

CITY OF
ASHLAND

ASHLAND PLANNING COMMISSION

STUDY SESSION

November 27, 2007

7:00 PM

COUNCIL CHAMBERS

1175 E. MAIN STREET

AGENDA

- I. Call to Order
- II. Announcements
- III. Wetland and Riparian Area Protection Ordinance – Update, discussion and direction (*Bill*)
- IV. Croman Mill Re-Development Plan – Review scope of work & discuss roll of Planning Commission (*Bill*)
- V. PC Powers and Duties – Council revisions discussion
- VI. Next Study Session – December 25th
- VII. Adjournment

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone number is 1-800-735-2900). Notification 48 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 1).

Memo

DATE: November 19, 2007
TO: Planning Commission
FROM: Bill Molnar, Community Development Director
RE: November Study Session – Agenda Overview

The agenda for the November 2007 Planning Commission Study Session includes a variety of discussion items. A brief overview of each item has been provided below:

Wetland and Riparian Area Protection Ordinance – Update, discussion and direction

Staff provided a general summary of the ordinance at the October 2007 study session. Due to the extended length of the meeting, only a short time was left for Commission discussion. This is an opportunity for the Commission to ask additional questions and gain a general familiarity with the ordinance and the basic foundation upon which the draft derives its origins. Staff has outlined a number of areas where more than one approach or option is possible, in order to permit flexibility for certain proposals based upon project scale (e.g. existing lot versus subdivision) or extenuating circumstances related to pre-existing and potential non-conforming conditions. This is an chance to provide direction to Staff as well as to determine the level of future involvement by the Commission as the ordinance makes its way through public discussion and additional revisions.

Croman Mill Re-Development Plan – Review scope of work & discuss roll of PC

The City of Ashland was recently awarded assistance from the Department of Land Conservation and Development (DLCD) - Transportation and Growth Management Program (TGM) - to conduct a Quick Response Project intended to produce an area master plan for the approximately 65-acre abandoned Croman Mill site. The completion of an Area Master Plan for the Croman Mill site was identified in the 2007-2008 Council goals list. This agenda item is intended to provide a brief update on the status of the project, as well as to identify key project tasks, an approximate timeline and opportunities for Commission involvement.

PC Powers and Duties – Council revisions discussion

For over a year, the Planning Commission diligently worked on revisions to Chapter 2.12 of the Ashland Municipal Code. The chapter specifies the make-up of the Commission, general rules for conducting



business and a summary of the Commission's powers and duties. The Planning Commission proposed revisions to the chapter, which were reviewed by the City Council at one of their previous public meetings. This agenda item presents an opportunity for the Commission to discuss the latest revisions made to ordinance based upon feedback and direction from the City Council.

Attachments:

Wetland and Riparian Area Protection Ordinance – Update, discussion and direction
Croman Mill Re-Development Plan – *Draft* Scope of Work
Revised Chapter 2.12 Planning Commission – Powers and Duties



Ordinance Update – wetlands, stream banks and associated riparian areas

I. Why are we doing a Wetlands and Riparian Ordinance?

- **To make the Land Use Ordinance consistent with the Comprehensive Plan.**

The Environmental Element of Ashland's Comprehensive Plans was revised in early 1992, including several goals and policies related to Ashland's wetlands and riparian areas. These changes were never implemented in the Land Use Ordinance (LUO).

- **It is a Council Goal.**

The Physical and Environmental Constraints section of the LUO was last revised, with respect to flood plains and riparian areas, in 1989. Since then, the important functions and values wetlands and riparian areas contribute to a community's quality of life have become much more apparent, as reflected in this action of the Council.

- **Riparian protection has become part of Ashland's storm water management plan.**

The updated City of Ashland 2000 Storm Water and Drainage Master Plan advocates non-traditional storm water management techniques that include protection and restoration of the City's creek corridors. One of the recommended regulatory tools identified for achieving the goals of the plan is the adoption of riparian corridor protection measures.

- **It keeps the City in compliance with Statewide Planning Goal 5.**

Goal 5 requires local communities to inventory and adopt land use protections for significant natural resources such as wetlands and riparian areas. Adoption of a Local Wetland Inventory and an updated ordinance that regulates activities within and adjacent to significant wetlands, fish-bearing streams and other local creeks is intended to fulfill this State requirement.



II. Some of the Changes

Following is a list of techniques used in the draft ordinance. Each serves as kind of a tool, intended for achieving a particular result. For example, intended results will include helping to define the wetland or riparian area protection zone, determining the size of the protection zone and finally providing directions on how to identify or delineate the protection zone on site.

- **Establishes the type of Protection Zones.** The ordinance describes two types of protection zones – a wetland protection zone and a stream bank (riparian area) protection zone. The protection zone consists of the natural resource, either wetland or stream bank (riparian area), and an associated buffer.
- **Establishes the size (e.g. width) of Protection Zones.** The proposed ordinance prescribes the width of the protection zone. The relative value of the natural resource is the main determinant of the size of the protection zone. For example, larger protection zones are established for wetlands meeting the “significant” criteria in the Local Wetland Inventory (LWI), as well as streams identified a “fish-bearing.” Lesser width protection zones are stipulated for “other” wetlands, and non-fish bearing, intermittent and ephemeral streams
- **Defines the method for determining the on-site location of a Protection Zone.** This section of the draft ordinance establishes the method by which the protection zone is measured. Some ordinances measure the width of the protection zone using a standard distance from “Top of Bank”. Often this technique can require subjective determination by the Planning Department, often using survey data provided by the applicant and on-site, field verification. This can include the identification of the riparian area through locating the boundary of transition between aquatic vegetation and vegetation normally associated with upland areas. In examples of other ordinances, the width of the protection zone is determined by measuring a standard distance from “Bank Full Stage.” Bank fill is considered to correspond to the normal two-year high water or flood event, and generally can be identified through an objective engineering analysis.
- **Establishes what actions and activities are allowed that do not require a permit.** The ordinance will specify types of actions or activities that are permitted without a permit. In general, this would include maintenance of non-conforming buildings and activities (no enlargement),



maintenance of utilities and removal of invasive vegetation with hand-operated equipment.

