

# CITY OF ASHLAND

## ASHLAND CITY COUNCIL REGULAR BUSINESS MEETING DRAFT MINUTES Tuesday, February 1, 2022

Held Electronically; View on Channel 9 or Channels 180 and 181 (Charter Communications) or live stream via [rytv.sou.edu](http://rytv.sou.edu) select RVTV Prime.

Written and oral testimony will be accepted for public input. For written testimony, email [public-testimony@ashland.or.us](mailto: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](http://ashland.or.us/speakerrequest) and return to the City Recorder. The deadline for submitting written testimony or speaker request forms will be on Monday, January 31<sup>st</sup> at 10 a.m. and must comply with Council Rules to be accepted.

Note: 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)]

### 6:00 PM REGULAR BUSINESS MEETING

#### I. CALL TO ORDER

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

#### II. PLEDGE OF ALLEGIANCE

Councilor Hyatt led the Pledge of Allegiance.

#### III. ROLL CALL

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

#### IV. MAYOR'S ANNOUNCEMENTS

\*Land Acknowledgement

Graham read the Land Acknowledgment.

1. Transit Equity Day Proclamation

Mayor Akins read the Proclamation into the record.

#### V. APPROVAL OF MINUTES

1. Business Meeting of January 18, 2022

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

#### VI. SPECIAL PRESENTATIONS & AWARDS

1. Annual Report from the Transportation Commission

Linda Peterson Adams gave a report (*see attached*).

### MINUTES OF BOARDS, COMMISSIONS, AND COMMITTEES

[Airport](#)                      [Budget](#)                                      [Conservation & Climate Outreach](#)  
[Historic](#)                      [Housing and Human Svcs.](#)                      [Parks & Recreation](#)  
[Forest Lands](#)                      [Climate Policy](#)                                      [Community Center & Pioneer Hall Ad Hoc](#)  
[Planning](#)                      [Public Arts](#)                                      [Social Equity & Racial Justice](#)  
[Transportation](#)                      [Tree](#)                                      [Wildfire Safety](#)

**VII. PUBLIC FORUM**

Barbara Settles–Ashland - Spoke regarding the transportation and CEAP and how to solve this problem. She spoke that the Transportation Plan needs to be updated.

**VIII. CITY MANAGER REPORT**

City Manager Joe Lessard gave a brief City Manager Report.

**IX. CONSENT AGENDA**

**I. Review Emergency Declaration**

Mr. Lessard gave a brief Staff Report.

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

**X. PUBLIC HEARINGS**

**I. Public Hearing and First Reading Housing in Employment Zones.**

Mayor Akins opened the Public Hearing at 6:49 PM.

Community Development Director Bill Molnar gave a Staff Report.

Planning Manager Brandon Goldman went over a PowerPoint Presentation (*see attached*).

Items discussed were:

- Ordinance Development Timeline
- Project Goal and Objectives
- Ordinance Provisions
- Ordinance Applicability
- Employment Lands Need
- Related State and Local Legislative Efforts
- Planning Recommendation of approval

**Public Input:**

Mark Knox – Ashland – Spoke in support to approve the proposed amendment with the exception to include the remaining ground floors 35% as a conditional use permit.

Eric Navickas-Ashland – Spoke regarding zones where communities can maintain jobs. He read a statement into the record (*see attached*)

Amy Gunter –Spoke regarding issues with the code. She spoke that there is not a rush to build and encouraged the Council to allow for residential uses on lands that are occupied by conditional uses and not limited to lands that are occupied by permitted or special uses only. She suggested multi-family units. She suggested to decrease parking requirements. Suggested changes to solar Ordinance and residential overlay.

**Moran/Graham moved to suspend the rules for questioning. Discussion: None. All Ayes. Motion passed unanimously.**

Council discussed apartments.

Council discussed affordable housing.

Council discussed Senate Bill 8.

Mr. Lessard explained that the Chamber is working on a study to assess this topic.

Council discussed the timeline for this study.

**Graham/Moran moved to continue the Public Hearing. Discussion: None. All Ayes. Motion passed unanimously.**

Mayor Akins closed public hearing at 8:09 PM.

