

Council Communication

August 2, 2016, Business Meeting

Adoption of an ordinance which amends the Citizen Participation and Involvement Chapter of the Ashland Comprehensive Plan to establish the Ashland Planning Commission as the Committee on Citizen Involvement.

FROM:

Brandon Goldman, Senior Planner, Community Development Department
Brandon.Goldman@ashland.or.us

SUMMARY

This ordinance amends the Ashland Comprehensive Plan to remove references to Citizen Advisory Committee (CPAC), and to clarify that the Ashland Planning Commission is the designated Committee on Citizen Involvement (CCI) charged with enhancing citizen involvement in land use planning and evaluating the process being used for citizen involvement.

BACKGROUND

The Council passed an ordinance amending the Ashland Municipal Code Chapter 2 (Administration) on April 19, 2016. This recently approved ordinance (Ord#3124) repealed Chapter 2.27 of the Ashland Municipal Code and amended Chapter 2.12 of the Ashland Municipal Code for the purpose of designating the Planning Commission as the City's Committee for Citizen Involvement.

State law (Senate Bill 100, adopted in 1973 and now codified in ORS 197) requires every city in Oregon to have a citizen involvement program for preparing, adopting and amending comprehensive plans and land use regulations. The law requires that the program include a citizen advisory committee that is "broadly representative of geographic areas and interests." This Oregon Statewide Planning citizen involvement Goal, is addressed in Chapter 3, Citizen Participation and Involvement, of the Ashland Comprehensive Plan. This chapter presently references the Citizen Planning Advisory Commission (CPAC) which was formally dissolved through adoption of the amendments to Chapter 2 of the municipal code. Therefore, in order to reflect the recent amendments to Chapter 2.12, and to remain compliant with State Law, the Citizen Participation and Involvement chapter of the Comprehensive Plan needs to be amended to provide consistency between the plan and the municipal code.

When the Comprehensive plan element was initially drafted, and until 1992, the City utilized a Citizen Planning Advisory Committee (CPAC) to provide advice on plan amendments and land use policy development. The CPAC was comprised of 16 individuals from throughout the City. Since that time the City has created and utilized fifteen permanent commissions and committees with 109 active citizen members to provide opportunities for citizen involvement. Each of these commissions and committees meet monthly and regularly provide recommendations to the Planning Commission and City Council regarding policy changes effecting their areas of expertise. This system of citizen



commissions affords considerably more opportunities for public participation in Ashland planning and plan amendment processes than was previously afforded by a singular 16 member Citizen Public Advisory Committee.

	2016 City Committees/Commissions	# of Members
1.	Airport	9
2.	Audit	4
3.	Band Board	7
4.	Budget	7
5.	Building Appeals	6
6.	Conservation	9
7.	Forest Lands	7
8.	Historic	9
9.	Housing & Human Services	9
10.	Parks & Recreation	7
11.	Planning	7
12.	Public Arts	7
13.	Transportation	7
14.	Tree	7
15.	Wildfire Mitigation	7
	Total Citizen Commissioners and Committee Members:	109

The Planning Commission, as supported by the standing advisory commissions, committees, ad-hoc, and technical advisory committees will continue to provide opportunities for citizen engagement in the planning process as the newly designated CCI.

Therefore, in order to reflect the recent amendments to Chapter 2.12, and to remain compliant with State Law, the Citizen Participation and Involvement chapter of the Comprehensive Plan needs to be amended to provide consistency between the plan and the adopted municipal code.

COUNCIL GOALS SUPPORTED:

Goal 2. Promote effective citizen communication and engagement

FISCAL IMPLICATIONS:

N/A.

STAFF RECOMMENDATION AND REQUESTED ACTION:

The Planning Commission held a public hearing on July 16, 2016, and recommend the City Council approve planning action 2016-00682 adopting the ordinance amending the Comprehensive Plan Citizen Involvement and Participation Element as presented.