- **Establishes what level of development or building construction is allowed and prohibited within Protection Zones.** Permanent alteration of lands within a protection zone by the placement of structures or buildings is prohibited. Exceptions are permitted for public facilities such as streets, bridges, utilities, etc., when specifically called out on adopted City documents and plans.
- **Establishes what other activities are allowed and prohibited in Protection Zones, such as vegetation removal.** The removal of vegetation from within a protection zone is generally prohibited, except as part of an approved enhancement and restoration project, or in the case of removing noxious, invasive non-native plants.
- **Addresses the affect upon pre-existing buildings, activities and uses legally established prior to adoption of the ordinance.** Uses, buildings and activities that existed before adoption of the new ordinance and that do not conform to the standards presented in the new ordinance would be allowed to remain. Routine maintenance of pre-existing buildings and landscaped areas is permitted.
- **Establishes mitigation measures carried out as a condition of approval for actions and development activities in a protection zone.** The draft ordinance requires that alteration of a protection zone associated with development be mitigated. A plan would be submitted identifying the extent of the impact, and a description of the functions or values lost. The mitigation plan clearly describes the objectives and specific steps and terms for addressing (mitigating) the impacts. For example, the potential for erosion shall be minimized through the installation of plants of a certain size and at a particular spacing).
- **Establishes that a Protection Zone Management Plan (PZMP) be recorded and established as a condition of approving a land use application.** In most instances, long term maintenance and protection of lands within the protection zone will be a requirement for application approval. A management plan will be recorded, specifying the location of the protection zone and the details and responsibilities for long-term area maintenance and management.

III. Some Other Options to Consider



Often it is advised to consider more than one option for how best to apply new and revised ordinances. By permitting the ordinance to recognize the need to enlist different approaches depending on the situation, the unintended consequences of a “one size fits all” application can be avoided.

- **Options for Ordinance Flexibility**

This could include the lessening of other requirements to offset overly restrictive impacts resulting from the strict application of the ordinance. Front and side yard setbacks could be relaxed in situations in order to encourage new construction to be located further from a protection zone. Additionally, the amount of lot coverage could be slightly increased to account for use restrictions established for land within a protection zone.

The quality of a wetland, or riparian area associated with a stream is based upon the functions (habitat, water quality, flood and erosion control) performed. As a consequence, often the size of the protection zone is less important than the quality, protection and long term management of the resource. Given that many natural resources within semi-urban and suburban environments have been degraded, ordinance provisions that encourage enhancement and restoration of the degraded resources may be considered to better serve the public's interest and objectives for these areas.

- **Customizing the Code to Address Specific Situations**

- a. **Subdivisions and other Land Divisions vs. Existing Lots**

Divisions, either through a subdivision or land partition, often permit greater design flexibility with regard to the incorporation of natural features. Existing lots with homes that were established well before the proposed ordinance changes often lack the same degree of flexibility due to the location of existing structures and other outdoor spaces and uses, such as lawn areas, impervious patio surfaces, etc.

- b. **Public vs. Private**

Sometimes an ordinance may draw some distinction between public and private lands. For example, a new parcel created for purpose of being maintained as public open space may not need to identify a building envelope for a future building site, as is the case for other land divisions.



c. **Smaller projects may be permitted to follow a prescriptive path for mitigation, rather than submit a more detailed mitigation plan.** Projects involving a small area of disturbance within a protection zone should be permitted to follow a prescribed set of mitigation measures. This would specify the numbers of trees, shrubs and ground cover plants to install for a certain amount of square footage (e.g. For every 200 square, one tree, two 5-gallon shrubs and six 1-gallon groundcover plants shall be installed).

- **Fee Waivers**

a. **Voluntary restoration and enhancement projects.** As an incentive for property owners to undertake beneficial restoration actions in wetland and stream bank protection zones, the application fee associated with the land use application could be waived or reduced.

- **Approval Process**

a. **Administrative (Staff) vs. Planning Commission (Hearing).** In general, a land use application for an Exception within a protection zone to install a building or conduct an activity would be processed as an administrative (Type I) approval. If the proposed development activity within the protection zone was part of another Type II planning application involving a public hearing before the Planning Commission, then the proposed actions within the protection zone would be evaluated and decided upon by the Planning Commission during the public hearing.

- **Level of Protection vs. Property Use (objectives)**

- a. **Meet the minimums.** Minimize the impact on the way a private property owner can use the property, while obtaining a reasonable level of protection of the natural resource.
- b. **More aggressive approach – For a long term goal.** Aggressively protect the natural resource through establishing natural buffers, while recognizing that the use of the property could likely be affected.



Oregon Transportation and Growth Management Program (TGM)
Quick Response Project for City of Ashland
Croman Mill Redevelopment Plan

A. PROJECT MANAGEMENT TEAM

Table with 5 rows and 2 columns. Row 1: Consultant (Crandall Arambula, George Crandall, Don Arambula, Jason Graf, 520 SW Yamhill, Portland, OR 97204). Row 2: City of Ashland (Bill Molnar, Community Development Director, 51 Winburn Way, Ashland OR 97520). Row 3: TGM Project Manager (Matt Crall, Oregon Dept. Land Conservation & Development, 635 Capitol St NE Suite 150, SALEM OR 97301-2564). Row 4: ODOT Regional Planner (David Pyles, Oregon Department of Transportation, Region 3, 100 Antelope Road, White City OR 97503). Row 5: DLCD Regional Representative (John Renz, Oregon Dept. Land Conservation & Development, 155 N First St., PO Box 3275, Central Point, OR 97502). Each row includes contact information like email and phone/fax numbers.