**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. Discussion:** Graham spoke that we need more time. DuQuenne spoke in agreement that we need more time and need all information. **Roll Call Vote: Jensen, Hyatt, Graham, DuQuenne, Seffinger and Moran: YES. 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. Discussion:** Hyatt spoke that there has been a lot of work that has been done and spoke to the importance to looking at ways to look at affordable housing. Jensen spoke that his hope is that the people who put this forward will not be disappointed in this delay. **Roll Call Vote: Hyatt, Jensen, DuQuenne, Graham, Moran and Seffinger: YES. Motion passed unanimously.**

**XI. UNFINISHED BUSINESS**

**XII. NEW AND MISCELLANEOUS BUSINESS**

**XIII. ORDINANCES, RESOLUTIONS AND CONTRACTS**

1. First Reading of an Ordinance Amending AMC Chapter 9.04 relating to weeds and noxious vegetation.

This Item will be moved to a future Agenda.

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

Hyatt spoke that the RVCG had a meeting and Mayor Ayers-Flood sent gratitude to Ashland with working together.

Mr. Lessard went over the Look Ahead.

**XV. ADJOURNMENT OF BUSINESS MEETING**

**Seffinger/Hyatt moved to adjourn the Business Meeting 8:57 PM**

**Respectfully Submitted by:**

---

**City Recorder Melissa Huhtala**

**Attest:**

---

**Mayor Akins**

**\*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.

*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).*

Transportation Commission Report to Council 2/1/22  
Gung Hay Fat Choy

Madame Mayor, Councilors, City Manager Lessard,

It is with great pleasure that I am reporting to you the efforts and **goals for action** of the Transportation Commission.

I want to recognize, for their tireless efforts, commissioners , Mark Brouillard, Derrick Claypool, Katherine Danner, Joe Graf, Corinne Vieville and our newest member, Holly Christiansen who diligently work to fulfill the Transportation Commission's mission to "ensure that we will have the opportunity to conveniently and safely use the transportation mode of our choice and allow us to move toward a less auto-dependent community."

The Commission heartily extends our gratitude to Scott Fleury and Public Works Staff, including our new recording secretary Liz Brekerich for the work that they do in compiling the information we need to be able to advise the Council and serve the Citizens of Ashland. Thanks also goes to Officer MacLennan for his stellar monthly Crash Report and his sage advice on traffic enforcement. His request for help with the Bellview School traffic issues during pickup and dropoff times has lead to discussions with the School District for entering into the process of the Safe Routes to Schools program that will open up funding opportunities for already planned capital improvement projects to make the streets safer for our children getting from home to school and school activities.

A year ago, I came before this body thinking that surely the effects of the pandemic would have been conquered. Yet here we are.

Again the rages and risks to public health prevent us from meeting in Council Chambers, even though my chair here at home is imminently more comfortable than those in the Chamber.

This inability to meet in person has prevented us from full discussions with listening sessions and forums necessary to proceed with the Transportation System Plan Update. Serendipity intervened with a Delta delay in August as Interim City Manager Milliman was able to find an ODOT source to provide full funding for the project.

At that meeting it was suggested that we hold a Council Study Session to thoroughly discuss just exactly what the Transportation System Plan Update entails and how projects are funded. Instead we met for a presentation at the November 2 Council business meeting with a packed agenda in which we outlined the critical and essential necessity for the Update. The Transportation System Plan is an overarching document that deals with all things that help us move people, goods, services through our town. The emphasis here is on people's ability to use the transportation mode of their choice, safely. The update is essential because it conforms to the state mandated planning rule specific to transportation, itself being updated and to which the Council sent a letter of recommendation to the Climate Friendly and Equitable Communities Rulemaking committee to consider strengthening planning requirements for bicycle infrastructure.

The Update is critical and essential also because we will be integrating the Climate and Energy Action Plan and mirroring the Climate Policy Commission Goals presented to Council.

In addition the update will incorporate revised Land Use Codes, the Evacuation Time Estimate Study, The Downtown Parking Study, the Transit Feasibility Study and other new initiatives since 2012.