Staff recommends approval of First Reading of the ordinance amending the Comprehensive Plan Citizen Involvement and Participation Element as presented.



SUGGESTED MOTION:

I move approval on first reading by title only of an ordinance amending the Comprehensive Plan Citizen Participation and Involvement Element to designate the Planning Commission as the Committee for Citizen Involvement and moving the ordinance to second reading.

ATTACHMENTS:

- Draft Ordinance amending the Comprehensive Plan Citizen Involvement and Participation Element
- Planning Commission Staff Report (Planning Action PL-2016-00682) dated July 16, 2016.
- Ordinance #3124 as approved



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITIZEN PARTICIPATION AND INVOLVEMENT CHAPTER OF THE ASHLAND COMPREHENSIVE PLAN TO ESTABLISH THE ASHLAND PLANNING COMMISSION AS THE COMMITTEE FOR CITIZEN INVOLVEMENT

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

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

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

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

WHEREAS, the Ashland Comprehensive Plan contains policies regarding the citizen participation and involvement to ensure the opportunity for citizens to be involved in all phases of the planning process, and

WHEREAS, Oregon land use law requires each city to have a Committee for Citizen Involvement that is responsible for evaluating and assessing citizen engagement in land use planning processes and making recommendations to the governing body regarding citizen engagement.

WHEREAS, the Citizen Planning Advisory Committee (CPAC) has been inactive since 1992; and

WHEREAS, in 1992, the City Council of the City of Ashland passed Resolution 92-25 which directed the Planning Director to prepare amendments to the Comprehensive plan to reorganize the Citizen Planning Advisory Committee to function more effectively; and

WHEREAS, in 2016, 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 Ordinance #3124 repealing Chapter 2.27 and amending Chapter 2.12 of the Ashland Municipal Code to designate the Ashland Planning Commission as the Committee for Citizen Involvement in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City of Ashland Planning Commission considered the recommended amendments to the Ashland Comprehensive Plan at a duly advertised public hearing on July 12, 2016 and following deliberations, recommended approval of the amendments by a vote of - ; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on ; 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.

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. The City of Ashland Comprehensive Plan, Chapter III, [CITIZEN PARTICIPATION AND INVOLVEMENT] is hereby amended to read as follows:

**CHAPTER III
CITIZEN PARTICIPATION AND INVOLVEMENT**

Initial Plan Formulation

The City has made every attempt to involve as many people as possible in the planning process. During the initial drafting of this Plan document, four citizen advisory committees were established, each with a different area of concern.

- 1) Environmental Resources Committee: Areas of interest include subjects related to the environment (air, water pollution) and park, open space and recreation programs.
- 2) Economic and Manpower Resource Committee: Areas of interest include economic development, commercial and industrial land, and manpower programs.
- 3) Public Facilities Committee: Areas of interest include water, sewer, police, fire and transportation.
- 4) Housing and Social Services Committee: Areas of interest include housing, aging programs, health, and other social services.

The committee memberships were established by selecting certain individuals with relevant skills, including SOU faculty members, and by advertising in the newspaper for volunteers. An attempt was made to give each committee a balanced membership with regard to income, age, sex and geographic area of residence. All meetings were advertised and open to the public and all attending were encouraged to take part in the discussion and policy formulations.

The committees met frequently, both separately and jointly, with an average attendance of 9 and 40 respectively. This represented approximately 1250 citizen hours of participation as of December 15, 1975.

There was also a neighborhood involvement element in the Ashland Plan procedure. The City was divided into eight neighborhoods according to areas with similar problems. There were two neighborhood meetings to review the planning process and the Land Use Map. Attendance averaged about 30 for each meeting.