B. INTRODUCTION

Background

The immediate impetus for this project is a proposed development by the Kaufman Family on the site formerly occupied by the Croman Lumber mill located in the southern portion of the City of Ashland (hereinafter referred to as City). The site is zoned industrial and intended to provide employment opportunities. City desires that the entire site be developed under a master plan. A

critical component of the proposed development is a site for Plexis (a healthcare software company) to consolidate and expand operations in a campus setting. Residential uses are also a potential component, including affordable housing and work force housing. Development of the site is challenged with several transportation issues.

- Railroad right of way along northeast side, interferes with street connections
- Highway 99 (Siskiyou Boulevard) along the southwest Interstate 5 along the east side, mostly at different grade from the site, access limited as an arterial
- Significant grade differences along north side
- ODOT Maintenance yard on Tolman Creek Road within the alignment for an extension of Nova Drive

Given these transportation issues, and issues about appropriate residential use within an employment district, City concluded that a comprehensive and area-wide planning effort would be beneficial.

Goals for the project

- A. Involve owners, nearby residents, local government, state government and others interested in the area.
- B. Develop an identity and vision for the area.
- C. Maximize opportunities for business development and employment growth consistent with the findings of the Economic Opportunities Analysis (EOA).
- D. Identify and analyze potential transportation connections from within the area to the citywide transportation system, especially integration with the Ashland Central Area Multi-Use Path (along the railroad) and public transit along Tolman Creek Road..
- E. Establish internal circulation for pedestrians, bicycles and automobiles at the collector level with connection points for local roads.
- F. Determine appropriate land-uses for the area, including appropriate locations for nodes of commercial, residential, and mixed-use development.
- G. Identify contingent development scenarios to address uncertainty about potential on-site contamination or clean-up.
- H. Develop a parking plan including financing information designed to minimize land used for parking.
- I. Analyze the transportation impacts of land use alternatives and vice-versa.
- J. Analyze potential passenger rail connections and identify current actions to preserve opportunities for passenger rail.
- K. Incorporate sustainability and energy efficiency in site planning and building design (e.g. LEED for Neighborhood Development).
- L. Adopt a Redevelopment Plan and implementing code amendments.

Project Study Area

The project study area is bounded by the Railroad (CORP), Crowson Road, Siskiyou Boulevard (Highway 99) and Hamilton Creek. The project will include analysis outside the project study area to evaluate potential connections to nearby collector or arterial streets, as well as potential impacts to existing neighborhoods situated between Hamilton Creek and Tolman Creek Road.

Purpose of Contract - Transportation Relationships and Benefits

The Transportation and Growth Management (TGM) Program is a joint effort of the Oregon Department of Transportation (ODOT) and the Oregon Department of Land Conservation and Development (DLCD). The purposes of TGM are to strengthen the capability of local governments to effectively manage growth and comply with the Transportation Planning Rule, to integrate transportation and land use planning, and to encourage transportation-efficient land uses that support modal choice and the efficient performance of transportation facilities and services.

This area offers an opportunity to plan for the transportation impacts of growth, and to plan growth in such a way as to reduce the demands placed on the transportation system. The concepts and plans for this area will be consistent with compact, mixed, pedestrian-friendly development.

It is not the purpose of this project to relieve property owners from obligations to provide detailed plans and analysis as required for development within City. This project will provide background information and conceptual level planning that are intended to be used by property owners in preparing the required analysis and findings for specific development applications.

Coordination with citywide Economic Opportunities Analysis (EOA)

City has already initiated a separate project for a citywide Economic Opportunities Analysis (EOA), and a Final report is available. The area-specific planning project described in this SOW will not duplicate any of the work already performed for the citywide project, but instead elements of the citywide project will be incorporated into this area-specific project. The deliverable costs listed in this SOW reflect the fact that information will be available from the citywide project. This project will be coordinated with the citywide project at all times.

C. WORK TASKS (DELIVERABLES, COSTS AND COMPLETION DATES)

Task 1 – Information Assembly and Review

- 1.1 Consultant shall schedule and facilitate a teleconference with local and state government staff to initiate the project and discuss the planning process.
- 1.2 City will provide Consultant with relevant background information. When available, native format computer files will be sent (i.e. Microsoft Office or ArcView); otherwise hard copy or scanned computer files will be provided. Information includes (but is not limited to):
 - Comprehensive Plan, maps and text
 - Development regulations, zoning maps and text
 - Transportation System Plan
 - Aerial photos (City or State to provide)
 - Topographic maps
 - Site plans or pending applications within the Project Area

Traffic studies prepared for previous applications within the area
 Local Wetland Inventory (LWI) and location of City streams
 Any other data specific to the area

Consultant shall assemble the data and prepare a base map of the project area depicting relevant existing conditions for use in later tasks. The site base map must include streets, property boundaries, buildings, and natural features.

TASK	CONSULTANT DELIVERABLES	Cost	Completion
1.1	Teleconference		October December 2007
1.2	Site and Vicinity Base maps		October December 2007

TASK	CITY DELIVERABLES		October December 2007
1.1	Teleconference		October December 2007
1.2	Provide Consultant with relevant background information		October December 2007

Task 2 – Reconnaissance

- 2.1 Consultant shall visit the site to gain familiarity and to take photographs of the site, adjacent intersections and other relevant areas.
- 2.2 Consultant shall conduct up to four meetings with key participants (“Key Participant Meetings #1”), either individuals or small groups with similar concerns. City is responsible for arranging these meetings including choosing the number of meetings to hold, identifying the key participants, and scheduling the meetings. Potential key participants include:
 - A. Owners of developable property within the area
 - B. Local government planning staff
 - C. ODOT staff
 - D. Economic Revitalization Team (ERT)
 - E. Tolman Creek Neighborhood Representative
 - F. Ashland School District – Bellview Elementary School
- 2.3 Consultant shall lead public workshop #1 to identify opportunities, constraints and issues. City is responsible for publicizing the workshop, especially targeting property owners within and adjacent to the area. Consultant shall prepare the format for feedback at the workshop and after the workshop, including a base map that participants can annotate with relevant information. Consultant shall collect feedback at the workshop. City is responsible for collecting feedback after the workshop and transmitting the feedback to Consultant.