Without a plan you plan to fail. And failure in regards to our transportation system is not an option. The Transportation System Plan and "shovel worthy" projects are critical for obtaining grant funding from both the State and the Federal Governments.

The Commission has yet to be notified from ODOT as to when the process will begin again.

Citizens(especially Councilors) who have questions, comments, suggestions or concerns regarding our Transportation System, are always encouraged to send them our way by emailing us from the City website on the Transportation Commission page.

Communication with Ashland citizens and with citizen advocacy groups has always been valuable in supporting and directing the work we do as a Commission. We are hoping to strengthen that Communication Network as we participate in the Cross Commission Group of the Ashland Climate Collaborative and in working with the Council to help the Commission System become more effective in getting the word out and engaging citizens in robust conversations at the development stage of projects and programs that will eventually be presented to Council for the thumbs up or down.

A high safety and multimodal priority of the Commission for years, **since** Scott's beard was inches shorter, the North Main Safety Corridor Crosswalks and Refinement Project was approved by Council on December 7th. These two crosswalks combine with upgrades to ADA compliant intersections by ODOT all along Highway 99. We are looking forward to the completion of this project before the end of the biennium.

We also are pleased that construction on the Emergency Evacuation route onto I-5 has begun, the work being performed by both the City and State and not an outside contractor.

From public citizen and traffic enforcement requests, the Commission has addressed or made changes for traffic calming, for safety issues and/or parking on Wimer, Pine Crest Terrace, Faith Avenue, Walker at East Main, Village Park Drive, North Mountain, Beach Street, First Street and Chautauqua Trace . We also reviewed an application for a Bike Corral to replace a 15 minute parking spot across from the entrance to Lithia Park. The owners of the business there provided the corral and installed it at their expense.

The Commission made comments and gave recommendations to the Planning Commission on the Beach Creek ,Benson Lane and East Main Park annexations as well as made recommendations regarding safety for pedestrians and bicyclists on the changes in the updates to the Annexation Code.

The Commission also was able to make changes to the Traffic Calming Program that we began in 2020 and hope to have more citizens concerned with safety in their neighborhoods apply for the program. In addition, we will be considering pilot programs for certain streets to collect data on the effectiveness and consequence of traffic calming measures.

We have a full line-up of planned actions for the remainder of the 2021-2023 Biennium, the most critical being the Transportation System Plan Update.

We continue to review Capital Improvement Projects.(see AMC2.13.030 for our charge) such as LithiaWay/Main Street Intersection Improvements, chip sealing dirt roads within the City limits, construction on the Hardesty Site to be able to sell the B Street Yard, improvements to Clay Street, Ashland Street Rehabilitation, North Mountain Rehabilitation Project, several Bicycle Boulevard Projects. An updated list of 18 projects can be found in the packet for the January TC meeting. Some of these Projects are slated to be integrated into the TSP Update. The Commission will also be part of the process for the Croman Mill Project and annexation and Grand Terrace Project and annexation and other Type Three Planning Actions that might take place.

In January, the Commission formed a Pedestrian and Bike Safety subcommittee charged with researching ways to account for unreported incidents involving bicycles and pedestrians and compare their pros and cons. (This would include skateboards, scooters and other mobility devices as well. )

As the Commission reviewed block parking and parking limit signs in the Railroad District and Downtown, we have dusted off the accepted 2017 Downtown Strategic Parking Plan and will continue our discussions and make recommendations on zone restrictions, time limit changes on Loading, 15 minute, 2 and 4 hour parking zones, residential parking permits, employee parking permits, paid parking, off street parking requirements in Land Use Codes, different parking configurations such as parallel to diagonal parking and bicycle parking all through the community.

The Transportation Commission invites all the citizens of Ashland to Zoom into our meetings 6-8 pm on the third Thursday of every month. We welcome your comments and questions throughout the year and hope you have safe travels through our town.

Thank you for your time. I'd be glad to answer any questions you have with the indulgence of Mayor Akin's.