Citizen's Planning Advisory Committee on Citizen Involvement

After the initial Plan draft, a permanent committee was formed to provide continuing citizen involvement. ~~The Citizens' Planning Advisory Committee is appointed by the Mayor. It consists of 16 persons who meet monthly~~ On April 19, 2016, the City Council designated the Ashland Planning Commission as the Committee for Citizen Involvement. ~~to review planning issues which involve LCDC and Comprehensive Plan Goal items. They also~~ This committee provides direction and expertise in development of new ordinances and policies, and This committee assists the City Council with promoting and enhancing citizen involvement in land use planning, the implementation of the citizen involvement program, and evaluation of the process for citizen involvement ~~shoulder the bulk of the ongoing citizens' involvement~~ in the planning process. All major changes in Plan direction or implementation will be reviewed by the committee, and the committee will be responsible to assist in increasing communication between the City and the government decision-makers.

GOAL:

TO MAINTAIN A CITIZEN INVOLVEMENT PROGRAM THAT ENSURES THE OPPORTUNITY FOR CITIZENS TO BE INVOLVED IN ALL PHASES OF THE PLANNING PROCESS.

POLICIES:

- 1) Continue ~~existing Ashland Citizens' Planning Advisory Committee to assist the~~ Committee for Citizen Involvement Ashland Planning Commission to assist the ~~and~~ Ashland City Council on significant planning issues, implementing ordinances, and all LCDC and Comprehensive Plan goals.
- 2) Ensure, as much as possible, that the ~~16-7~~ member ~~Citizens' Planning Advisory Committee~~ Ashland Planning Commission, as the Committee for Citizen Involvement, represents a geographic, occupational and ideological cross-section of the citizenship of Ashland. All future selections to the ~~Committee~~ Ashland Planning Commission should be with the ideal of representing a cross-section of Ashland's population.
- 3) Ensure in the future that all citizens are given the opportunity to contribute their views to planning issues through the public hearing process.
- 4) The City shall sponsor informal workshops during the development of significant elements of the Plan implementing ordinances, so that complex issues may be better understood by the public.
- 5) The City should develop education materials such as guidelines, handouts, etc. to

increase understanding of the City codes by the general public. When necessary, the City should sponsor seminars and classes to better inform the public.

SECTION 3. The City of Ashland Comprehensive Plan, Chapter II, [INTRODUCTIONS AND DEFINITIONS], SECTION 2.04.16, is hereby amended to read as follows:

Plan Review 2.04.16

This plan will be reviewed for adequacy of its policies and timeliness of the supporting data every two years from the date of plan adoption. Revisions of the plan text or plan map shall be subject to the complete citizen involvement process including public workshops, **CPAC Committee for Citizen Involvement (CCI)** participation, Agency coordination, Planning Commission hearings and recommendations, and Council action by ordinance.

SECTION 4. 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 5. Codification. Provisions of this Ordinance shall be incorporated in the City Comprehensive Plan and the word “ordinance” may be changed to “code”, “article”, “section”, or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 1, 4-5) 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 _____, 2016, and duly PASSED and ADOPTED this ____ day of _____, 2016.

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this ____ day of _____, 2016.

John Stromberg, Mayor

Reviewed as to form:

David Lohman, City Attorney

ASHLAND PLANNING DIVISION STAFF REPORT

July 12, 2016

PLANNING ACTION: # PL-2016-00682

APPLICANT: City of Ashland

ORDINANCE REFERENCES: *Ashland Land Use Ordinance Chapter 18.5.9:
Comprehensive Plan, Zoning, and Land Use
Ordinance Amendments*

*Ashland Comprehensive Plan Chapter II:
Introductions and Definitions*

*Ashland Comprehensive Plan Chapter III:
Citizen Involvement and Participation*

REQUEST: A Legislative Amendment is proposed to amend the City of Ashland Comprehensive Plan's Introduction and Definitions Chapter (Chapter II), and Citizen Involvement Element (Chapter III), to designate the Planning Commission as the City's Committee for Citizen Involvement, and to replace references to the Citizen's Planning Advisory Committee with references to the Committee for Citizen Involvement.