- 2.4 Consultant shall prepare a map and a report of the key opportunities, constraints and issues based upon the site visit, key participant meetings, public workshop and feedback after the workshop. Consultant shall append the full text of all feedback to the summary report.

TASK	CONSULTANT DELIVERABLES	Cost	Completion
2.1	Site visit and photographs		January 2008 November 2007
2.2	Key Participant Meetings #1		January 2008 November 2007
2.3	Public Workshop #1		January 2008 November 2007
2.4	Opportunities and Constraints Map and Report		January 2008 November 2007

TASK	CITY DELIVERABLES		Completion
2.2	Arrangements for key participant meetings		January 2008 November 2007
2.3	Arrangements for Public Workshop #1		January 2008 November 2007
2.3	Collection of feedback after Public Workshop #1 and transmittal to Consultant		January 2008 November 2007

Task 3 – Conceptual Plans

- 3.1 Consultant shall schedule and facilitate a teleconference with City and State staff to discuss development of the conceptual plan alternatives.
- 3.2 Consultant shall prepare three conceptual plans (“Concepts”) for the area. The Concepts must address the opportunities and constraints included in the map and report from task 2. Each Concept must include a development program based upon the citywide EOA and analysis in the preceding opportunity reports. The development program must address supportable land uses, land use mix, and development scale. Each Concept must include a matrix showing the development program, locations of proposed new uses, transportation improvements (within the area and connecting to adjoining areas), typical street cross-sections (maximum of two), streetscape design theme, a Hamilton Creek greenway plan, and a parking plan (shared, structured, underground, and financing). Concepts must vary along these elements to give the participants a broad range of options for further discussion. Concepts must include at least one perspective, axonometric, and/or elevation drawing of a significant site and transportation improvement to convey the essence of the Concept. “Green” development practices must be included in at least one concept, including but not limited to implementation of “green” street and infrastructure design for the control and treatment of stormwater.

- 3.3 Consultant shall prepare a report containing baseline transportation analysis and projections (“Baseline Transportation Report”). Baseline Transportation Analysis and Projections Report must include study intersection operating conditions to establish 2007 baseline performance and projected 2030 performance without additional development within the area. Baseline Transportation Analysis and Projections Report must be based upon the existing Ashland TSP, recent traffic counts from the IAMP and counts provided as specified below.

#	Major Street	Minor Street	Source of Traffic Count
1	Ashland St	I-5 Northbound Ramps	ODOT IAMP
2	Ashland St	I-5 Southbound Ramps	ODOT IAMP
3	Ashland St	Washington St	ODOT IAMP
4	Ashland St	Tolman Creek Rd	ODOT IAMP
5	Tolman Creek Rd	Mistletoe Mill Rd	City
6	Siskiyou Blvd (Hwy 99)	Tolman Creek Rd	ODOT - Nov 2005
7	Siskiyou Blvd (Hwy 99)	Mistletoe Mill Rd	City
8	Siskiyou Blvd (Hwy 99)	Crowson Rd	ODOT - New count

Consultant shall not perform additional traffic counts. Projection must be based upon existing authorized uses.

General Notes Regarding Traffic Analysis

All traffic analysis work must be done by or under the review of an Oregon registered professional traffic engineer. All analysis must be consistent with Highway Capacity Manual 2000 methods. All analysis of state facilities must be consistent with the Analysis Procedure Manual (available at www.oregon.gov/ODOT/TD/TP/TAPM.shtml). All volumes must be adjusted to the 30th highest hour. The Rogue Valley Metropolitan Planning Organization (RVMPO) will provide future volumes from regional model runs. Data must be requested four weeks in advance. Future volumes from the regional model must be post-processed.

- 3.4.a Consultant shall analyze the transportation impacts for each of the Concepts to determine how the proposed additional development and connections would affect the transportation system with a focus on the study intersections. Consultant shall prepare a report containing projections for 2030 traffic volumes and transportation analysis (“Development Transportation Report”). The report must list the transportation improvements necessary to meet mobility standards under each Concept. The report must identify any street reclassifications that would be appropriate for each Concept.

- ~~3.4.b- The report must include~~ Consultant shall prepare a report (“Transportation Cost Report”) with planning-level cost estimates for the recommended transportation improvements proposed within each Concept. The report must identify the portion of traffic at each intersection that is attributed to development within the area, and calculate the corresponding portion of the costs.

- 3.5 Consultant shall prepare Conceptual Plans Memorandum #1, which includes maps, drawings, and text sufficient to explain the Concepts and transportation impacts to the public. Consultant shall prepare a version suitable for posting on the Internet and printing

on standard paper (8½-inch by 11-inch).

- 3.6 Consultant shall prepare a Conceptual Plan Poster (approximately 2-foot by 3-foot) for each Concept suitable for display in public places. Consultant shall provide ~~three~~one copies of each Conceptual Plan Poster.
- 3.7 Consultant shall design the format and mechanism for compiling and summarizing feedback received before, during and after public workshop #2. This may include, but is not be limited to, a paper questionnaire or online survey. Consultant is not required to conduct telephone polling or other outreach to gather feedback.
- 3.8 City is responsible for publicizing the Concepts using the Internet, displays in public places, local newspaper, newsletter, mailed notice and other means. City is responsible for collecting and tabulating public feedback prior to Public Workshop #2 (Task 4.3) and transmitting the feedback to Consultant.