Linda Peterson Adams for the Transportation Commission  
(541)554-1544

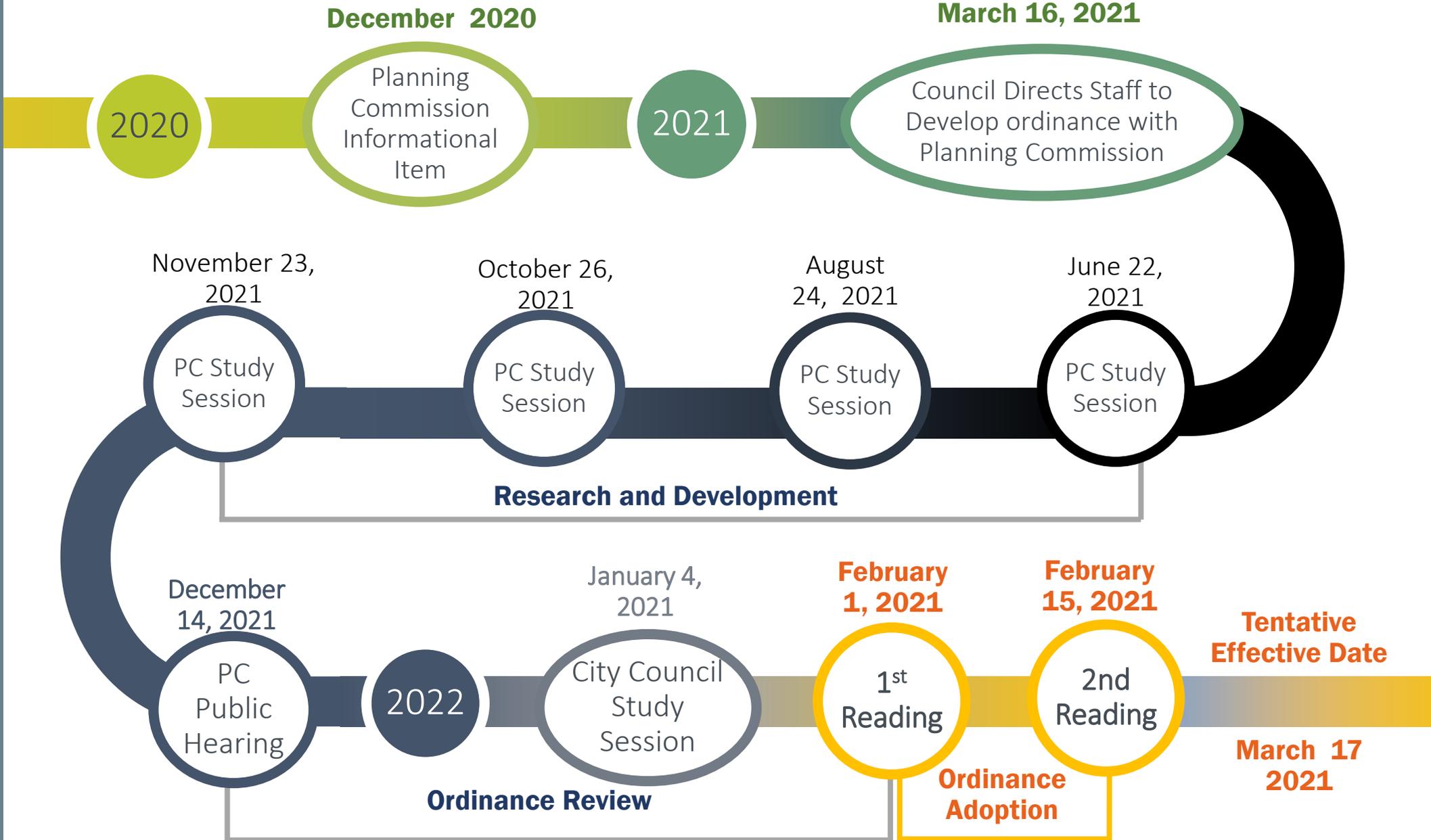
# Housing in employment lands code update

Public Hearing and First Reading of code amendments proposed by the Planning Commission targeted at increasing housing on City zoned employment lands.



# Ordinance Development Timeline

Dec. 2020-  
Jan. 2022



# Project Goal and Objectives

## **Project Goal:**

Provide more flexibility in the employment zones to respond to fluctuations and changes in the economy and demand for housing.