I. Relevant Facts

A. Background

The proposed amendments to the Citizen Involvement Element (Chapter III) of the Comprehensive Plan aim to better reflect the structure of citizen involvement within the community. The primary outcome of the proposed Comprehensive Plan amendment would be that the Ashland Planning Commission would be designated as the Committee for Citizen Involvement (CCI), and would be assigned the responsibilities of the CCI under Statewide Planning Goal 1 [Citizen Involvement].

The proposed amendments to the Introductions and Definitions Element (Chapter II) of the Comprehensive Plan replace the reference to the Citizen's Planning Advisory Committee (CPAC) with reference to the Committee for Citizen Involvement (CCI).

State law (Senate Bill 100, adopted in 1973 and now codified in ORS 197) requires every city in Oregon to have a citizen involvement program for preparing, adopting and amending comprehensive plans and land use regulations. The law requires that the program include a citizen advisory committee that "broadly representative of geographic areas and interests."

This Oregon Statewide Planning citizen involvement goal, is addressed in Chapter III of the Ashland Comprehensive Plan [Citizen Participation and Involvement]. The Comprehensive Plan text presently references the Citizen Planning Advisory Commission (CPAC) which was formally dissolved through adoption of the amendments to Chapter 2 of the municipal code (Ord#3124) which were passed by the City Council on April 19, 2016. This recently approved ordinance repealed Chapter 2.27 of the Ashland Municipal Code and amended Chapter 2.12 of the Ashland Municipal Code for the purpose of designating the Planning Commission as the City’s Committee for Citizen Involvement.

When the Comprehensive plan element was initially drafted, and until 1992, the City utilized a Citizen Planning Advisory Committee (CPAC) to advise on plan amendments and land use policy development. The CPAC was comprised of 16 individuals from throughout the City. Since that time the City has created and utilized fifteen permanent commissions and committees with 109 active citizen members to provide opportunities for citizen involvement. Each of these commissions and committees meet monthly and regularly provide recommendations to the Planning Commission and City Council regarding policy changes effecting their areas of expertise. This system of citizen commissions affords considerably more opportunities for public participation in Ashland planning and plan amendment processes than was previously afforded by a singular 16 member Citizen Public Advisory Committee.

	2016 City Committees/Commissions	# of Members
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The Planning Commission, as supported by the standing advisory commissions and committees, will continue to provide opportunities for citizen engagement in the planning process as the newly designated CCI.

Therefore, in order to reflect the recent amendments to Chapter 2.12, and to remain compliant with State Law, the Citizen Participation and Involvement chapter of the Comprehensive Plan needs to be amended to provide consistency between the plan and the adopted municipal code.

B. Ordinance Amendments

The proposed ordinance (attached) amends Chapters II and III of the Comprehensive Plan to eliminate references to the “Citizen’s Planning Advisory Committee” to newly include reference to the Ashland Planning Commission as the designated “Committee for Citizen Involvement”.

II. Procedural

18.5.9.020: Comprehensive Plan, Zoning, and Land Use Ordinance Amendments

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 forward a recommendation of approval to the City Council for the Ordinance amending Chapter III of the Ashland Comprehensive Plan to designate the Planning Commission as the Committee for Citizen Involvement.

The Planning Commission’s recommendation will be presented to the City Council at the public hearing and first reading of the draft ordinance scheduled on August 2, 2016

Potential Motion

Move to recommend approval to the City Council an ordinance amending the Comprehensive

Plan as presented in the draft ordinance to designate the Planning Commission as the Committee for Citizen Involvement.

Attachments:

- Draft Ordinance amending the Introductions and Definitions section, and the Citizen Involvement and Participation Element, of the Comprehensive Plan (Planning Action PL-2016-00682)
- Ordinance #3124 amending AMC Chapter 2.27 and 2.12
- Resolution 92-95 relating to the revisions to the Citizens Planning Advisory Committee.

