfere with work performance, undermine the authority of supervisors, or prevent the full Council from having access to relevant information. Notwithstanding this paragraph, nothing shall hamper the Council's ability to evaluate the performance of the City Manager or the City Attorney.

D. The Mayor and Council members should strive not to criticize any person in a public meeting or in public electronic mail messages. The same expectation applies to City staff in the exercise of their official duties. Discussions and disagreements should focus on the content of the topic at hand. Nothing should limit a Councilor or staff person's right to report wrongdoing.

E. Councilors with a concern about the performance of a particular staff person should express that concern to the Mayor, City Manager, or City Attorney. (Ord. 3192 § 6, amended, 11/17/2020; Ord. 3100, amended, 2014; Ord. 2947, amended, 12/18/2007)

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Code Publishing Company

Council Business Meeting

January 17, 2023

Agenda Item	City of Ashland Communications	
From	Sabrina Cotta Dorinda Cottle	Deputy City Manager Communications Officer
Contact	Sabrina.cotta@ashland.or.us 541-552-2106	

SUMMARY

The City has been without a fulltime general communications person since September 2017. The City has a Communications Plan that was developed in 2010 and needs revitalization.

Until recently, the Parks and Recreation Department has been the only City department with a dedicated communications FTE staff person. As of August 2022, Parks & Recreation and City Management share the one (1) FTE, approximately 50/50. The position is supervised by Parks and Recreation with work also assigned as needed by City Manager's Office. The FTE is funded by the General Fund and monies from TOT (Transient Occupancy Tax).

BACKGROUND AND ADDITIONAL INFORMATION

Current Communication Status

City communications is provided as follows using the below listed types and modes of communication:

- Parks & Recreation information is provided to the public on a scheduled or regular recurring basis per seasonal recreation programs or parks activity basis
- General City information is provided to the public on a response need or on-demand basis
- Communication funding may also be located in line items of department's operating budgets for items such as planning notices, public meeting notices, etc. that are department specific communications

Types of Communication

- News releases
- Social media posts
- Monitoring and responding to the City's new Q & A feature, "Let Curiosity Be Your Guide"
- Website updates to offer general and clear communication

Modes of Communication

- City Website
- Social Media (Facebook and Twitter)
- Local Media
- Signage
- Email (internal and external)

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General Communication Accomplishments

The following has been accomplished since August 2022:

- Vision & Values adopted by Council in summer 2022 – Signage for the new Vision & Values developed and posted in City workplaces and public access points. The Vision and Values statements are posted on the City website and have been posted on the City social media platforms, Facebook and Twitter
- In celebration of the newly adopted Vision & Values statements, the City is revitalizing its brand and creating a VALUE brand for the City of Ashland that includes refreshed logo variations, new color scheme, new fonts and a new tagline, "Better Together!" The new look is unified with the Ashland Chamber of Commerce and Travel Ashland and highlights the partnership between the entities and recognizes that the City is "Better Together." The new tagline signifies how we can work and play together, engage, listen and strengthen relationships and partnerships
- "Let Curiosity Be Your Guide," new Q & A feature on the City website
- Procured nearly 50 iconic Ashland photos to be used in communications, the new City website and in OpenGov to help tell our story (OpenGov is an online platform that allows the City to share budget data effectively with transparency and accountability)
- Development of community partnerships and collaboration with organizations like the Ashland Chamber of Commerce and Travel Ashland
- Issued news releases on demand or as requested by City Management

RECOMMENDATIONS & PRIORITIES

The potential to do more for general City Communications, externally and internally, is strong and exceeds 1.0 FTE. Opportunities to engage with the public and staff are not being taken advantage of due to time constraints. Potential communication workplan items include the following:

CITY PRIORITIES AND BUSINESS UPDATES

- Use social media, City website and other modes of communication to inform/update the community on City policy and budget topics
- Investigate Strategic Initiatives on the OpenGov information/budget transparency tool – Community priorities/goals can be highlighted in OpenGov and tagged to a budget line item. This allows the City to report on the priorities later. For example, if a priority/goal is 'safer streets in Ashland,' we could highlight, and tag, the purchase of a K-9 unit, or body cameras
- Assist, in general, to tell the City's story on OpenGov with inviting text and pictures
- Develop surveys/polls as needed on OpenGov via their platform Community Engage
- Draft a social media policy recommendation for consideration by the City Council
- Internally create a monthly communications report that will culminate into an annual communications report
- Internally create and maintain a Strategic Communications & Marketing Plan for the City