## **Project Objectives**

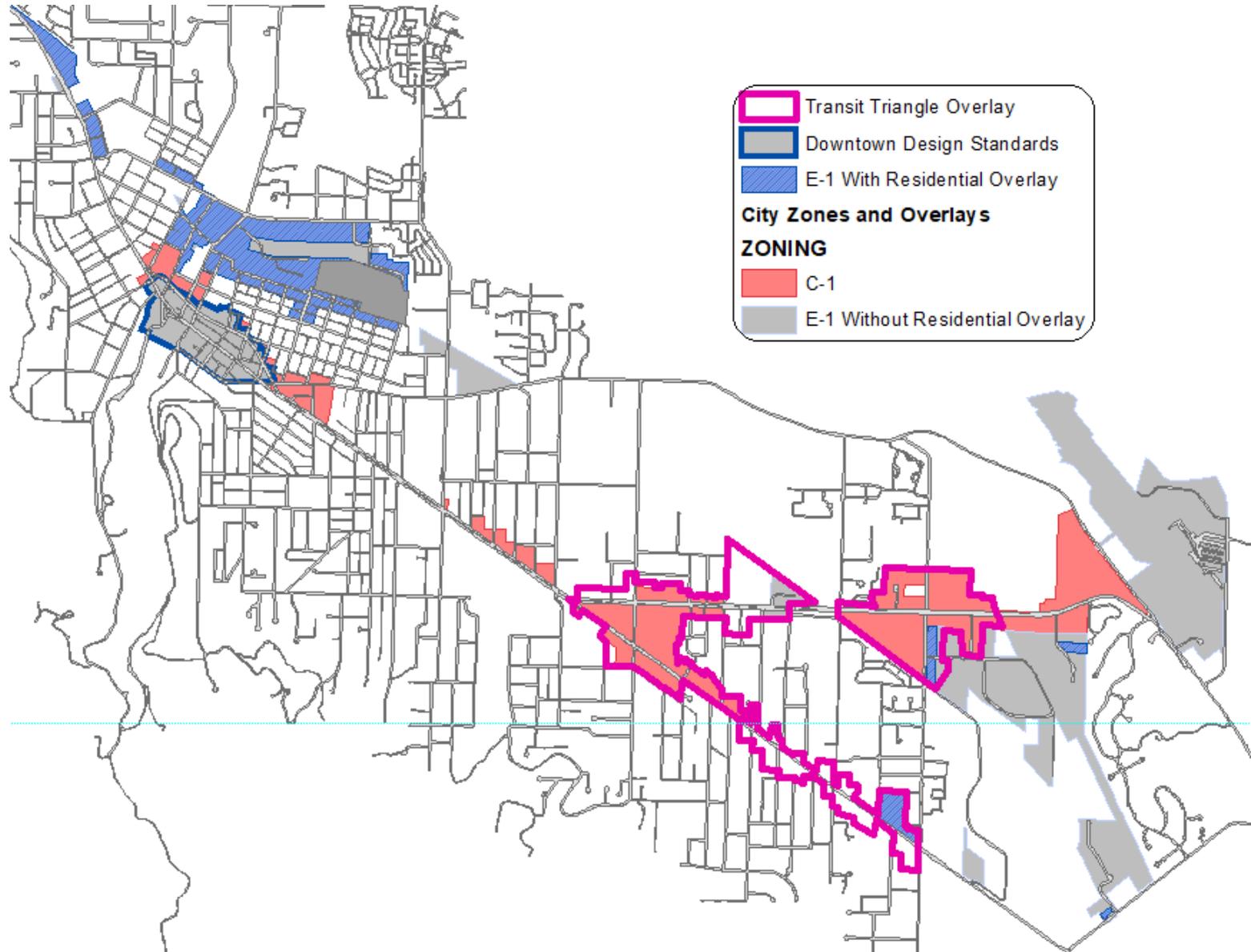
- Maintain an inventory of employment parcels in a variety of sizes and locations to encourage new business development.
- Increase the supply of moderately-priced rental and for-purchase housing.
- Jumpstart redevelopment in areas that have trouble attracting projects and/or are in proximity to public transit and walking distance to daily service needs, such as groceries, shops, parks, etc.)