TASK	CONSULTANT DELIVERABLES	Cost	Completion
3.1	Teleconference		November 2007 January 2008
3.2	Concepts		December 2007 February 2008
3.3	Baseline Transportation Report		December 2007 February 2008
3.4.a	Development Transportation Report		December 2007 February 2008
3.4.b	Transportation Cost Report		February 2008
3.5	Conceptual Plans Memorandum #1		December 2007 February 2008
3.6	Conceptual Plan Posters, (3 <u>1</u> copies for each of 3 Concepts, 39 posters total)		December 2007 February 2008
3.7	Feedback Format		December 2007 February 2008
3.8	(No consultant deliverable for this subtask)		N/A

TASK	CITY DELIVERABLES		Completion
3.1	Teleconference		November 2007 January 2008
3.3	Traffic Counts for intersections provided by property owner		September 2007 November
3.8	Publicizing Concepts		December 2007 February 2008
3.8	Collection of public feedback and transmittal to Consultant		December 2007 February 2008

Task 4 - Concept Review

- 4.1 The Consult shall conduct up to four meetings (“Key Participant Meetings #2”) to review the Concepts. City is responsible for arranging these meetings including choosing the number of meetings to hold, identifying the key participants (likely the same as identified in Task 2), and scheduling the meetings.
- 4.2 Consultant shall conduct Public Workshop #2. City is responsible for making arrangements (including notice) for the meeting in consultation with Consultant. Consultant shall make a brief presentation of the key opportunities and constraints, and an overview of Concepts. The majority of Public Workshop #2 must allow participants to review the Concepts, suggest revisions and draw other ideas (design charrette style). Consultant shall provide opportunities at Public Workshop #2 for feedback on the overall Concepts and individual elements.
- 4.3 Consultant shall make limited refinements to the three Concepts based on feedback before and at Public Workshop #2. The scope of refinements will be limited by the need to present the Refined Concepts at Public Workshop Meeting #3 on the day following Public Workshop #2.
- 4.4 Consultant shall conduct Public Workshop #3, which will be held at a joint work session of the Ashland City Council and Planning Commission. City is responsible, for making arrangements (including notice) for Public Workshop #3 in consultation with Consultant. Consultant shall present Refined Concepts and facilitate a discussion among the public bodies. City is responsible for collecting feedback after Public Workshop #3 and transmitting the feedback to Consultant.
- 4.5 Consultant shall schedule and facilitate a teleconference with local government and State staff to discuss the results of Public Workshop #2 and #3 and to discuss whether to include contingent task 5, or whether to proceed directly to task 6. If proceeding to task 6, the discussion will confirm the decisions of which Refined Concepts will be included in the final report, and any other revisions to be made.

TASK	CONSULTANT DELIVERABLES	Cost	Completion
4.1	Key Participant Meetings #2		March January 2008
4.2	Public Workshop #2		March January 2008
4.3	Refined Concepts		March January 2008
4.4	Public Workshop #3		March January 2008
4.5	Teleconference		March January 2008

TASK	CITY DELIVERABLES		Completion
4.1	Arrangements for Key Participant Meetings		March January

			2008
4.2	Arrangements for Public Workshop #2		March January 2008
4.4	Arrangements for Public Workshop #3		March January 2008
4.5	Teleconference		March January 2008

POTENTIAL CITY FUNDED TASKCONTINGENT TASK – Task 5 Additional Refinement and Review

This task is not a part of the work order contract between TGM and Consultant. City may, at City's sole discretion, fund this task through separate arrangements between City and Consultant. In the event that City does not fund this task, Consultant shall not perform these tasks. In no event will the Oregon Department of Transportation pay for the work described in Task 5. This task is included here only for information and scheduling purposes. Consultant shall not perform this task without written notice to proceed (email acceptable) from the TGM program.

- 5.1 Consultant further shall revise the Concept(s) from Task 3 based upon feedback in Task 4. Consultant shall revise one perspective, axonometric, and/or elevation drawing of a significant site and transportation improvements for each concept.
- 5.2 Consultant shall prepare Revised Conceptual Plans Memorandum, which includes maps, drawings, and text sufficient to explain to public officials the concept(s) and transportation impacts. Consultant shall prepare a version suitable for posting on the Internet and printing on standard paper (8½-inch by 11-inch).
- 5.3 Consultant shall prepare a Conceptual Plan Poster (approximately 2-foot by 3-foot) for each Concept suitable for use at a public work session.
- 5.4 City is responsible for publicizing the Concepts using the Internet, displays in public places, local newspaper, newsletter, mailed notice and other means. City is responsible for collecting and tabulating public feedback prior to Public Workshop #4 and transmitting the feedback to Consultant.
- 5.5 Consultant shall conduct Public Workshop #4. City is responsible for making arrangements (including notice) for the meeting in consultation with Consultant. Consultant shall present Refined Concept(s) and facilitate a discussion among the public bodies. City is responsible for collecting feedback received after Public Workshop #4 and transmitting the feedback to Consultant.
- 5.67 Consultant shall schedule and facilitate a teleconference with local government and State staff to discuss the results of the previous Public Workshop and identify any final revisions to incorporate into the Final Plan.