COMMUNITY CONNECTIONS

- Revive the City Newsletter for City website posting and/or to incorporate into the City Utility bill (include information about the City budget in newsletter)
- Develop new City website
- Increase engagement on social media, and set up an Instagram account for the City, and consider NextDoor

- Reinstate Team Ashland to inform the community on City services and promote volunteer opportunities

ECONOMY & TOURISM

- Link City and community activity information with Travel Ashland and other community partner websites/social media to promote a consistent community brand/message
- Create a City Calendar for Ashland and community partners. The goal is to let citizens and tourists know what there is to do in Ashland real-time
- Work to develop Ashland as not only a destination, but a basecamp to take in all that there is to do in Southern Oregon

EMERGENCY MANAGEMENT

- Help develop an updated Emergency Management Plan to anticipate potential risks and prepare for expedient and accurate communications during a crisis. The plan would assure timely, coordinated and consistent communication with Ashland households, businesses, public organizations and visitors
- Engage in emergency operations trainings for crisis communications

EMPLOYEE RELATIONS

- Develop a City Communication Guide for internal organization/employee use to ensure brand use consistency and recommend training or guidance where needed
- Use news releases, City website, social media and a revived City Newsletter to promote community awareness of City services, recognize the work of staff and build community pride. Examples include:
    - Chris Chambers' trip to Spain to teach about fuels reduction
    - The Fire Mitigation Plan set for the City Electric Department
    - Stories honoring/recognizing those who serve on Committees/Commissions

The Communications person is currently working as time allows on developing the internal City Communication Guide that will outline design and brand guidelines for the City. The timeline is to have this in place the first quarter of 2023. The goal is to ensure brand consistency.

The above workplan items could be undertaken with one (1) Communications FTE for the City, in addition to a limited contracted marketing consultant, to also assure current department marketing efforts maintained. If communication resources are increased in the next biennium, a Strategic Communications & Marketing Plan will be developed. The plan will connect and promote Council priorities/goals with the Citizens of Ashland, support the City's Vision & Values and increase awareness about City services by providing modes of regular, clear and transparent communication. In addition, the plan will provide internal communication strategies with staff and create a culture that is supportive and inclusive. The plan will strive to continue to cultivate relationships with stakeholders and encourage two-way communication.

Council Business Meeting

January 17, 2023

Agenda Item	City Council Compensation Discussion	
From	Doug McGeary Melissa Huhtala	Acting City Attorney City Recorder
Contact	Doug.mcgeary@ashland.or.us, 541-488-5350 Melissa.huhtala@ashland.or.us, 541-5222084	

SUMMARY

This is a discussion item on the Mayor and City Councilors' compensation from the City of Ashland.

Under the current language of the Ashland City Charter, the Mayor and City Councilors annually receiver $500 and $350 compensation respectively for their work on behalf of the citizens of Ashland. These annual compensation amounts were set by amendment to the City Charter in 1954 and were increased from the original annual compensation amounts adopted by public vote in 1917 of $100 and $75 respectively. Under the current language of the City Charter adopted by public vote in 1970, a change to the Mayor and City Councilors compensation "shall be submitted to the vote of the people" of Ashland.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

The City Council may wish to propose a public vote to change their compensation. The remaining 2023 dates for a public vote on compensation are May 16th, August 22nd and November 7th (see attached Secretary of State Elections Division – 2023 Local Elections Calendar, Measures section).

To meet the May 16th election date, the City must commit to funding a special election in Ashland before February 4th. The City Recorder is in contact with the Jackson County requesting a current cost estimate for an Ashland election. To include an item on a May 16th ballot, the City must submit ballot language (including caption, question and summary language) to the Jackson County Clerk before February 15th (see attached Jackson County, May 16, 2023 – Special Election, Important Special Election Dates). The ballot language must be reviewed and approved by the City Attorney prior to its submittal. Finally, voters' pamphlet measure arguments for a May 16th election are due to the Jackson County Clerk by March 20th.

FISCAL IMPACTS

There is no fiscal impact from this discussion item. Subsequent City Council action may have fiscal impact that will be identified at that time.

BACKGROUND AND ADDITIONAL INFORMATION

Under Oregon's constitution, elected official cannot hold more than one lucrative public position at the same time. A lucrative office is defined by salary or other compensation beyond expenses. Also, under the state's ethics rules, elected officials may not vote to increase their own compensation; votes to increase compensation may only apply to subsequent election holders of the voting individual's position. A League of Oregon Cities survey on elected officials' compensation indicates salary or stipend compensation is usually provided at either a flat annual, monthly or per meeting amount.