# Ordinance Provisions

- **Nearly doubles the allowance for ground floor residential**
  - currently 35% ground floor residential allowed in mixed use buildings
  - proposed 65% allowance for ground floor residential.
  - currently all stories above the ground floor can be residential
- **Residential density caps in C-1, C-1-D, and E-1 removed**
  - Encourages a variety of housing types
  - No change in the maximum size of buildings.

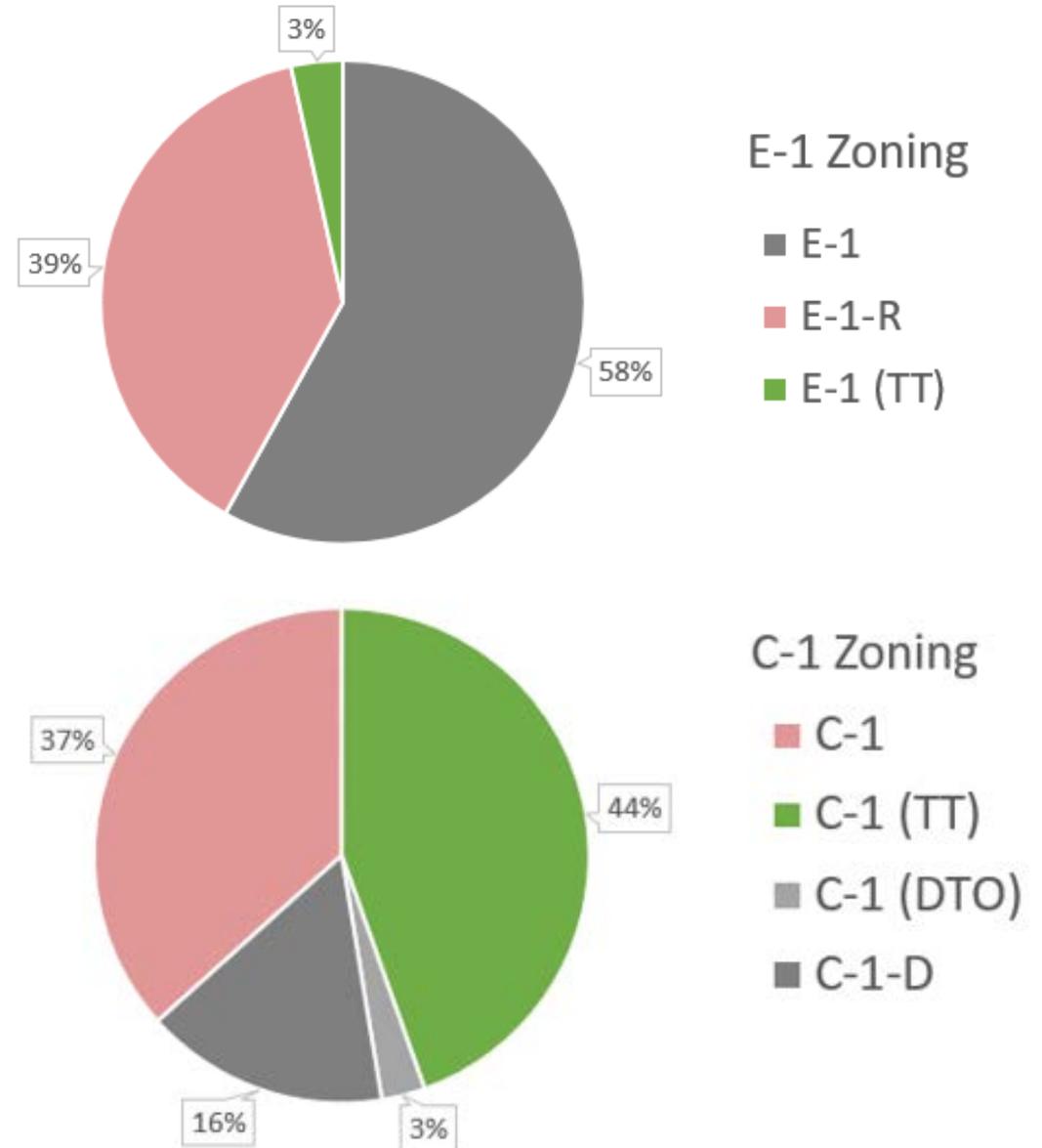
# Ordinance Applicability

- Amendments apply in C-1 zones (outside of downtown) and E-1 zones with residential overlay.
- buildings that are 2 or more stories
- lots that are less than 10 acres in size