ORDINANCE NO. 3124

**AN ORDINANCE REPEALING AMC CHAPTER 2.27 IN ITS ENTIRETY
AND AMENDING CHAPTER 2.12 TO DESIGNATE THE PLANNING
COMMISSION AS THE COMMITTEE FOR CITIZEN INVOLVEMENT**

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 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 Ashland Municipal Code, Chapter 2.27, creates and assigns certain citizen involvement duties to the Citizen Planning Advisory Committee (CPAC); and

WHEREAS, the CPAC has been inactive since 1992; and

WHEREAS, Oregon land use law requires each city to have a Committee for Citizen Involvement that is responsible for evaluating and assessing citizen engagement in land use planning processes and making recommendations to the governing body regarding citizen engagement.

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

SECTION 1. Chapter 2.27, Citizen Involvement in Planning, is repealed in its entirety.

SECTION 2. Chapter 2.12, City Planning Commission, is hereby amended as follows:

2.12.010 Established Membership

There is established a City Planning commission consisting of seven ~~(7)~~ members, to be appointed by the Mayor and confirmed by the City Council, to serve without compensation, not more than one ~~(1)~~ of whom may reside within three ~~(3)~~ miles outside the City limits. Appointments shall conform to the legal constraints of ORS 227.030.

2.12.060 Powers and Duties - Generally

A. The Planning Commission is the appointed citizen body with the primary responsibility of providing recommendations to the Mayor and City Council regarding the overall direction of land use planning. The Commission reviews and makes recommendations regarding comprehensive land use planning and fosters mutual communication on land use issues. The

Commission is responsible to the City Council for making recommendations on land use plans and policies that are coordinated with other City plans, policies, and functions.

B. The Planning Commission shall have the powers and duties to:

1. Periodically review the Comprehensive Plan and make recommendations to the City Council on public processes, studies, and potential revisions to the Plan. Work in conjunction with other City citizen advisory commissions, boards, and committees to ensure coordination of various elements of the Comprehensive Plan.
2. Render quasi-judicial decisions on land use applications and appeals of administrative land use decisions as prescribed by the Ashland Code and Oregon state law.
3. Conduct public hearings and make recommendations to the City Council on planning issues and legislative changes to land use regulations and ordinances.
4. When needed to implement City goals and policies, meet with other planning bodies in the region on issues that affect City land use planning. Make recommendations to the City Council on regional land use issues in general.
5. Foster public awareness and involvement in all aspects of land use planning in the community.

C. Except as otherwise set forth by the City Council, the Planning Commission may exercise any or all of the powers and duties enumerated in ORS 227.090 et. seq., as well as such additional powers and duties as are set forth herein.

2.12.070 Planning Commission as Committee on Citizen Involvement

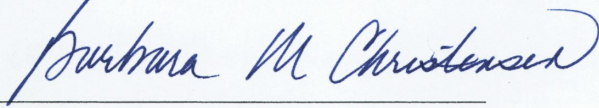
A. The Planning Commission is designated as the Committee for Citizen Involvement (CCI). The CCI shall monitor and evaluate City responsibility regarding Goal 1 of Oregon's Statewide Planning Goals and Guidelines: Citizen Involvement. The CCI shall be directly responsible to the City Council and shall have the following powers and duties: Responsibility for assisting the City Council with the development of a program that promotes and enhances citizen involvement in land use planning, assisting in the implementation of the citizen involvement program, and evaluating the process being used for citizen involvement.

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

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

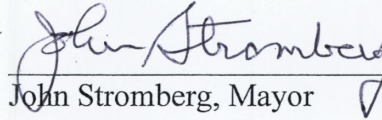
SECTION 5. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses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

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 5 day of April, 2016, and duly PASSED and ADOPTED this 19 day of April, 2016.

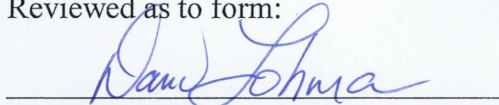


Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 20 day of April, 2016.


John Stromberg, Mayor

Reviewed as to form:


David H. Lohman, City Attorney