TASK	CONSULTANT DELIVERABLES	Cost	Completion
5.1	Further revised concepts	N/A	AprilFebruary 2008
5.2	Conceptual Plans Memorandum #23	N/A	AprilFebruary 2008
5.3	Conceptual Plan Poster	N/A	AprilFebruary 2008
5.4	(No consultant deliverables for this task)Publicizing Concepts	\$0	AprilFebruary 2008
5.5	Public Workshop #4	N/A	Mayreh 2008
5.6	Report on feedback	N/A	March 2008
5.67	Teleconference	N/A	Mayreh 2008

TASK	CITY DELIVERABLES		Completion
5.4	Publicizing Concepts		AprilFebruary 2008
5.5	Arrangements for Public Workshop #4		Mayreh 2008
5.5	Collection of public feedback after Public Workshop #4 and transmittal to Consultant		Mayreh 2008
5.67	Teleconference		Mayreh 2008

Task 6 - Final Products

- 6.1 Consultant shall prepare a draft Redevelopment Plan (“Draft Plan”). Draft Plan must be written as a policy document that, if adopted, would be a clear decision by City. Although the Draft Plan as a whole constitutes the recommendation from Consultant to City, the text within Draft Plan must not be phrased as recommendations.

Draft Plan must include maps and drawings refined during the previous tasks. Specifically Draft Plan must include a master plan map with plan designations and corresponding sub-zones or overlays (if applicable), generalized street layout and lot design. Draft Plan must include basic design standards for public improvements (e.g. streets and public space) and conceptual drawing for key streets and public spaces.

Draft Plan must include code outline with lists of allowed and conditional uses and basic development parameters (e.g. maximum building dimensions, setbacks). Code outline must include portions of the Model Code developed by the TGM Program (www.oregon.gov/LCD/TGM/modelCode05.shtml) as appropriate. Consultant is not required to prepare detailed architectural design requirements nor is Consultant required to prepare final ordinance text that would enact the provisions of the code outline.

Consultant shall submit Draft Plan to local and state staff. Local staff is responsible for proofreading and checking consistency with the result of previous public workshop. State staff shall proofread and check for consistency with TGM objectives.

- 6.2 Consultant shall prepare a final Redevelopment Plan (“Final Plan”) by revising Draft Plan in response to comments from local and state staff.
- 6.3 Consultant shall prepare three or four presentation boards (approximately 2-foot by 3-foot) that explain the key points of the Final Plan. Consultant shall deliver one set of ~~mounted and~~ laminated presentation boards (not required to be mounted) to City and one set to TGM.

TASK	CONSULTANT DELIVERABLES	Cost	Completion
6.1	Draft Plan		June April 2007
6.2	Final Plan		July May 2007
6.3	Presentation Boards – two copies each of four boards		July May 2007

TASK	CITY DELIVERABLES		Completion
6.1	Proofreading & checking consistency of Draft Report		June April 2007

Task 7 – Adoption Hearing

- 7.1 City is responsible for holding hearings at which they may choose to adopt Final Report (or revised version) and enact any code amendments prepared by city staff.

TASK	CONSULTANT DELIVERABLES	Cost	Completion
7	(No consultant deliverables for this task)	\$0	N/A

TASK	CITY DELIVERABLES		Completion
7.1	Hold hearings		August June 2007

D. GENERAL PROVISIONS

Schedule

Time Performance – Consultant understands that time is of the essence for this project. If Consultant is delayed for any reason, other than non-cooperation (see “Project Cooperation” section below), Consultant shall, within two business days of the start of the delay occurrence, give notice to Agency of the cause of the potential delay. If Consultant falls behind on the delivery schedule above, Consultant shall submit in writing, a plan to get back on schedule- i.e., assign more employees, work overtime, etc. Within three (3) working days after the cause of delay has been remedied, Consultant may give notice to Agency of any requested adjustments to the delivery schedule. Any adjustments to the delivery schedule must be approved in writing (email acceptable) by the Agency’s Contract Administrator, but must be within the term of the WOC.

Deliverables

The following notes apply unless specified otherwise in the task description.

- A. Previews
 - a. All material are to be previewed by the management team (see section A above) prior to public release.
 - b. Consultant shall provide working drawings and draft reports approximately one week prior to scheduled release.
 - c. Management Team members will provide comments to Consultant within a three work days of receipt.
 - d. Revisions to graphics, memoranda, and reports will be limited to one round of minor edits to submittals. Major or extensive revisions to planning and design concepts and text will not be performed without an approved contract amendment.

- B. Graphics
 - a. Presentation graphics for meetings or workshops are to be delivered as hard copies of each plan/section, approximately 2-foot by 3-foot (not required to be mounted and laminated).
 - b. All graphics must also be delivered as computer files (via email or CD) in the native format (i.e. AutoCAD, ArcGIS, JPEG, Photoshop, PowerPoint, etc.) and in an open universally readable format (i.e. Adobe Acrobat PDF).

- C. Text memorandums and reports
 - a. All memorandums and reports are to be formatted for 8½-inch by 11-inch paper, unless otherwise agreed upon.
 - b. All memorandums and reports are to be delivered to local government and TGM program as computer files (via email or CD) in the native format (i.e. Word, Publisher, WordPerfect, PageMaker, etc.) and in an open universally readable format (i.e. Adobe Acrobat PDF).

- D. Meetings
 - a. City will provide support for all meetings including published and mailed notice as appropriate, meeting space and collecting feedback after the meeting.

Key Personnel

Consultant acknowledges and agrees that Agency selected Consultant, and is entering into this WOC, because of the special qualifications of Consultant's key people. In particular, Agency through this WOC is engaging the expertise, experience, judgment, and personal attention of George Crandall and Don Arambula ("Key Personnel"). Consultant's Key Personnel shall not delegate performance of the management powers and responsibilities he/she is required to provide under this WOC to another (other) Consultant employee(s) without first obtaining the written consent of Agency. Further, Consultant shall not re-assign or transfer the Key Personnel to other duties or positions such that the Key Personnel is no longer available to provide Agency with his/her expertise, experience, judgment, and personal attentions, without first obtaining

Agency's prior written consent to such re-assignment or transfer. In the event Consultant requests that Agency approve a re-assignment or transfer of the Key Personnel, Agency shall have the right to interview, review the qualifications of, and approve or disapprove the proposed replacement(s) for the Key Personnel. Any approved substitute or replacement for Key Personnel shall be deemed Key Personnel under this WOC.