# Ordinance Applicability

- E-1 zone: 272.6 total acres
  - 114.3 acres with Residential overlay
  - 158.3 acres without Residential overlay
- C-1 zone: 175.3 acres total acres
  - 95.5 acres within the Transit Triangle
  - 79.7 acres outside of the Transit Triangle
    - 6.1 acres of this amount are within the downtown overlay
- C-1-D zone: 34.13 acres
  - Proposed Amendments do not apply



# Employment Lands Need

**City of Ashland:**

**Economic Opportunities  
Analysis**

Prepared for

City of Ashland

by

**ECONorthwest**

99 W. Tenth, Suite 400  
Eugene, OR 97401  
(541) 687-0051

**Final Report**

April 2007

This project was funded in part by a Department of  
Land Conservation and Development Technical  
Assistance Grant

- The 2007 EOA forecasted more employment growth than has occurred over the last 15 years.
- The 2007 EOA projected Ashland would have 15,220 jobs by 2027. Recent employment data shows there are 10,237 jobs in the Ashland UGB (2019).
- The 2007 EOA stated that about 30% of employment growth will not require consumption of vacant land.
- Employment growth in residential areas continues to increase as more people work from home.
- The Fregonese analysis concluded that in consideration of the proposed ordinance the supply of employment lands would likely remain sufficient to accommodate employment growth.

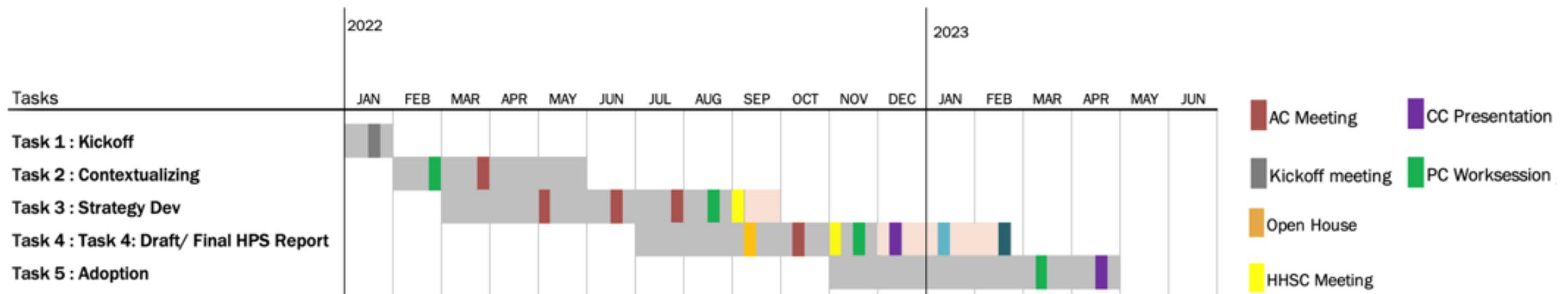
# Related State and Local Legislative efforts

## Senate Bill 8 (Passed 2021)

- Allows Affordable Housing on lands zoned for commercial uses without a zone change or conditional use:
  - Entire project affordable at 80%AMI
  - Half the units affordable at 60% AMI

## Ashland Housing Production Strategy (2022-2023)

- Create an “Action Plan” to focus Ashland’s housing initiatives and housing policy development to address housing needs.



# Recommendation

- Planning Commission (Public Hearing held on 12/14/2021)

The Planning Commission unanimously recommends approval of the draft ordinance amendments as presented.

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 Fergonese 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.