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EFERENCES & ATTACHMENTS

Secretary of State Elections Division – 2023 Local Elections Calendar
Jackson County, May 16, 2023 – Special Election, Important Special Election Dates

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Conduct of Elections

	March 14	May 16	August 22	November 7
Last day to mail ballots to military/overseas voters	January 28	April 1	July 8	September 23
First day to mail ballots to out of state voters	February 13	April 17	July 24	October 9
Last day to register to vote	February 21	April 25	August 1	October 17
First day to mail ballots	February 22	April 26	August 2	October 18
Last day to mail ballots to voters without daily mail service	February 24	April 28	August 4	October 20
Last day to mail ballots	February 28	May 2	August 8	October 24
Last day required to mail absentee/replacement ballots	March 9	May 11	August 17	November 2

District Candidates

	March 14	May 16	August 22	November 7
Last Day for County Elections Official to Publish				
→ notice of district board election (ORS 255.075)	December 3	February 4	May 13	July 29
Last Day to file with Local Elections Official				
→ verified signatures or $10 filing fee (ORS 255.235)	January 12	March 16	June 22	September 7
→ a statement for inclusion in county voters' pamphlet	January 17	March 20	June 26	September 11

County and City Candidates: Deadlines applicable to county and city office are not included on this calendar. Candidates for those offices, unless otherwise provided for by charter or ordinance, are elected at the primary or general election. If a county or city charter provides for candidates to be elected at an election other than the primary or general election but does not specify a deadline or adopts the statutory filing deadline, ORS 249.722 applies.

District Candidates: The enabling statutes, or principal act, of a district specifies how board members are elected. Most districts, as defined in ORS 255.012, elect board members at the regular district election which is held in May of odd numbered years or at the Primary or General Election. As provided for in ORS 255.235(2)(a), the March and September deadlines included above are only applicable if the election is a district's first election to elect board member and are not included in the daily calendar.

Measures

	March 14	May 16	August 22	November 7
Last Day for County, City or District Governing Body to File with Local Elections Official				
→ ballot title for publication of notice **or** → referral text for drafting of ballot title	December 23	February 24	June 2	August 18
Last Day for Local Governing Body to File with County Elections Official				
→ Form SEL 801 Notice of Measure Election - County	January 12	March 16	June 22	September 7
! Form may only be filed upon completion of the ballot title challenge process.				
→ Form SEL 802 Notice of Measure Election - City	January 12	March 16	June 22	September 7
! Form may only be filed upon completion of the ballot title challenge process.				
→ Form SEL 803 Notice of Measure Election – District	January 12	March 16	June 22	September 7
! Form may not be filed until after the deadline for the immediately preceding election has passed and only upon completion of the ballot title challenge process.				
Last Day to File with County Elections Official				
→ arguments for inclusion in county voters' pamphlet	January 17	March 20	June 26	September 11

Jackson County, Oregon
May 16, 2023 - Special Election

Important Special Election Dates

May 16, 2023 Special Election

Author: **Trisha Myers, Elections Program Manager**, Thursday, December 29, 2022
Categories: **Election News**, **Special Elections**

- January 25, 2023 - County ballot title filing deadline (SEL 805)
- January 31, 2023 - District board member update form due
- February 3, 2023 - List of open board positions posted online
- February 4, 2023 - Last day to publish notice of election and open board positions
- February 4, 2023 - Candidate filing begins
- February 15, 2023 - County measure filing deadline (SEL 801)
- February 24, 2023 - City/District ballot title filing deadline (SEL 805)
- March 16, 2023 - City/District measure filing deadline (City-SEL 802 & Districts-SEL 803)
- March 16, 2023 - Candidate filing/withdrawal deadline
- March 20, 2023 - Voters' pamphlet filing deadline (candidate statements & measure arguments)
- March 31, 2023 - Military & overseas ballots mailed
- April 17, 2023 - Out of state ballots mailed
- April 17, 2023 - Voters' pamphlet mailed
- April 25, 2023 - Voter registration deadline
- April 28, 2023 - Ballots mailed to voters
- **May 16, 2023 - Election Day**
- June 6, 2023 - Last day to resolve challenged ballots
- June 12, 2023 - Last day to certify election
- June 30, 2023 - Last day for districts to determine result of election