Project Cooperation

This statement of work describes the responsibilities of all entities involved in this cooperative project. In this WOC Consultant shall only be responsible for those responsibilities and deliverables identified as being assigned to Consultant in this WOC and the statement of work. All work assigned to other entities is not subject to this WOC. References to work to be performed or responsibilities of any other entities in this statement of work other than references to Consultant are merely for informational purposes and are in no way binding. Neither are these other entities parties to this WOC. Any tasks or deliverables assigned to a sub-contractor shall be construed as being the responsibility of Consultant.

Any Consultant tasks or deliverables which are contingent upon receiving information, resources, assistance, or cooperation in any way from another entity as described in this statement of work shall be subject to the following guidelines:

- A. At the first indication of non-cooperation, Consultant shall provide written notice (email acceptable) to Agency Contract Administrator of the specific acts or inaction indicating non-cooperation and of any deliverables that may be delayed due to such lack of cooperation by other entities referenced in the statement of work.
- B. Agency Contract Administrator shall contact the non-cooperative entities to discuss the matter and attempt to correct the problem and/or expedite items determined to be delaying the project.
- C. If Consultant has followed the notification process described in item A, and delinquency or delay of any deliverable is found to be a result of the failure of other referenced entities to provide information, resources, assistance, or cooperation, as described in the statement of work, Consultant will not be found in breach or default of contract; nor shall Consultant be assessed or liable for any damages. Neither shall Agency be responsible or liable for any damages to Consultant as the result of such non-cooperation by other entities. The Agency Contract Administrator will negotiate with Consultant in the best interest of the State, and may revise the delivery schedule to allow for delinquencies beyond the control of Consultant. Revised delivery date beyond the expiration date requires an amendment to this WOC.

Draft #8 – November 8, 2007

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CHAPTER 2.12 – Revisions

(Clean Version)

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ASHLAND MUNICIPAL CODE,
CHAPTER 2.12, CITY PLANNING COMMISSION**

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

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, ORS 227.090 sets forth the powers and duties of Planning Commissions and Chapter 2.12 of the City of Ashland Municipal Code further enumerates such powers for the City of Ashland Planning Commission; and

WHEREAS, the City of Ashland Planning Commission has requested staff to update Chapter 2.12 as set forth below.

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

SECTION 1: Section 2.12.010, City Planning Commission - Created, is hereby amended to read as follows:

Section 2.12.010 CITY PLANNING COMMISSION - Created.

There is created a City Planning Commission of nine (9) members, to be appointed by the Mayor and confirmed by the City Council, to serve without compensation, not more than two (2) of whom may reside outside the City limits, within Urban Grown Boundary. The Mayor ~~City Attorney and City Engineer~~ shall be an ex officio, non-voting member of the City Planning Commission.

SECTION 2: Section 2.12.040, City Planning Commission- Elections of Officers- Annual Report, is hereby amended to read as follows:

Section 2.12.040 CITY PLANNING COMMISSION - Elections of officers-- Annual report.

The Commission, at its first meeting, **or as set forth in the Planning Commission bylaws**, shall elect a Chair and a Vice-Chair, and shall appoint a Secretary who need not be a member of the Commission, all of whom shall hold office at the pleasure of the Commission. The Secretary shall keep an accurate record of all proceedings, and the City Planning Commission shall, on the first day of October of each year, make and file a report of all its transactions with the City Council.

SECTION 3: Section 2.12.050, City Planning Commission – Quorum-Rules and regulations, is hereby amended to read as follows:

Section 2.12.050 CITY PLANNING COMMISSION - Quorum--Rules and regulations.

Five (5) members of the City Planning Commission constitute a quorum. The Commission may make and alter rules and regulations for its government and procedure, consistent with the laws of the state and shall meet at least once every thirty (30) days. **The recommendation to the City Council of any amendment to the Land Use Ordinance or Comprehensive Plan shall be by the affirmative vote of not less than a majority of the total members of the commission. (Ord. 1833, 1974)**

SECTION 4: Section 2.12.060, City Planning Commission –Powers and Duties, is hereby amended to read as follows:

Section 2.12.060 CITY PLANNING COMMISSION - Powers and duties--Generally.

A. The Planning Commission is the appointed citizen body with the primary responsibility to provide advice and recommendations to the Mayor and City Council regarding land use planning. The Commission reviews and makes recommendations regarding comprehensive land use planning and fosters public communication on land use issues. The Commission is responsible to the City Council for making recommendations on land use plans and policies that are informed by and coordinated with other City plans, policies, and functions.

~~A. The powers and duties of the City Planning Commission may be, but shall not be limited to, those set forth in O.R.S. 227.090, et. seq., as follows:~~

- ~~1. Recommend and make suggestions to the City Council and to all other public authorities concerning laying out, widening, extending, and locating streets, sidewalks and boulevards; parking; relief of traffic congestions, betterment of housing and sanitation conditions; and establishment of zones or districts limiting the use, height, area and bulk of buildings and structures;~~
- ~~2. Recommend to the City Council and all other public authorities, plans for regulation of the future growth, development and beautification of the municipality in respect to its public and private buildings and works,~~

~~streets, parks, grounds and vacant lots; plans consistent with future growth and development of the City in order to secure to the City and its inhabitants sanitation, proper service to all public utilities; and transportation facilities;~~

- ~~3. Recommend to the City Council and all other public authorities, plans for promotion, development and regulation of industrial and economic needs of the community in respect to private and public enterprises engaged in industrial pursuits;~~
- ~~4. Advertise the industrial advantages and opportunities of the municipality and availability of real estate within the municipality for industrial settlement;~~
- ~~5. Encourage industrial settlement within the municipality;~~
- ~~6. Make an economic survey of present and potential possibilities of the municipality with a view to ascertaining its industrial needs;~~
- ~~7. Study needs of existing local industries with a view to strengthening and developing local industries and stabilizing employment conditions;~~
- ~~8. Do and perform all other acts and things necessary or proper to carry out the provisions of O.R.S. 227.010 to 227.150;~~
- ~~9. Study and propose, in general, such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the City and of the area six (6) miles adjacent thereto.~~

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

1. Periodically review and make recommendations to the City Council about the need to review and revise the Comprehensive Plan. Propose public processes, studies, and potential revisions to the Comprehensive Plan to the City Council.

2. 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 legislative changes to land use regulations and ordinances.

4. Make recommendations to the City Council on appropriate actions in response to regional efforts that affect City land use planning.

5. Study and propose land use measures as may be advisable to support environmental quality, sustainability, multi-modal transportation, and the retention and creation of family wage jobs .

6. Foster public awareness and involvement in all aspects of land use planning in the community.

1. ~~(Repealed by Ord. 1833, 1974)~~
2. ~~Review all proposed ordinances regulating or limiting the use, height, area, bulk and construction of buildings and appurtenant facilities, hold the necessary public hearings thereon, and make its recommendations thereon in writing to the City Council;~~
3. ~~Act as the urban renewal agency in lieu of the former Ashland Development Commission, to which reference is made in Resolution No. 68-2, adopted by the City Council on January 9, 1968. (Ord. 1720, S7, 1972)~~

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.

SECTION 5: Severability. If any section, provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other sections, provisions, clauses, or paragraphs of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 6: Savings Clause. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement or other actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or actions commenced during the times said ordinance(s) or portions thereof were operative.

SECTION 7: 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 5-7) need not be codified.

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 _____, 2007, and duly PASSED and ADOPTED this _____ day of _____, 2007.

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this ____ day of _____, 2007.

John W. Morrison, Mayor

Reviewed as to form:

Richard Appicello, Interim City Attorney

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ASHLAND MUNICIPAL CODE,
CHAPTER 2.12, CITY PLANNING COMMISSION**

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

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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

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A. The Planning Commission is the appointed citizen body with the primary role and responsibility of to providing advice and recommendations to the Mayor and City Council regarding direction to and oversight of City land use planning. The Commission reviews and makes recommendations regarding conducts stewardship of comprehensive land use planning and fosters public communication and leadership on land use issues. The Commission is responsible to the City Council for making recommendations on land use plans and policies that are synchronized informed bywith and coordinated with other City plans, policies, and functions.

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- ~~2. Recommend to the City Council and all other public authorities, plans for regulation of the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots; plans consistent with future growth and development of the City in order to secure to the City and its inhabitants sanitation, proper service to all public utilities; and transportation facilities;~~
- ~~3. Recommend to the City Council and all other public authorities, plans for promotion, development and regulation of industrial and economic needs of the community in respect to private and public enterprises engaged in industrial pursuits;~~
- ~~4. Advertise the industrial advantages and opportunities of the municipality and availability of real estate within the municipality for industrial settlement;~~
- ~~5. Encourage industrial settlement within the municipality;~~
- ~~6. Make an economic survey of present and potential possibilities of the municipality with a view to ascertaining its industrial needs;~~
- ~~7. Study needs of existing local industries with a view to strengthening and developing local industries and stabilizing employment conditions;~~
- ~~8. Do and perform all other acts and things necessary or proper to carry out the provisions of O.R.S. 227.010 to 227.150;~~
- ~~9. Study and propose, in general, such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the City and of the area six (6) miles adjacent thereto.~~

B. ~~In addition, The Planning Commission shall have the powers and duties to:~~

1. Monitor, review and make recommendations to the Mayor and City Council Develop, review, and maintain regarding implementation of and revisions to the Comprehensive Plan.; Periodically review and make recommendations to the City Council about the need to review and revise the Comprehensive Plan. Propose public processes, studies, and potential revisions to the Comprehensive Plan to the City Council.

2. conduct public reviews and updates Work in conjunction with other City citizen advisory commissions, boards, and citizen's and committees to ensure coordination of various elements as they affect of the Comprehensive Plan., and recommend revisions to the City Council.

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. ~~Prepare, conduct~~ Conduct public hearings on, and make recommendations to the City Council on legislative City planning processes and functions and on the legislative adoption of, and changes to, land use regulations and ordinances.

~~4. As directed by the Mayor and/or City Council, pParticipate in regional planning activities that affect City land use planning and makeMake recommendations to the City Council on appropriate actions in response to regional efforts that affect City land use planning.~~

~~5. STo study and propose in general such lland use measures as may be advisable fertto support the promotion of environmental quality, and sustainability, multi-modal transportation, and the retention and creation of family wage jobs .~~

~~6. Foster public awareness and involvement in all aspects of land use planning in the community.~~

~~1. (Repealed by Ord. 1833, 1974)~~

~~2. Review all proposed ordinances regulating or limiting the use, height, area, bulk and construction of buildings and appurtenant facilities, hold the necessary public hearings thereon, and make its recommendations thereon in writing to the City Council;~~

~~3. Act as the urban renewal agency in lieu of the former Ashland Development Commission, to which reference is made in Resolution No. 68-2, adopted by the City Council on January 9, 1968. (Ord. 1720, S7, 1972)~~

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.

SECTION 5: Severability. If any section, provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other sections, provisions, clauses, or paragraphs of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

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Barbara M. Christensen, City Recorder

SIGNED and APPROVED this ____ day of _____, 2007.

John W. Morrison, Mayor

Reviewed as to form:

Richard Appicello, Interim City Attorney